Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 4th April 2000; 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

2000 No.

CHARITIES

Charities (Royal Medical Foundation of Epsom College) Order 1999

Made - - - -	*2000*
Coming into force - -	*2000*

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, in pursuance of section 17(2) of the Charities Act 1993, the Secretary of State hereby makes the following Order:—

1. This Order may be cited as the Charities (Royal Medical Foundation of Epsom College) Order 2000 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
2000

One of Her Majesty's Principal Secretaries of State

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

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS EPSOM COLLEGE

Whereas the Charity known as Epsom College ("the Charity") is now regulated by the Royal Medical Benevolent College Act 1855 ("the 1855 Act")(**3**), the Royal Medical Benevolent College Act 1894 ("the 1894 Act")(**4**) and the Epsom College Scheme Confirmation Act 1932 ("the 1932 Act")(**5**) as modified by the Epsom College (Modification) Order 1999(**6**) (together called "the Acts");

And whereas the Charity was established by the 1855 Act under the name of the Royal Medical Benevolent College and the name of the Charity was changed to Epsom College in 1903 pursuant to the power contained in section 12 of the 1894 Act;

And whereas the Trustees of the Charity consider that they are no longer able to further the purposes of the Charity in the manner contemplated by the Acts;

And whereas the Trustees of the Charity have applied on behalf of the Charity to the Charity Commissioners for a Scheme for the administration of the Charity;

And whereas it appears to the Charity Commissioners that a Scheme should be established for the administration of the Charity but that it is necessary for the Scheme to make provision which goes beyond the powers exercisable by them apart from section 17 of the Charities Act 1993;

And whereas in pursuance of section 20 of the Charities Act 1993 public notice of the Charity Commissioners' proposals for this Scheme has been given and no representations have been received in respect thereof;

Now, therefore, the Charity Commissioners for England and Wales in pursuance of section 17(1) of the Charities Act 1993 hereby settle the following Scheme:

SCHEME

Provisions ceasing to have effect

1.—(1) The provisions of the 1855 Act shall cease to have effect save for section I thereof.

(2) The provisions of the 1894 Act shall cease to have effect.

(3) The provisions of the 1932 Act shall cease to have effect.

Administration of Charity

2.—(1) The Charity and the property thereof shall be administered and managed in conformity with the provisions of this Scheme by the Council hereinafter appointed.

(2) The name of the Charity shall be the Royal Medical Foundation of Epsom College.

OBJECT

3. —The Object of the Charity shall be:

(1) To provide pensions for registered medical practitioners of the United Kingdom or individuals who have been such practitioners and their widows or widowers in reduced circumstances.

(2) To provide generally for the advancement of education and (without prejudice to the generality of the foregoing) to do so by the provision of a school with a preference for the children of registered medical practitioners of the United Kingdom or individuals who have been such practitioners.

(**3**) 1855 c. clxvi.
(**4**) 1894 c. x.
(**5**) 1932 c. xx.
(**6**) S.I.1999/998.

(3) To provide annuities or occasional financial assistance to registered medical practitioners of the United Kingdom or individuals who have been such practitioners and their widows, widowers, children and any persons treated as children of such a practitioner's family in reduced circumstances as the Council shall determine but only where such annuities or financial assistance may be granted without detriment to the provisions of sub-clauses (1) and (2) above which are together to be regarded as the primary object of the Charity.

POWERS

4. In furtherance of that Object but not further or otherwise the Council shall have the following powers:

(1) Power to transfer parts of its undertaking (excepting any of its assets which represent permanent endowment) and any assets acquired by the Charity after the date of this Scheme to any subsidiary companies of the Charity.

(2) Power to sell lease or otherwise dispose of all or any part of the Charity's property. (The Council shall comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale, lease or disposal is excepted from these restrictions by section 36(9)(b) or (c) or (10) of that Act.)

(3) Power to make grants in furtherance of the objects of the Charity.

(4) Power to insure against public liability and, if appropriate, employers' liability, and to insure the buildings of the Charity to their full value against fire and other usual risks (except to the extent that the buildings are insured against any of these risks by a tenant or a subsidiary company of the Charity).

(5) Power to pay reasonable remuneration to any Member of the Council who possesses special skills and knowledge required by the Charity for its proper administration for work of that nature done by him or her when instructed by the other Members to act on behalf of the Charity, provided that:

(a) the Member shall withdraw from any meeting of the Council whilst his or her own instruction or remuneration is being discussed;

(b) at no time shall a majority of the Members benefit under this provision.

(6) Power to raise funds.

(7) Power to borrow money and give security for loans.

(8) Power to acquire or hire property of any kind.

(9) Power to make grants or loans of money and to give guarantees.

(10) Power to set aside funds for special purposes or as reserve against future expenditure.

(11) Power, subject to sub-clause (5), to employ paid or unpaid agents, staff or advisers.

