Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 29th November 1999; 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

1999 No.

CHARITIES

Charities (Boxmoor Estate, Hemel Hempstead) Order 1999

Made - - - -	*1999*
Coming into force - -	*1999*

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 (Boxmoor Estate, Hemel Hempstead) Order 1999 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
1999

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 PRESENTLY CALLED THE BOXMOOR ESTATE SITUATED AT HEMEL HEMPSTEAD

Whereas the Charity known as the Boxmoor Estate situated at Hemel Hempstead and Bovingdon in the County of Hertfordshire ("the Charity") is now regulated by the Boxmoor Act 1809(**3**) ("the Act") and by Schemes of the Charity Commissioners of 16th December 1921, 18th July 1930, 10th September 1935, 21st May 1951, 12th August 1952, 29th May 1956, 11th September 1956, 6th November 1962, 11th December 1967, 5th October 1970, 21st February 1979 and 1st May 1985:

And whereas the Trustees of the Charity have made application to the Charity Commissioners for England and Wales ("the Commissioners") for a Scheme for the administration of the Charity ("the Scheme"):

And whereas it appears to the 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 ("the 1993 Act"):

And whereas in pursuance of section 20 of the 1993 Act public notice of the Commissioners' proposals for this Scheme has been given and the Commissioners have considered all the representations made to them:

Now, therefore, the Commissioners in pursuance of section 17(1) of the 1993 Act hereby settle the following Scheme:

SCHEME

Administration of Charity

(a) (a) The provisions of the Act shall cease to have effect with the exception of sections 11, 12 and 13.

(b) With effect from the date that this Scheme is given effect by an Order of the Secretary of State under section 17(2) of the 1993 Act, the Charity and the property thereof shall be administered and managed in accordance with the provisions of this Scheme by the body of Trustees hereinafter constituted.

(c) The name of the Charity shall be the Box Moor Trust or such other name as the Trustees shall from time to time, with the consent of the Commissioners, decide.

Vesting

2. As from the date on which this Scheme is given effect by an Order of the Secretary of State under section 17(2) of the 1993 Act the property described in the Schedule to this Scheme and all other property of the Charity shall vest in the Trustees for all the estate and interest therein belonging to or held in trust for the Charity.

Investment of cash

3. All sums of cash now or at any time belonging to the Charity, other than sums of cash needed for immediate working purposes, shall be invested in trust for the Charity.

(**3**) 1809 (49 Geo. 3) c. clxix.

Investment in land

(a) (a) The trustees may retain and manage any land held as an investment at the date of this Scheme.

(b) The Trustees may sell or otherwise dispose of such land in accordance with the powers of sale of land contained in this Scheme.

(c) Subject to clause 31 of this Scheme and to sub-clause (e) below the Trustees may reinvest the proceeds of sale or other disposal of such land in land to be held as an investment.

(d) Subject to clause 31 of this Scheme and to sub-clause (e) below the Trustees may invest surplus cash in accordance with clause 3 above in land to be held as an investment.

(e) No re-investment or investment in land to be held as an investment shall be made by the Trustees except in accordance with professional advice taken from a person or persons having professional experience of investing in land to be held by way of investment.

Interpretation

5. In this Scheme the following expression shall have the following meanings:–

(a) "the deposited map" shall mean the map deposited in the office of the Commissioners and identified by the official seal of the Commissioners and the number 46047;

(b) "the Bovingdon area" shall mean the area coloured grey-green on the deposited map;

(c) "the Hemel Hempstead area" shall mean the area coloured buff on the deposited map;

(d) "the area of benefit" shall mean the area outlined in black on the deposited map, comprising both the Bovingdon area and the Hemel Hempstead area;

(e) "electors" shall mean persons resident in the area of benefit whose names are for the time being entered in the electoral register maintained for parliamentary and local government elections which covers the area of benefit; and

(f) "residence" means a dwelling house within the area of benefit in which a person normally lives and the expression "resident" shall be construed accordingly.

TRUSTEES

Trustees

(a) (a) Subject to clause 7 of this Scheme the body of Trustees when complete shall consist of twelve competent persons who shall be elected in accordance with the provisions of this Scheme.

(b) The Trustees must be electors as defined in this Scheme.

Transitional Provisions and First Trustees

(a) (a) The first Trustees for the purposes of this Scheme shall be those Trustees of the Charity holding office on the date that this Scheme is given effect by an Order of the Secretary of State under section 17(2) of the 1993 Act and who shall (subject to clause 9(c)(i) to (v) of this Scheme) hold office for life.

