

Sealed 3 October 1924.

No. 1849 E.

County—KENT.

Parish—YALDING.

Foundations—Kenward's Educational
Mrs. Alchorn and Mrs.
Bennet Warde.
William Cleave's School.

Stamp, 10s.

*Scheme (including Appointment
of Trustees).*

SCHEME MADE BY THE BOARD OF EDUCATION UNDER THE CHARITABLE TRUSTS ACTS,
1853 TO 1894.

To what Scheme relates.

1. This Scheme relates to the following Foundations in the Parish of Yalding, in the County of Kent:—

- (a) Kenward's Educational Foundation, as determined by an Order of the Charity Commissioners of 12 July 1904.
- (b) The Charity of Mrs. Alchorn and Mrs. Bennet Warde (otherwise Alchorn's School), comprised in a Scheme of the Charity Commissioners of 13 November 1888.
- (c) William Cleave's School Foundation, regulated by a Scheme made under the Endowed Schools Acts on 6 August 1874, as amended and altered by Schemes of 13 May 1896 and 12 August 1898.

The said Foundations are hereinafter referred to as "the Original Foundations."

Repeal and Substitution.

2. The provisions of the said Scheme regulating William Cleave's School Foundation are hereby repealed, and the provisions of this Scheme, so far as they relate to that Foundation, are substituted therefor.

Administration and Title.

3. The Original Foundations and their endowments (including the particulars specified in the Schedule to this Scheme) shall be administered as a single Foundation (hereinafter called "the Foundation") in conformity with the provisions of this Scheme under the name of THE YALDING EDUCATIONAL FOUNDATION.

GOVERNORS.

Governing Body.

4. Subject to the provisions of the next following Clause, the Governing Body of the Foundation (hereinafter called "the Governors") shall, when complete, consist of nine persons that is to say:—

Six Representative Governors, to be appointed—

Two by the Vicar and Churchwardens for the time being of Yalding,
Two by the Kent County Council as Local Education Authority, and
Two by the Yalding Parish Council; and

THREE Coöptative Governors, to be appointed by resolution of the Governors.

A Representative Governor need not be a member of the appointing body.

Every Governor to be appointed by the County Council shall be appointed for a term of office ending on the date of the appointment of his successor, which may be made at any time after the ordinary day of retirement of County Councillors next after his appointment. The other Representative Governors shall be appointed each for a term of three years, and the Coöptative Governors each for a term of five years, but so that a Governor appointed to fill a casual vacancy shall be appointed only for the unexpired term of office of his predecessor under this provision.

Trustees and Governors of the Original Foundations.

5. The persons in office at the date of this Scheme as Trustees or Governors of any of the Original Foundations shall be the first Governors of the Foundation, and shall be entitled, subject to the provisions of this Scheme as to determination of Governorship, to remain in office, each for the remainder of the term for which he was originally appointed, or, in the case of an Ex-Officio Trustee, for so long as he holds the office in respect of which he is a Trustee; but in other respects such Trustees and Governors shall for the purposes of this Scheme be counted as follows:—

The Ex-Officio Trustees, as Representative Governors appointed by the said Vicar and Churchwardens;

The Representative Governors appointed by the County Council and the Representative Trustees and Governors appointed by the Vestry of Yalding, as Representative Governors appointed respectively by the County Council and the Yalding Parish Council;

The Coöptative Trustees and Governors, as Coöptative Governors; and
The Nominated Governors, as additional Governors;

but no new Governors shall be appointed by the Vicar and Churchwardens, by the Parish Council, or by coöptation so as to exceed the number prescribed by the foregoing clause.

First Meeting.

6. The first meeting of the Governors shall be summoned by the said Vicar as soon as conveniently may be after the date of this Scheme, or if he fails to summon a meeting for two months after that date, by any two Governors.

Declaration by Governors.

7. No person shall be entitled to act as a Governor, whether on a first or any subsequent entry into office, until he has signed a declaration of acceptance and of willingness to act in the trusts of this Scheme.

