

Draft Order laid before Parliament under section 17(2) of the Charities Act 1993, on 22nd October 1998; 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

1998 No.

CHARITIES

Charities (Seamen's Hospital Society) Order 1998

<i>Made</i>	-	-	-	-		<i>1998</i>
<i>Coming into force</i>	-	-				<i>1998</i>

Whereas the Charity Commissioners for England and Wales have, in pursuance of subsection (1) of section 17 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 (Seamen's Hospital Society) Order 1998 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
1998

One of Her Majesty's Principal Secretaries of
State

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

APPENDIX

SCHEME FOR THE ALTERATION OF PROVISIONS GOVERNING THE CHARITY KNOWN AS THE SEAMEN'S HOSPITAL SOCIETY

Whereas the Charity known as the Seamen's Hospital Society ("the Charity") is now regulated by the Seaman's Hospital Society Act 1833(3) ("the Act") as varied and affected by a Scheme made by the Board of Charity Commissioners dated 14th April 1959 ("the 1959 Scheme");

And whereas the Trustees of the Charity have become unable to further the purposes of the charity in the manner contemplated by the Act and by the 1959 Scheme;

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

And whereas it appears to the Charity Commissioners that a Scheme should be established for the alteration of the provisions governing 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. The provisions of the Seaman's Hospital Society Act 1833, as varied or affected by a Scheme of the Charity Commissioners of the 14th April 1959, shall cease to have effect with the exception of those parts of section 1 of that Act which incorporate the Governors of the Society.

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 General Committee of Management hereinafter constituted ("the General Committee") as the charity trustees thereof.

(2) The name of the Charity shall be the Seamen's Hospital Society ("the Society") or such other name as the General Committee from time to time by resolution may decide with the prior approval of the Charity Commissioners.

OBJECT

Object.

3. The Object of the Society shall be the relief of seamen and seawomen of all nations within the United Kingdom of Great Britain and Northern Ireland and their immediate dependants (including widows, widowers and children of deceased seafarers) who through sickness, misfortune or age are in need of assistance and providing such persons with medical and surgical aid, lodging, support and clothing.

Powers.

4. In furtherance of that object but not further or otherwise the General Committee shall have the following powers:—

(1) To raise funds and to invite and receive contributions provided that in raising funds the General Committee shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of law;

(2) To make grants to such marine charitable institutions with the same or similar objects to the Society as the General Committee shall think fit;

(3) To buy, take on or lease or exchange any property necessary for the achievement of the object and to maintain and equip it for use;

(4) Subject to such consents as may be required by law to sell, lease or dispose of all or any part of the property of the Society;

(5) Subject to such consents as may be required by law to borrow money and to charge all or any part of the property of the Society with repayment of the money so borrowed;

(6) To employ such staff (who shall not be members of the General Committee) as are necessary for the proper pursuit of the object and to make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependants;

(7) To co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the object or of similar charitable purposes and to exchange information and advice with them;

(8) To establish or support any charitable trusts, associations or institutions for any purpose or purposes falling within the object;

(9) To appoint and constitute such advisory committees as the General Committee may think fit;

(10) To do all such other lawful things as are necessary for the achievement of the object.

GENERAL COMMITTEE

General Committee.

5.—(1) The General Committee shall consist of not more than twenty nor less than twelve members being—

(a) Ex-officio Members, who shall be—

The President and

The Honorary Treasurer of the Corporation (referred to below), and

(b) Appointed Members who shall be appointed at the Annual Court of Governors (referred to below).

(2) At each Annual Court of Governors after the first such meeting following the date of this Scheme, one third of the Appointed Members to the nearest number shall retire by rotation and be eligible for re-election.

(3) There shall be a Chairman of the General Committee who shall be appointed (and may be re-appointed) for the term of three years at the Annual Court of Governors falling in the relevant year.

(4) There shall also be a Deputy Chairman of the General Committee who shall also be appointed (and may be re-appointed) for the term of three years at the Annual Court of Governors falling in the relevant year.

(5) The proceedings of the General Committee shall not be invalidated by any vacancy among their Members or by any failure to appoint or any defect in the appointment of a Member.

(6) No person shall be appointed as a Member of the General Committee who is aged under 18 or who would if appointed be disqualified under the provisions of the following clause.

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

Determination of membership of General Committee.

6. A Member of the General Committee 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 General Committee) by reason of illness, injury or mental disorder of managing his or her own affairs; or

(3) is absent without the permission of the General Committee from all of their meetings held within a period of twelve months and the General Committee resolve 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 five Members of the General Committee will remain in office when the notice of resignation is to take effect).

General Committee Members not to be personally interested.

7.—(1) The Members of the General Committee 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 thereto, no Member of the General Committee shall acquire any interest in property belonging to the Society (otherwise than as a trustee for the Society) or receive remuneration or be interested (otherwise than as a Member of the General Committee) in any contract entered into by the General Committee.

MEETINGS AND PROCEEDINGS OF THE GENERAL COMMITTEE

Meetings of the General Committee.

8.—(1) The General Committee shall hold at least two ordinary meetings in each year.

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

Quorum.

9. There shall be a quorum at any meeting of the General Committee when five Members are present, excluding the Ex-officio Members.

Chairman.

10. The Chairman of the General Committee shall act as chairman at all of the Meetings of the General Committee. If the Chairman is absent from any meeting the Members present shall choose one of their number to be chairman of that meeting before any other business is transacted.