

Sealed 11th November 1974

494(S)  
74.

County - Oxfordshire.  
Parish - Wheatley.  
Charity - The Wheatley Common  
Allotment.

L1(R).  
203,536 A/2.

Stamp 50p

Scheme including appointment  
of Trustees.

C H A R I T Y   C O M M I S S I O N .

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In the matter of the Charity called The Wheatley Common Allotment, in the Parish of Wheatley, in the County of Oxfordshire, regulated by a Scheme of the Charity Commissioners of the 18th February 1879 as varied by a Scheme of the Commissioners of the 6th September 1912 and as affected by an Order made by the said Commissioners on the 10th January 1933 under clause 100 of the Oxfordshire Review Order, 1932 and under the Local Government Act, 1894, section 14(3); and

In the matter of the Charities Act, 1960.

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THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established as the Scheme for the regulation of the above-mentioned Charity:-

S C H E M E .

1. Administration of Charity. - The above-mentioned Charity and the property thereof specified in the schedule hereto and all other the property (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme by the body of Trustees hereinafter constituted.

2. Investment of cash. - Sums of cash at any time belonging to the Charity and not needed for immediate working purposes shall be invested in the name of the Official Custodian for Charities unless the Charity Commissioners otherwise direct.

#### TRUSTEES.

3. Trustees. - The body of Trustees shall consist when complete of seven competent persons being

Three Nominative Trustees and  
Four Co-optative Trustees.

4. Nominative Trustees. - The Nominative Trustees shall be appointed by the Parish Council of Wheatley. Except at first as hereinafter provided each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the council. The chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Trustees or their clerk. The person appointed may be but need not be a member of the council.

5. First Nominative Trustees. - The following persons shall be the first Nominative Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office as appointees of the council for the following periods respectively:

Caroline Mary Dalton, of 7 Park Hill, Wheatley,  
Oxford, Married Woman,  
for four years from the date of this Scheme;  
Gerald McGowan, of The Post Office, High Street,  
Wheatley, Oxford, Postmaster,  
for three years from the said date;  
Ronald Francis White, of 118 Church Road,  
Wheatley, Oxford, Foreman Bricklayer,  
for two years from the said date.

6. Co-optative Trustees. - The Co-optative Trustees shall be persons who through residence, occupation or employment, or otherwise have special knowledge of the Parish of Wheatley.

7. First Co-optative Trustees. - The following persons shall be the first Co-optative Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office for the following periods respectively:

Peter Audley-Miller, of The Mount, Park Hill,  
Wheatley, Oxford, Antique dealer,  
Harry Johnson, of 88 London Road, Wheatley,  
Oxford, Probation Officer,  
both for five years from the date of this Scheme;  
Frederick Charles Edmund Anson, of 7 Anson Close,  
Wheatley, Oxford, Retired Headmaster,  
for four years from the said date;  
Douglas Hayter, of Ark House, Crown Road,  
Wheatley, Oxford, Bank Manager,  
for three years from the said date.

8. Future Co-optative Trustees. - Every future Co-optative Trustee shall be appointed for a term of five years by a resolution of the Trustees passed at a special meeting of which not less than 21 days' notice has been given and may be so appointed not more than one month before the term of an existing Co-optative Trustee expires with effect from the date of expiry but so that the latter shall not vote on the matter.

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

10. Determination of trusteeship. - Any Trustee who is absent from all meetings of the Trustees during a period of one year and any Trustee who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Trustees a wish to resign shall cease thereupon to be a Trustee.

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11. Vacancies. - Upon the occurrence of a vacancy the Trustees shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Nominative Trustee shall cause notice thereof to be given as soon as possible to the council. Any competent Trustee may be re-appointed.

#### MEETINGS AND PROCEEDINGS OF TRUSTEES.

12. Ordinary meetings. - The Trustees shall hold at least two ordinary meetings in each year.

13. First meeting. - The first meeting of the Trustees shall be summoned by the said  
or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

14. Chairman. - The Trustees at their first ordinary meeting in each year shall elect one of their number to be chairman of their meetings until the commencement of the first ordinary meeting in the following year. The chairman shall always be eligible for re-election. If at any meeting the chairman is not present within ten minutes after the time appointed for holding the same or there is no chairman the Trustees present shall choose one of their number to be chairman of the meeting.