Governors not to be personally interested in the Foundation.

8. Except in special circumstances, with the approval in writing of the Board of Education, no Governor shall take or hold any interest in any property belonging to the Foundation otherwise than as a trustee for the purposes thereof, or receive any remuneration, or be interested in the supply of work or goods, at the cost of the Foundation.

Determination of Governorship.

9. Any Governor who is absent from all meetings of the Governors during a period of one year, or who is adjudicated a bankrupt, or who is incapacitated from acting, or who communicates in writing to the Governors a wish to resign, shall thereupon cease to be a Governor.

Vacancies.

10. Every vacancy in the office of Representative or Coöptative Governor shall as soon as possible be notified to the proper appointing body or filled by the Governors, as the case requires. Any competent Governor may be re-appointed.

Religious Opinions of Governors.

11. The religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being one of the governing body of the Foundation.

PROCEEDINGS OF GOVERNORS.

Meetings of Governors.

12. The Governors shall hold ordinary or stated meetings at least twice in each year. A special meeting may at any time be summoned by the Chairman or any two Governors upon four clear days' notice being given to the other Governors of the matters to be discussed.

Chairman.

13. The Governors shall, at their first ordinary or stated meeting in each year, elect one of their number to be Chairman of their meetings for the year. If it is necessary to supply his place at any meeting, the Chairman of that meeting shall be appointed before any other business is transacted. The Chairman shall always be re-eligible.

Quorum and Voting.

14. There shall be a quorum when four Governors are present at a meeting. Every matter shall be determined by the majority of the Governors present and voting on the question. In case of equality of votes the Chairman shall have a second or casting vote.

Minutes and Accounts.

15. The Governors shall provide and keep a minute book and books of account. All proper accounts in relation to the Foundation shall in each year be made out and certified in such form as the Board of Education may require, and copies sent to the Board.

General Power to make Rules.

16. Within the limits prescribed by this Scheme, the Governors shall have full power to make rules for the management of the Foundation, and for the conduct of their business, including the summoning of meetings, the deposit of money at a proper bank, the custody of documents, and the appointment as Clerk or Secretary (to hold office at their pleasure) of one of themselves without salary or some other fit person at such salary, if any, as may be approved by the Board of Education.

DISCONTINUANCE OF WILLIAM CLEAVE'S SCHOOL.

17. The School of William Cleave's Foundation shall henceforth not be carried on. The School premises may be used for educational purposes for the benefit of boys and girls, under the control of the Governors or such bodies or persons as they think fit, in a manner not inconsistent with the provisions of the Endowed Schools Acts, 1869, 1873, and 1874. Subject as aforesaid the Governors may either let the School premises according to the general law applicable to the management of property by trustees of charitable foundations or sell them under the authority of a further Order of the Board of Education.

*FUND FOR BENEFIT OF NON-PROVIDED SCHOOLS.**Constitution of Fund.*

18. For the purposes specified in the next following Clause, the Governors shall constitute a fund consisting of—

- (a) The securities specified in Part II of the Schedule to this Scheme, representing accumulated income of the Charity of Mrs. Alcorn and Mrs. Bennet Warde.
- (b) Any unapplied income of that Charity in hand at the date of this Scheme.

Maintenance and Improvement of Elementary School Premises.

19. The Governors shall apply the yearly income of the said fund in the maintenance (including insurance) and improvement of the premises of any Public Elementary School in the Parish of Yalding not provided by the Local Education Authority; and (subject to the approval of the Board of Education) may also apply capital of the fund for this purpose.

For the purposes of this Clause the Governors may make payments to the Managers of a School to be accounted for by them to the Governors.

Provided that no payment shall be made under this Clause for those purposes of a School for which provision is to be made by the Local Education Authority.

