

**SCHEDULE to the Essex and Herts Clergy Charity Scheme Confirmation Act A.D. 1917**

*Scheme for the application or management of the Essex and Herts Clergy Charity in the Counties of Essex and Hertford founded by Letters Patent of the 29th April 1747 and comprised in Schemes of the Charity Commissioners of the 15th June 1880 and the 6th January 1882.*

*Amendments were made to clause 14 and clause 16 by virtue of a Charity Commission Scheme of the 20th February 1995 and these amendments have been carried into the document as shown below; clauses whose content applies solely to the Hertfordshire and Bedfordshire Clergy Charity have been omitted.*

*Further amendments with effect from 16 January 2017 were made by resolution of the Governors at their Annual Court of Audit held on 4 October 2016, in exercise of powers granted under the Charities Act 2011 (S280), insofar as the former Scheme makes provisions for the administration and management of the Essex Clergy Charity and without prejudice to any provisions (made severally or in common) for the administration and management of the Hertfordshire and Bedfordshire Clergy Charity. These amendments affected clauses 8, 9, 13, 14, 15, 16, 22, 23, 24, 30, 31, 34, 35, 36, 38, 39, 51, 52; clauses 32, 33 were deleted. These changes have been carried into the document as shown below.*

1. *Administration under Scheme.*—The above-mentioned charity and the endowments thereof specified in the First and Second Schedules hereto shall henceforth be administered and managed in conformity with the provisions of this scheme.

SEPARATE CHARITIES.

2. *Two Charities.*—The charity and its endowments shall be administered and managed as two separate charities to be called respectively—

The Essex Clergy Charity; and

The Hertfordshire and Bedfordshire Clergy Charity.

3. *Endowments of Essex Clergy Charity.*—The endowments of the Essex Clergy Charity shall consist of the particulars specified in the said First Schedule.

4. *Endowments of Hertfordshire and Bedfordshire Clergy Charity.*— [...]

5. *Further Endowments.*—In the case of either charity the governors may receive any additional donations subscriptions or endowments for the general purposes of the charity. They may also receive donations subscriptions or endowments for any special purposes connected with the charity not inconsistent with or calculated to impede the due working of the provisions of this scheme. All donations and endowments of 50l. and upwards unless specially directed by the donor or testator to be otherwise applied shall be added to the general endowments of the charity receiving the same.

6. *Amalgamation with other Charities.*—In the case of either charity the governors may from time to time with the approval of the Commissioners amalgamate the charity with or take over any other charity provided that any such other charity shall in the case of the Essex Clergy Charity be one having similar objects within the diocese of Chelmsford and in the case of the Hertfordshire and Bedfordshire Clergy Charity be one having similar objects within the diocese of St. Albans.

PRESIDENTS AND VICE-PRESIDENTS.

7. *Presidents and Vice-Presidents.*—In the case of each charity there shall be a president and vice-presidents.

*As to the Essex Clergy Charity.*

8. *President.*—The president of the Charity shall be The Lord Bishop for the time being of Chelmsford.

9. *Vice-President.*—The Vice-President shall be appointed by the President of the Charity from among the Archdeacons of the diocese of Chelmsford. Each appointment of a Vice-President shall be made by writing under the hand and held during the pleasure of the person entitled to appoint.

*As to the Hertfordshire and Bedfordshire Clergy Charity.*

10. [...]

11. [...]

#### GOVERNORS.

*As to the Essex Clergy Charity.*

12. *Governors of Essex Clergy Charity.*—The body of governors for the administration and management of the Essex Clergy Charity shall when complete consist of—

- Ex-officio governors;
- Nominated governors;
- Representative governors; and
- Cooptative governors.

13. *Ex-officio Governors.*—The ex-officio governors shall be—

- The Lord Bishop of the diocese of Chelmsford;
- The Dean of the cathedral church of Chelmsford;
- The Archdeacon of Colchester;
- The Archdeacon of West Ham;
- The Archdeacon of each and every other Archdeaconry situated within the diocese of Chelmsford; and
- The lay chair of the Chelmsford Diocesan Synod.

