Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 13th January 2005; draft to lie for forty days, pursuant to section 6(1) of the Statutory Instruments Act 1946, during which period either House of Parliament may resolve that the Order be not made.

DRAFT STATUTORY INSTRUMENTS

2005 No.

CHARITIES

The Charities (National Trust) Order 2005

Made - - - -	*2005*
Coming into force - -	*2005*

Whereas the Charity Commissioners for England and Wales have, in pursuance of section 17(1) of the Charities Act 1993(**1**), settled the Scheme set out in the Appendix to this Order with a view to its being given effect under that section:

And whereas the Scheme does not alter any statutory provision contained in or having effect under any public general Act of Parliament:

And whereas a draft of this Order has been laid before Parliament, the period of forty days mentioned in section 6(1) of the Statutory Instruments Act 1946(**2**) has expired and neither House of Parliament has within that period resolved that the Order not be made:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 17(1) of the Charities Act 1993, hereby makes the following Order:

1. This Order may be cited as the Charities (National Trust) Order 2005 and shall come into force on the fourteenth day after the day on which it is made.

2. The Scheme set out in the Appendix to this Order shall have effect.

Home Office
2005

Parliamentary Under-Secretary of State

(**1**) 1993 c. 10.
(**2**) 1946 c. 36.

APPENDIX

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES
UNDER THE POWERS GIVEN IN THE CHARITIES ACT 1993 ORDER THAT FROM THE APPOINTED DAY THE FOLLOWING **SCHEME** WILL ALTER OR AFFECT THE TRUSTS OF THE CHARITY KNOWN AS THE NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY (205846)

"ARRANGEMENT OF CLAUSES

1. Definitions
2. Administration
3. Board of Trustees
4. New members of Board of Trustees
5. Record of new members of Board of Trustees
6. Termination of membership of Board of Trustees
7. Casual vacancies on Board of Trustees
8. Chairman and Deputy Chairman of Board of Trustees
9. Meetings of Board of Trustees
10. Decisions of Board of Trustees
11. Recording of meetings of Board of Trustees
12. Establishment of committees and advisory panels
13. Employees
14. The Council of the National Trust
15. Functions of Council
16. Elected members of Council
17. Appointed members of Council
18. Review of appointing bodies
19. Terms of office of members of Council
20. Resignation from Council
21. Casual vacancies on Council
22. Appointment of Chairman, Deputy Chairman and Senior Member of Council
23. Removal of Chairman, Deputy Chairman or Senior Member of Council
24. Chairman, Deputy Chairman and Senior Member of Council: casual vacancies
25. Eligibility to serve as a member of Council
26. Requirement to be a member of the National Trust
27. Nominations Committee
28. Committees of inquiry
29. Vacancies and irregularities
30. Expenses and remuneration
31. General Meetings of the Charity
32. Notice of General Meetings
33. Annual General Meetings
34. Report and Accounts
35. Members' resolutions
36. Extraordinary General Meetings
37. Quorum for general meetings
38. Chairman of general meetings

39. Adjournment of general meetings
40. Voting
41. Chairman's decision final
42. Amendment to procedures for general meetings
43. Regulation of procedures
44. Authentication of documents
45. Power of amendment
46. Questions relating to the scheme
47. Notices

SCHEDULE —
Part 1 — Transitional Provisions
Part 2 — Provisions of National Trust Acts ceasing to have effect
Part 3 — Bodies and persons entitled to appoint a member of the Council
Part 4 — Bodies entitled jointly to appoint a member of the Council

Definitions

1.—(1) In this scheme:

"the appointed day" means the day on which this scheme is given effect by an order of the Secretary of State under section 17(2) of the Charities Act 1993;

"appointed member", in relation to the Council, means a person appointed under clause 17;

"appointing body" means any body or person mentioned in Part 3 or Part 4 of the Schedule to this scheme or any body which becomes an appointing body in accordance with clause 18;

"the Board of Trustees" means the Board of Trustees of the Charity;

"the Chairman", unless the context otherwise requires, means the chairman of the Charity;

"the Charity" means The National Trust for Places of Historic Interest or Natural Beauty (charity number 205846);

"the Commissioners" means the Charity Commissioners for England and Wales;

"the Council" means the Council of the Charity;

"the Deputy Chairman", unless the context otherwise requires, means the deputy chairman of the Charity;

"elected member", in relation to the Council, means a person elected under clause 16;

"the National Trust Acts" means the National Trust Acts 1907 to 1971;

"the new constitution date" means the later of 1st September 2005 and the date 2 months after that on which this scheme is given effect by an order of the Secretary of State under section 17(2) of the Charities Act 1993;

"the Secretary" means the Secretary of the Charity.