15. Special meetings. - A special meeting may be summoned at any time by the chairman or any two Trustees upon four days' notice being given to all the other Trustees of the matters to be discussed, but if the matters include an appointment of a Co-optative Trustee then upon not less than 21 days' notice being so given. A special meeting may be summoned to take place immediately after an ordinary meeting.

16. Quorum. - There shall be a quorum when three Trustees are present at a meeting.

17. Voting. - Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the chairman of the meeting shall have a casting vote whether he or she has or has not voted previously on the same question but no Trustee in any other circumstances shall give more than one vote.

18. Minutes and accounts. - A minute book and books of account shall be provided and kept by the Trustees. Statements of account in relation to the Charity shall be prepared and transmitted to the Commissioners in accordance with the provisions of the Charities Act, 1960, except if and in so far as the Charity is excepted by order or regulations.

19. General power to make regulations. - Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the management of the Charity and for the conduct of their business including the summoning of meetings, the deposit of money at a proper bank, drawing on the bank account and the custody of documents.

20. Clerk. - The Trustees may appoint as clerk one of their number without remuneration who shall be dismissible at their pleasure or some other fit person at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

#### MANAGEMENT OF LANDS.

21. Field Gardens. - The Trustees may set aside such part of the lands belonging to the Charity as they think fit in plots of not more than one acre for use as field gardens by poor persons resident in the Parish of Wheatley.

22. Management and letting of lands. - Subject as aforesaid the Trustees may let and otherwise manage all the lands belonging to the Charity not required to be retained or occupied for the purposes thereof. The Trustees shall not without the sanction of the Commissioners or a competent court create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.

23. Leases. - The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent, the proper cultivation of the land and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

SALE.

24. Sale. - Subject to the authority of any further Order or Orders of the Commissioners the Trustees may sell the whole or part of the said land and may do and execute all proper acts and assurances for carrying any such sale into effect.

25. Proceeds of sale. - Unless the Commissioners otherwise direct the Trustees shall invest the clear proceeds of any such sale as aforesaid in the name of the said Official Custodian in trust for the Charity.

APPLICATION OF INCOME.

26. Expenses of management. - The Trustees shall first defray out of the income of the Charity the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

27. Relief in need. - (1) The object of the Charity shall be to relieve either generally or individually persons resident in the Parish of Wheatley who are in conditions of need, hardship or distress.

(2) Subject to payment of the expenses aforesaid the Trustees shall apply the income of the Charity for that object by making grants of money or providing or paying for items, services or facilities calculated to reduce the need, hardship or distress of such persons.

(3) The Trustees may pay for such items, services or facilities by way of donations or subscriptions to institutions or organisations which provide or which undertake in return to provide such items, services or facilities for such persons.

(4) In exceptional cases the Trustees may grant relief to persons otherwise eligible therefor who are resident immediately outside the Parish of Wheatley but in the opinion of the Trustees ought nevertheless for sufficient reason to be treated as if resident therein or who are located for the time being therein.

28. Recreational purposes. - If and in so far as the whole of the income of the Charity is not required for application as aforesaid the Trustees may apply the residue of the said income in providing or assisting in the provision of, in the interests of social welfare and for the purposes of improving the conditions of life of the inhabitants of the Parish of Wheatley and their physical, mental and moral improvements, facilities for physical exercise and training, lectures, classes and other forms of recreation or other leisure-time occupation and contributing towards the maintenance and improvement of such facilities.

29. Restrictions. - In applying the income of the Charity the Trustees shall observe the following restrictions:

- (1) They shall not apply any part of the income directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.
- (2) They shall not commit themselves to repeat or renew the relief granted on any occasion in any case.

30. Appropriations and emergencies. - (1) Subject as hereinafter mentioned the appropriation of the benefits of the Charity shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees.

(2) The Trustees from time to time may appoint two or more members of their body to be a committee (to be known as an Emergency Relief Committee) for granting relief out of the income of the Charity in cases of emergency up to a total amount to be made available for such cases at an ordinary meeting of the Trustees for the period until the next ordinary meeting.

(3) All action taken by an Emergency Relief Committee shall be reported forthwith to the clerk of the Charity and in due course to the Trustees.