14. *Nominated Governors.*—The full number of the nominated governors shall be four. They shall be appointed by the President of the Charity.

15. *Representative Governors.*—The full number of the representative governors shall be two for each Episcopal Area of the diocese of Chelmsford; they shall be clergy or non-ordained members of the Church of England and shall be appointed by their Area Bishop who may if so desired signify their own person as one of the two such appointments within their gift.

16. *Coöptative Governors.*—The full number of the coöptative governors shall be four. They shall be clergy or non-ordained members of the Church of England and shall be appointed by the governors of the Charity.

*As to the Hertfordshire and Bedfordshire Clergy Charity.*

17. [...]

18. [...]

19. [...]

20. [...]

21. [...]

*As to both Charities.*

22. *Appointments of Nominated Governors.*—Each appointment of a nominated governor shall be made by writing under the hand and held during the pleasure of the person entitled to appoint.

23. *Appointments of Representative Governors.*—Each appointment of a representative governor shall be made in writing and held during the pleasure of the person entitled to appoint.

24. *Appointments of Coöptative Governors.*—Each appointment of a coöptative governor shall be made by a resolution of the governors of the charity to be passed at a general meeting and shall be for a term of three years renewable upon expiry.

25. *Declaration by Governors.*—No person shall be entitled to act as a governor whether on a first or on any subsequent entry into office until after signing in the minute book of the governors concerned a declaration of acceptance and of willingness to act in the trusts of this scheme.

26. *Determination of Office.* —Any governor who is adjudged bankrupt or makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the governors concerned a wish to resign shall thereupon cease to be a governor.

27. *Vacancies.*—Upon the occurrence of a vacancy the governors concerned shall at their next meeting cause a note thereof to be entered in their minute book and in the case of a vacancy in the office of nominated or representative governor shall cause notice thereof to be given as soon as possible to the person or body entitled to appoint who shall thereupon appoint another governor to fill the vacancy.

CORPORATE BODIES.

28. *Incorporation of Governors.*—In the case of each charity the governors for the time being of the charity shall be a body corporate and shall have perpetual succession and a common seal with power to hold for the purposes of the charity any manors lands tenements and hereditaments not exceeding in the whole the yearly value of 1,500l. beyond reprises and to hold for the said purposes any goods chattels or possessions whatsoever. The name of such body in the case of the Essex Clergy Charity shall be "The Essex Clergy Charity Corporation" and in the case of the Hertfordshire and Bedfordshire Clergy Charity shall be "The Hertfordshire and Bedfordshire Clergy Charity Corporation."

COURTS.

29. *Courts.*—In the case of each charity the governors shall hold meetings to be called courts in conformity with the provisions in that behalf herein-after contained.

30. *Quarterly General Meetings.*—The governors shall hold general meetings to be called Quarterly Meetings and held at places and times as they may decide in accordance with a normal requirement that not more than six calendar months shall elapse between any two such meetings and that at least one such meeting per calendar year shall be held within each episcopal area of the diocese of Chelmsford. The governors then and there present may transact any business under their control in relation to the government and affairs of the charity and also hear debate and determine any complaint or matter which may be brought before the meeting touching the affairs of the charity and may call to their assistance such persons as the meeting or the major part of the governors there assembled shall think fit to aid assist and advise them in the due and effectual execution of their powers and authorities under this scheme.

31. *Annual Meeting.*—The governors shall within each financial year as kept by the charity designate one Quarterly Meeting as an Annual Meeting to be kept and held by the governors of the charity at such place and time as may be decided upon by the governors. At such meeting the annual report and accounts of the charity and the auditor's report shall be examined and if approved be adopted for publication.