(2) For the purposes of this scheme, a person is external to the Charity if that person—

(a) is not a member of the Board of Trustees, the Council, any Country or Regional Committee, or any advisory panel;

(b) has not been a member of any such body within the previous three years;

(c) is not, and has not been within the previous three years, an employee of the Charity, and

(d) is not the spouse, parent or child of a person falling within any of sub-paragraphs (a), (b) or (c) above.

(3) For the purposes of paragraph (2) above—

(a) "child" includes a stepchild and an illegitimate child;

(b) a person living with another as that person's husband, wife or long term partner shall be treated as that person's spouse; and

(c) the fact that a person is a member of the Charity does not preclude that person from being external to the Charity.

(4) Unless the context requires otherwise, references in this scheme, or in the Schedule to this scheme, to clauses refer to the relevant numbered clause of this scheme.

Administration

2.—(1) From the appointed day until the new constitution date the Charity shall be administered in accordance with the provisions of the National Trust Acts as modified by the transitional provisions set out in Part 1 of the Schedule to this scheme.

(2) From the new constitution date the Charity shall be administered in accordance with the provisions of the National Trust Acts as modified by this scheme.

(3) The provisions of the National Trust Acts set out in Part 2 of the Schedule to this scheme shall cease to have effect on the new constitution date.

(4) As from the new constitution date all powers and duties conferred on the Council by any provision of the National Trust Acts for the time being in force shall become powers and duties of the Board of Trustees.

Board of Trustees

3.—(1) The members of the Board of Trustees shall be the trustees of the Charity.

(2) The Board of Trustees shall exercise all powers conferred on the Charity by the National Trust Acts 1907 to 1971 and this scheme except those which in accordance with any provision of this scheme—

(a) are exercisable only by the Charity in general meetings; or

(b) are exercisable only by the Council.

(3) Except as provided by clauses 10(3), 12(3) and 13(2), the members of the Board of Trustees shall exercise their powers jointly, at meetings convened in accordance with this scheme.

(4) The Board of Trustees shall have a minimum of 9 and a maximum of 15 members, unless—

(a) a resolution is passed by the Council and by the Board of Trustees to change the minimum or maximum numbers, or both numbers, and

(b) the Commissioners give their approval in writing to such a change.

(5) A majority of the members of the Board of Trustees shall be members of the Council.

(6) The Chairman and Deputy Chairman shall automatically be members of the Board of Trustees.

(7) All members of the Board of Trustees other than the Chairman and the Deputy Chairman shall be appointed by the Council in accordance with published procedures decided by the Council.

(8) Except as provided by paragraph (10) below every member of the Board of Trustees shall be appointed for three years, and retiring members shall be eligible for re-appointment.

(9) The Council shall exercise its powers with the object of ensuring that, so far as is practicable, the terms of office of approximately one third of the members of the Board of Trustees expire every year.

(10) The Council may, exceptionally, appoint a member of the Board of Trustees for a term of less than three years where this is necessary to achieve the object referred to in paragraph (9) above.

New members of Board of Trustees

4.—(1) The Charity shall ensure that each new member of the Board of Trustees is given, within a reasonable period of his or her appointment, an appropriate induction into the affairs of the Charity and the responsibilities of the Board of Trustees.

(2) The Charity shall ensure that each member of the Board of Trustees is given a copy of the National Trust Acts together with this scheme and any amendments made to them, and a copy of the Charity's latest report and statement of accounts.

Record of new members of Board of Trustees

5. The Charity shall keep a record of the name and address of every member of the Board of Trustees and the dates on which their terms of office begin and end.

Termination of membership of Board of Trustees

6.—(1) A person shall cease to be a member of the Board of Trustees if he or she:

(a) is removed by a resolution of the Council supported by at least 30 members of the Council or at least two-thirds of the members of the Council present at the meeting and eligible to vote, whichever is the greater;

(b) is disqualified from acting as a trustee by section 72 of the Charities Act 1993;

(c) is absent without the permission of the Board of Trustees from all their meetings held within a period of 12 months and the Board of Trustees resolve that his or her office be vacated; or

(d) gives notice in writing of his or her intention to resign to the Chairman.

(2) A notice given under paragraph (1)(d) above shall only take effect if following the resignation of the person giving the notice at least 6 members of the Board of Trustees will remain in office.

Casual vacancies on Board of Trustees

7.—(1) The Council shall fill casual vacancies on the Board of Trustees where it is necessary to do so in order—

(a) to maintain the number of members in accordance with clause 3(4) or with any resolution for the time being in force under clause 3(4);

(b) to ensure that a majority of members of the Board of Trustees are members of the Council; or