### GENERAL PROVISIONS.

31. Trustees not to be personally interested. - No Trustee shall take or hold any interest in property belonging to the Charity otherwise than as a Trustee for the purposes thereof and no Trustee shall receive remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

32. 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 by the Commissioners upon such application made to them for the purpose as they think sufficient.

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### SCHEDULE.

Land containing 27 acres 1 rood 23 poles or thereabouts situate in the Parish of Wheatley, in the County of Oxfordshire, being the land numbered 71, 71a, 71b and 93 on the Ordnance Survey map of the district.

Note. - The above-mentioned land is vested in the Official Custodian for Charities by virtue of the above-mentioned Scheme of the Commissioners of the 18th February 1879 as affected by the provisions of the Charities Act, 1960.

Sealed by Order of the Commissioners this 11th day  
of November 1974.



## NOTE

This note has no legal force as part of the scheme but shows the kind of relief that the charity can properly give.

### Relief in Need

Charities for relief in need operate in the same field as statutory services; trustees who administer such charities should be careful to avoid repeating or abating those services. Charity trustees should accordingly acquaint themselves with the system of social benefits, the effect upon them of grants from charitable sources and the gaps left by them which can be filled by charitable services or facilities to relieve those in need.

By consulting local officers of the Department of Health and Social Security and those in the Social Services Department of the local authority concerned with persons in need, the trustees may learn what assistance and services these authorities can give in particular circumstances whether by way of special grants or otherwise and may also be able to find out about people living within the charity's area of benefit who have needs which the statutory services are unable to relieve completely. In this way the trustees may ensure that a regular allowance from the charity or the provision of some item or facility will not affect supplementary benefits available from the Department of Health and Social Security in a given case.

Charity trustees should not regard themselves as being confined to giving relief in those cases of need which are also eligible for supplementary benefits or as being limited to providing those items which have been allowed for in calculating the amount of supplementary payments.

The provisions of the scheme give the trustees a wide choice in the sort of relief that they can give out of the income of the charity so long as the need is clear. Whatever relief they give must be given only to assist the kind of persons mentioned, must be related to the needs of each case, and must be reasonable in the circumstances, taking into account what relief is available from other sources. Some examples follow and others may occur to trustees:

1. Grants of money to or for the benefit of such persons in the form of -

- (a) weekly allowances for a limited period to meet a particular need, or
- (b) special payments to relieve sudden distress, sickness, or infirmity, or
- (c) payment of travelling expenses for such persons entering or leaving hospitals, convalescent homes or similar institutions, or for relatives visiting such persons in such institutions particularly where more frequent visits are desirable than payments from public funds will allow, or
- (d) subscriptions to secure the admission of such persons (or to benefit such persons when admitted) to almshouses, or to homes or hostels for the residence or care of old, infirm or homeless persons.

2. The provision of items for such persons which may well be -

- (a) gifts of furniture, bedding, clothing, food, fuel, heating appliances, or
- (b) loans of expensive apparatus (which may be more appropriate than outright gifts) such as radio or television sets for widows with large families.

3. The provision of facilities for such persons such as -

- (a) the supply of tools or books or payment of fees for instruction or examination or travelling expenses so as to help them to earn their living, or
- (b) arrangements for a recuperative holiday or change of air for those long deprived of this.

Further examples follow of the sort of help that can be given in particular when such persons are also old, sick, convalescent, disabled, handicapped or infirm, whether mentally or physically:

4. The provision of items either outright or, if expensive and appropriate, on loan, such as
  - (a) special food, medical or other aids, nursing requisites or comforts;
  - (b) television or radio sets for the lonely, bedridden or housebound;
  - (c) television licences;
  - (d) washing machines suitable for soiled clothing and bed linen.
5. The provision of services such as bathing, escort services, exchange of library books, foot care, gardening, hair washing, shaving, help in the home, house decorating and repairs, laundering, meals on wheels, nursing aid, outings and entertainments, physiotherapy in the home, reading, shopping, sitting-in, tape-recording for the housebound, travelling companions.
6. The provision of facilities such as transportation, or arrangements for a period of rest, recuperating or change of air in or through any convalescent home or other institution or organisation or for temporary relief for those having the care of the person concerned or arrangements for close relatives to visit or care for patients.

The trustees may either pay directly for such items, services or facilities, or advance money to beneficiaries so that they can do so.

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