32. [deleted]

33. [deleted]

34. *Special Meetings.*—The treasurer or any five of the governors may at any time require the secretary to convene a special general meeting to be held at any time and at any place within the limits of the charity and the secretary shall on the receipt of any such requisition give 14 days' notice of such meeting and of the special business to be transacted thereat. Such notice shall be given in the case of a special general meeting by a circular addressed and sent to each governor of the charity.

35. *Chairman.*—At all meetings the chairman shall be the President if present at the commencement of business but in case the President is not present or not willing to preside then the Vice-President shall deputise. If neither the President nor the Vice-President being present be willing to preside, then any one of the persons present may be elected chairman of the meeting by the others of them.

36. *Quorum.*—There shall be a quorum at any general meeting when seven of the governors of the charity are present and at any other meeting when four of the persons entitled to attend the meeting are present.

37. *Voting.*—At every court every matter shall be determined by the majority of the votes of the governors or persons entitled to attend who are present and vote on the question. In case of equality of votes the presiding chairman shall have a casting vote whether he has or has not previously voted on the same question but no person shall in any other circumstances give more than one vote.

38. *Appointments of Officers.*—The governors in general meeting assembled shall from time to time appoint two or more competent persons who shall be and be called auditors, a secretary of the charity, a treasurer of the charity, and such other officers and servants as the governors shall think fit to elect. All persons so appointed shall hold office during the pleasure of the appointing body.

39. *Representatives.*—The governors may from time to time at any general meeting appoint any persons to be representatives of the charity. It shall be the duty of each such representative to promote public awareness of the charity within a territorial area or personal constituency allocated to them.

40. *Committees.*—In the case of each charity the governors may at any general court appoint three or more members of their body to be a committee for making any inquiry or for superintending or transacting any business or dealing with any case of emergency but every act and proceeding of a committee shall be reported to the governors.

#### APPLICATION OF INCOME.

##### *As to the Essex Clergy Charity.*

41. *Income of existing General Endowments.*—The governors of the Essex Clergy Charity shall apply the clear yearly income of the endowments specified in Part I. of the said First Schedule in making grants to and for the relief and support of poor clergymen beneficed or having curacies and their widows and children in the county of Essex.

42. *Income of Special Fund.*—The governors of the Essex Clergy Charity may apply the clear yearly income of the endowment specified in Part II. of the said First Schedule in or towards defraying the expenses of a dinner at Brentwood on the occasion of an annual local court being held at Brentwood.

43. *Other Income.*—Subject as aforesaid the clear yearly income of the Essex Clergy Charity shall be applied by the governors of that charity in an area of benefit consisting of the diocese of Chelmsford as constituted at the date of this scheme for the furtherance of the objects of the charity as herein-after prescribed.

*As to the Hertfordshire and Bedfordshire Clergy Charity.*

44. [...]

45. [...]

46. [...]

*As to both Charities.*

47. *Objects of the Charities.*—Subject as herein-before provided the objects of the Essex Clergy Charity and of the Hertfordshire and Bedfordshire Clergy Charity respectively shall be to make payments under one or more of the following heads for the benefit of those poor clergymen or the widows or children of those poor clergymen who shall be beneficed in the prescribed area of benefit or licensed by the bishop for any work within such area or who at the times of their respective resignations incapacities or deaths were beneficed or licensed as aforesaid or who within such area shall be or at the times of their respective resignations incapacities or deaths were chaplains to unions hospitals asylums or gaols not receiving any pension from Government or masters of any endowed grammar schools:—

(a) Grants to poor clergymen to meet exceptional expenditure occasioned by sickness or accident:

(b) Assistance to poor clergymen in providing a fund for their wives and children by way of insurance or otherwise:

(c) Assistance to poor clergymen in the education or advancement of their children:

(cl) Grants and pensions to widows of poor clergymen:

(e) Education and advancement of orphan children of poor clergymen:

(f) Grants to unmarried daughters of poor clergymen.