*EXHIBITIONS AND MAINTENANCE ALLOWANCES.**Exhibitions, etc.*

20. Subject as aforesaid, the net income of the Foundation, after payment of any expenses of administration, shall be applied by the Governors in the provision of Secondary School Exhibitions, Technical Exhibitions, University Exhibitions, or Maintenance Allowances as hereinafter provided, to be awarded to boys and girls resident in the Parish of Yalding who have for not less than two years at any time attended Public Elementary Schools.

General Conditions as to Exhibitions.

21.—(1) The Exhibitions shall be tenable only for the purposes of education, and shall not be held for instruction given in the evening only. They shall be awarded under rules to be made by the Governors, including rules as to the class of Exhibition to be awarded, the age limits of candidates, and the value of the Exhibitions.

(2) Subject to the provisions of this Scheme, the Exhibitions shall be freely and openly competed for, and shall be awarded for merit on the result of such examination as the Governors think fit; and any Exhibition which no duly qualified candidate is adjudged worthy to take shall for that turn not be awarded.

(3) If in the judgment of the Governors an Exhibitioner is guilty of serious misconduct or idleness, or fails to maintain a reasonable standard of proficiency, or ceases to pursue his education, the Governors may deprive him of the Exhibition, and for this purpose may act on the report of the proper authorities of the institution at which it is held, or on such other evidence as the Governors think sufficient. Under this provision the decision of the Governors shall be final in each case.

Secondary Schools Exhibitions.

22. Secondary School Exhibitions shall be tenable at any Secondary School recognised by the Board of Education as efficient or specially approved by them for the purpose, and no candidate shall be eligible who attains the age of thirteen before the first day of August of the year of the award. Every such Exhibition shall consist of payment equivalent (within such limits as the rules prescribe) to the tuition fees, with any entrance fee, payable at the Secondary School, and shall be awarded for the period during which the holder remains at the School otherwise than as a Pupil-Teacher or Student-Teacher.

Technical Exhibitions.

23. Technical Exhibitions shall be tenable at any institution of higher education approved by the Governors, other than a Secondary School. They may be either—

(a) Junior Exhibitions tenable at institutions providing full-time courses suitable for children who have recently attended Public Elementary Schools, or

(b) Senior Exhibitions tenable at institutions providing full-time courses suitable for older pupils who have already attended schools higher than elementary.

and shall consist of payments extending over such period (renewable or otherwise) as the rules prescribe.

University Exhibitions.

24. University Exhibitions shall be tenable at any University, any College or School of a University, or any University College. They shall consist either of single payments or of payments extending over such period (renewable or otherwise) as the rules prescribe.

Maintenance Allowances.

25.—(1) For the benefit of boys and girls who, in the opinion of the Governors, are in need of financial assistance, the Governors may provide Maintenance Allowances of either of the following kinds:—

(a) Maintenance Allowances at Public Elementary Schools for pupils over the age of twelve, especially those who are attending courses of advanced instruction organised in such schools for the older or more intelligent children.

(b) Maintenance Allowances at Secondary Schools for pupils who are attending such Schools with the aid of Exhibitions, Scholarships, or total or partial exemption from tuition fees.

(2) Any such allowance may, at the discretion of the Governors, be paid to the parent or guardian of the beneficiary, or may be applied by them towards payments required to be made on the part of the beneficiary at the Secondary School, or in providing him with travelling facilities or meals.

Religious Exemptions.

26. A scholar shall not, by reason of any exemption from attending prayer or religious worship, or from any lesson or series of lessons on a religious subject, be deprived of an advantage or emolument out of the endowment of the Foundation to which he would otherwise have been entitled.

GENERAL.

Vesting Property.

27. The Governors and all other persons capable of being bound by this Scheme shall, unless the Board of Education otherwise in writing direct, do all such acts as may be necessary in order to vest in the Official Trustee of Charity Lands and to transfer to the Official Trustees of Charitable Funds respectively, or to vest in and transfer to the Official Trustee or Trustees of Educational Trust Property when constituted, all freehold and leasehold lands and hereditaments and all stocks, shares, funds, and securities respectively, at any time belonging to the Foundation.

Further Endowments.