(12) Power to establish subsidiary companies to assist the Charity in the fulfilment of its objects or to act as an agent for the Charity and to act as a member (including a sole member) of subsidiary companies.

RIGHTS OF SURREY BENEVOLENT MEDICAL SOCIETY

5. The Surrey Benevolent Medical Society shall have the right to present up to four exhibitioners at the school for the time being administered by the Charity or any subsidiary company of the Charity provided that the Society makes an annual payment to the Charity of not more than £15 for each such exhibitioner.

COUNCIL

6.—(1) The Council shall consist of not more than 24 nor fewer than 12 Members including the President and Treasurer. The remaining Members shall be elected for a three-year term by the Governors at the Annual General Meeting. The Members of the Council shall be the trustees of the Charity.

(2) The first Council shall comprise the individuals listed in the Schedule to this Scheme and each of such individuals shall retire on the date appearing next to their names in the Schedule and may be re-elected if they would otherwise then be eligible for election.

(3) The Council may co-opt such person or persons as it thinks fit to act as Members of the Council between Annual General Meetings (provided that the specified maximum number of Members of Council is not exceeded). Any such co-opted Member of the Council may be elected at the next Annual General Meeting if he or she would otherwise then be eligible for election.

(4) There shall be a Chairman and a Vice Chairman of the Council who shall be elected (and may be re-elected) annually at the Annual General Meeting.

(5) The proceedings of the Council shall not be invalidated by any vacancy among its Members or by any failure to elect or any defect in the election of a Member.

(6) No person shall be elected as a Member of the Council who is aged under 18 or who would if elected be disqualified under the provisions of clause 7 or who has attained the age of 70 years at the date of the relevant meeting, unless that person is already a Member of the Council and the meeting resolves to re-elect that person after being informed in the notice of the meeting that his or her age exceeds 70.

(7) No person shall be entitled to act as a Member of the Council whether on a first or any subsequent entry into office until after signing in the minute book of the Council a declaration of acceptance and willingness to act in the trusts of the Charity.

Determination of membership of Council

7. A Member of the Council shall cease to be a Member if he or she:

(1) is disqualified from acting as a charity trustee by virtue of section 72 of the Charities Act 1993; or

(2) becomes incapable (in the opinion of the Council) by reason of illness, injury or mental disorder of managing his or her own affairs; or

(3) is absent without the permission of the Council from all of their meetings held within a period of 12 months and the Council resolves that his or her office be vacated; or

(4) gives not less than one month's notice in writing of his or her intention to resign (but only if at least seven Members of the Council will remain in office when the notice of resignation is to take effect).

Council Members not to be personally interested

8.—(1) The Members of the Council may be paid all reasonable travelling and other expenses properly incurred by them in connection with their attendance at meetings and the discharge of their duties.

(2) Subject to clauses 4(5) and 8(1), no Member of the Council shall acquire any interest in property belonging to the Charity (otherwise than as a trustee for the Charity) or receive remuneration or be interested (otherwise than as a Member of the Council) in any contract entered into by the Council.

MEETING AND PROCEEDINGS OF THE COUNCIL

Members of the Council

9.—(1) The Council shall hold at least two ordinary meetings in each year.

(2) A special meeting of the Council may be summoned at any time by any five Members on giving 21 days' notice specifying the purpose of the meeting.

Quorum

10. There shall be a quorum at any meeting of the Council when seven Members are present.

Chairman

11. The Chairman of the Council shall act as chairman at all of the meetings of the Council. If the Chairman is absent from any meeting the Vice Chairman shall act as chairman of that meeting. If both the Chairman and the Vice Chairman are absent from any meeting Members present shall choose one of their number to act as chairman of that meeting before any other business is transacted.

Voting

12. Every matter shall be determined by the majority of votes of the Members present and voting on the question. In case of equality of votes the person acting as chairman of the meeting shall have a second or casting vote.

Sub-committees

13. The Council may appoint one or more sub-committees each including at least two Members of the Council for the purpose of making any inquiry or supervising or performing any function or duty which in the opinion of the Council would be more conveniently undertaken or carried out by a sub-committee: provided that all acts and proceedings of any such sub-committee shall be fully and promptly reported to the Council.

Minutes

14. The Council shall keep, in books maintained for the purpose, minutes of the proceedings at meetings of the Council and of any sub-committee.

Rules

15. The Council may from time to time make and alter rules which are not inconsistent with this Scheme for the conduct of their business, the summoning and conduct of their meetings and the custody of documents.

Employees

16.—(1) The Council may appoint and dismiss:

(a) the headmaster, headmistress and bursar of any school administered either by the Charity or by any subsidiary company of the Charity;

(b) a Secretary of the Council; and

(c) the Administrator of the Royal Medical Foundation (charity no.),

and shall determine their duties and remuneration and supervise their work.