48. *Delegation.*—In the case of each charity the governors instead of themselves applying any income of the charity which may be allocated to or applicable within the division of any local court may delegate such application if and so far as they from time to time think proper to such court.

AS TO ORIGINAL CORPORATION.

49. *Original Corporation dissolved.*—The corporation of "The Essex and Herts Clergy Charity" is hereby dissolved provided that for the purpose of taking legacies or other benefactions bequeathed or given to the said corporation it shall be deemed to remain in existence to the intent that all legacies or benefactions so bequeathed or given shall be appropriated as follows:—

(a) If the testator or donor had a residence in the diocese of Chelmsford and had no residence in the diocese of St. Albans to the Essex Clergy Charity;

(b) If the testator or donor had a residence in the diocese of St. Albans and had no residence in the diocese of Chelmsford to the Hertfordshire and Bedfordshire Clergy Charity; and

(c) In any other case as to four-fifths thereof to the Essex Clergy Charity and as to one-fifth thereof to the Hertfordshire and Bedfordshire Clergy Charity;

and so that the proper discharge for any legacy or benefaction so bequeathed or given as aforesaid or for any share in any such legacy or benefaction where under the provisions of this clause the same is to be appropriated to the Essex Clergy Charity shall be the receipt in writing of the general treasurer of that charity and where under the said provisions the same is to be appropriated to the Hertfordshire and Bedfordshire Clergy Charity shall be the receipt in writing of the general treasurer of that charity.

#### RULES.

50. *Rules.*—Within the limits allowed by this scheme the governors of either charity shall have full power from time to time to make rules for the management of the charity including the summoning and holding of courts the custody and use of the common seal the allocation of income the making of grants and the duties and remuneration of officers and servants provided that no governor of either charity acting as an officer or a servant of the charity shall receive any remuneration.

#### GENERAL PROVISIONS.

51. *Treasurer.*—The receipt of the treasurer or of any person duly authorised by the treasurer to act in this capacity shall be a sufficient discharge for any sum of money therein mentioned and the treasurer shall give such security as the governors of the charity shall require for faithfully accounting for all and any moneys received by virtue of that office.

52. *Books and Accounts.*—A book shall be kept for the purpose of the entry therein of the names of all persons who give or subscribe any real or personal estate towards the objects of the charity with the value or amount thereof. A minute book and books of account shall also be kept. The requirement to keep a book as specified within this paragraph may be satisfied by a secure and durable electronic alternative with provision for continuity of access. All proper accounts in relation to each charity shall in each year be made out and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners and published in conformity with the provisions of the Charitable Trusts Acts.

53. *Alteration of Scheme.*—The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any provisions of this scheme as if those provisions had been made by the founder in the case of a charity having a founder.

54. *Questions under Scheme.*—Any question as to the construction of this scheme or as to the regularity or the validity of any acts done or about to be done under this scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

#### FIRST SCHEDULE TO THE SCHEME

Endowments apportioned to the Essex Clergy Charity.

PART I. General Endowments acquired before 15th June 1880.

*(here follows a list of general endowments acquired prior to the 1880 re-structuring of the Essex Clergy Charity as the Essex and Herts Clergy Charity)*

PART II. Cuthbert & Belli Fund.

*(here follows details of the stock in which this restricted fund was invested at the time of issuing the Scheme of 1917)*

PART III. General Endowments acquired since 15th June 1880.

*(here follows a list of general endowments acquired since the 1880 creation of the Essex and Herts Clergy Charity and resolved to be regarded as general endowments of the Essex Clergy Charity following its re-creation in 1917)*

SECOND SCHEDULE TO THE SCHEME

Endowments apportioned to Hertfordshire and Bedfordshire Clergy Charity.

*(here follows a list of endowments apportioned to Hertfordshire and Bedfordshire Clergy Charity.)*

**[end]**