28. The Governors may receive any additional donations or endowments for the general purposes of the Foundation. They may also receive donations or endowments for any special objects connected with the Foundation not inconsistent with or calculated to impede the due working of the provisions of this Scheme. Any question arising upon this last point shall be referred to the Board of Education for their decision.

Surplus Cash.

29. Any sum of cash at any time belonging to the Foundation and not needed as a balance for working purposes, shall (unless otherwise ordered by the Board of Education) be treated as capital and invested.

Alteration of Scheme.

30. The Board of Education may, in the exercise of their ordinary jurisdiction under the Charitable Trusts Acts, 1853 to 1894, frame Schemes for the alteration of any portions of this Scheme, provided that such alteration shall not be inconsistent with Clause 1 of the said Scheme of 6 August, 1874, or contrary to anything contained in the Endowed Schools Acts, 1869, 1873, and 1874.

Orders for Replacement not affected.

31. Nothing in this Scheme shall affect any Order of the Charity Commissioners or the Board of Education now in force so far as it makes provision for the discharge of any debt or the replacement of any stock or money.

Questions under Scheme.

32. 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 Board of Education, upon such application made to them for the purpose as they think sufficient.

Interpretation.

33. The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to an Act of Parliament.

Date of Scheme.

34. The date of this Scheme shall be the day on which it is established by an Order of the Board of Education.

SCHEDULE OF PROPERTY.

Description.	Extent or Amount.	Tenant, Person liable, or Persons in whose name invested.	Gross Yearly Income.
PART I.			
<i>Kenward's Educational.</i> One moiety of the net income of the Charity of Mrs. Julian Kenward, Thomas Twiffen, and John Twiffen (otherwise Bentlett's or Bluntlett's), unless, and then for so long as, in the opinion of the Board of Education, there is default in the provision of a Schoolmaster in the Parish of Yalding for above six weeks together without reasonable cause;	£ s. d.	The Trustees of the Charity of Mrs. Julian Kenward, Thomas Twiffen, and John Twiffen (otherwise Bentlett's or Bluntlett's)	£ s. d. Variable. (£9 7 3 in 1923.)
5 per cent. War Stock 1929-47	127 3 1	The Official Trustees of Charitable Funds.	6 7 2
Registered 5 per cent. National War Bonds 1929 (4th Series).	15 0 0	Do. do.	0 15 0
Cash in Hand	51 11 11	—	—
<i>Mrs. Alchorn and Mrs. Bennet Warde.</i> New Zealand 4 per cent. Stock 1943-63	750 18 2	The Official Trustees of Charitable Funds.	30 0 8
5 per cent. War Stock 1929-47	58 18 9	Do. do.	2 18 11
<i>William Cleave's School.</i> School Site and Buildings	A. R. P. 1 1 26	—	—
Land let as Allotments	4 1 2	—	10 0 0
	£ s. d.	The Official Trustees of Charitable Funds.	26 4 9
New Zealand 4 per cent. Stock 1943-63	655 19 4	Do. do.	16 8 8
New South Wales 4 per cent. Stock 1942-62	410 16 4	Do. do.	21 19 8
5 per cent. War Stock 1929-47	439 13 1	Do. do.	0 5 8
Consols	11 8 9	Do. do.	Income accu- mulating.
New Zealand 4 per cent. Stock 1943-63, held on an Investment Account under an Order of the Board of Education dated 7 May 1914.	118 15 1	Do. do.	—
Cash in Hand	158 19 6	—	—
PART II.			
<i>Accumulated Income of the Charity of Mrs. Alchorn and Mrs. Bennet Warde.</i> 5 per cent. War Stock 1929-47	554 13 9	The Official Trustees of Charitable Funds.	27 14 8
Registered 5 per cent. National War Bonds 1929 (4th Series).	60 0 0	Do. do.	3 0 0
Cash in Hand	121 8 8	—	—

This Schedule is made up to 8 March 1924.

The Board of Education Order that the foregoing Scheme be established.

Sealed this 3rd day of October 1924.