(b) All vacancies in the trusteeship of the Charity occurring after the date of this Scheme shall be filled by election as hereinafter provided.

Declaration by Trustees

8. No person shall be entitled to act as a Trustee whether on first or any subsequent entry into office until after signing in the minute book of the Trustees a declaration of acceptance and willingness to act in the trusts of this Scheme.

Termination of Trusteeship

(a) (a) At every election held under the provisions of clause 11 of this Scheme, one quarter of the elected Trustees, or if their number is not a multiple of four, the number nearest to one quarter, shall retire from office. The elected Trustees to retire shall be those who have been longest in office since their last appointment or re-appointment; but as between persons who were last appointed or re-appointed on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot. Subject to clause 11(d) of this Scheme any competent Trustee shall be eligible for re-election.

(b) For the avoidance of doubt, in calculating the fraction of one quarter in sub-clause (a) above:

(i) those Trustees serving for life shall not be required to retire and shall not be included in the total number of Trustees;

(ii) those Trustees who have ceased to be Trustees by virtue of sub-clause (c) below shall not be included in the total number of Trustees; and

(iii) if the number of Trustees is five or less, one Trustee shall retire; if the number of Trustees is between six and nine inclusive, two Trustees shall retire; and if the number of Trustees is between ten and twelve inclusive, three Trustees shall retire.

(c) A Trustee shall cease to be a Trustee if he or she:–

(i) is disqualified from acting as a Trustee of a charity by virtue of section 72 of the 1993 Act;

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

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

(iv) gives not less than one month's notice in writing of his or her intention to resign (but only if at least the required quorum of Trustees will remain in office when the notice of resignation takes effect);

(v) ceases to be an elector; or

(vi) reaches the age of 75 and is not a Trustee serving for life.

Vacancies

10. Upon the occurrence of a vacancy the Trustees shall cause a note thereof to be entered in their minute book at their next meeting.

ELECTIONS

Elections

(a) (a) For the purposes of appointing new elected Trustees of the Charity the Trustees shall call an election:

(i) within three months of the number of Trustees falling to fewer than nine; and

(ii) no later than five years after the date of the previous election or (in the case of the first election) the date on which this Scheme is given effect by an Order of the Secretary of State under section 17(2) of the 1993 Act.

(b) All electors shall be entitled to vote in an election. Each elector shall be entitled to one vote in respect of each vacancy in the Trustee body but so that:

(i) no person standing for office shall be entitled to vote; and

(ii) no person shall cast more than one vote in favour of any one candidate.

(c) Every election shall be conducted by the Trustees, who shall give at least 28 days public notice of the election in the area of benefit.

(d) Every person standing for election shall be proposed and seconded by ten electors. No person shall be eligible for election if his or her term of office has been terminated under paragraphs (i), (ii), (iii) or (vi) of clause 9(c) above.

(e) Voting at an election shall be by personal voting in a secret ballot.

(f) Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the conduct of elections, including the proposal and seconding of candidates, the number and location of polling stations, the wording of voting papers, the date and time of voting and the counting and recording of votes.

(g) Without prejudice to the generality of the power conferred by the preceding sub-clause, the Trustees may in particular divide the area of benefit into two or more electoral divisions for the purpose of holding elections, and require any candidate for election to be resident in a particular division. Any exercise of this power shall not derogate from the duty of every Trustee to act in the best interests of the Charity and its beneficiaries as a whole.

TRUST MEETINGS

Annual Trust Meeting

(a) (a) There shall be an annual meeting of the electors, to be known as the Annual Trust Meeting, which shall be held in the month of April in each year or as soon as practicable thereafter.

(b) The Trustees shall present to each Annual Trust Meeting the Report and Accounts of the Charity for the preceding year.

Special Trust Meetings

(a) (a) The Trustees may at any time and shall if so requested in writing by at least 100 electors, call a special meeting of electors (to be known as a Special Trust Meeting) to discuss any question relating to the Charity.

(b) Written requests for a Special Trust meeting shall be written individually by each elector and addressed to the Charity at its office for the time being.

Notice of Trust Meetings

14. Every Trust Meeting shall be called by the Trustees, who must give at least 21 days public notice in the area of benefit, specifying in the case of a Special Trust Meeting the matter or matters to be discussed.