

Sealed:

County: LANCASHIRE  
Ancient Parish: LEYLAND  
Foundation: BALSHAW'S C.E. HIGH SCHOOL

Scheme altering Scheme

The Foundation

1. In this Scheme the expression "the Foundation" means the Foundation called Balshaw's School, in the Ancient Parish of Leyland, in the County Palatine of Lancaster, so far as it is solely educational as determined by an Order of the Charity Commissioners of 7th May 1909; which Foundation is now regulated by a Scheme made by the Board of Education under the Charitable Trusts Acts on 20th October 1909 for the alteration of a Scheme framed under the Endowed Schools Acts, as amended by a further Scheme of 5th May 1933, and as further amended by a further Scheme of 13th March 1957. The School is now officially known as Balshaw's C.E. High School ("the School").

Repeal and substitution

2. The provisions of the said Scheme of 20th October 1909, as amended as aforesaid, are hereby repealed so far as they relate to the Foundation and the provisions of this Scheme are substituted therefor.

Title of Foundation

3. The Foundation and its endowment (including the particulars specified in the Schedule to this Scheme) shall be administered in accordance with the provisions of this Scheme under the title of Balshaw's Educational Foundation.

Trustees

4. The Trustees of the Foundation, in this Scheme called "the Trustees", shall comprise a maximum of thirteen persons and a minimum of eight persons. The full compliment of thirteen persons shall comprise a maximum of EIGHT Representative Trustees and a

maximum of FIVE Co-opted Trustees. The EIGHT Representative Trustees shall be appointed as follows: -

**THREE**, of whom not less than two shall be members of the Church of England, to be appointed by the Governors of the School.

**ONE** to be appointed by the Blackburn Diocesan Board of Education.

**ONE** to be appointed by South Ribble Borough Council.

**ONE** to be appointed, in keeping with the Scheme of 20th October 1909, by a joint committee consisting of one representative each of the following schools namely Whittle-le-Woods (St. John's), Clayton-le-Woods (Back Lane), Brinscall (St. John's), Leyland (St. James) and Chorley (Euxton C.E. Primary School) ("the Beneficiary Schools").

**TWO** to be appointed by Lancashire County Council as Local Education Authority (of whom one shall be nominated by South Ribble Borough Council (being the area in which the School is situated).

The FIVE Co-opted Trustees, of whom not less than four shall be members of the Church of England, and who shall all be in sympathy with the Christian Ethos of the School, to be appointed by a resolution of the existing Trustees.

A Representative Trustee need not be a member of the Governors of the School.

A Chair and a clerk shall be elected each year by the Trustees.

The Term of Office of each Trustee shall be five years, but each Trustee shall be eligible for re-appointment **PROVIDED HOWEVER THAT** a Trustee appointed by the Lancashire County Council shall serve only for such term as determined by the Lancashire County Council.

#### **First Trustees and Meeting**

5. (1) The following persons shall be the First Trustees of the Foundation under this Scheme namely: -

#### **The Representative Trustees**

#### **The Co-opted Trustees**

- (2) The first meeting of the Trustees under this Scheme shall be summoned by the Clerk to the existing Governing Body 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 Trustees.

#### **Declaration by Trustees**

6. No person shall be entitled to act as a Trustee, whether on a first or any subsequent entry into office, until he or she has signed a Declaration of Acceptance and of willingness to act in the trusts of this Scheme.

#### **Trustees not to be personally interested in the Foundation**

7. Except in special circumstances, with the approval in writing of the Charity Commission, no Trustee shall take or hold any interest in any property belonging to the Foundation otherwise than as a trustee for the purposes thereof, nor receive any remuneration, nor be interested in the supply of work or goods, at the cost of the Foundation.

#### **Determination of Trusteeship**

8. Any Trustee who is absent from all meetings of the Trustees during a period of one year, or who is adjudged a bankrupt, or who is incapacitated from acting, or who communicates in writing to the Trustees a wish to resign, shall thereupon cease to be a Trustee **PROVIDED HOWEVER THAT** the other Trustees shall be entitled to exercise their discretion to permit a Trustee to continue in office despite absence from all meetings during a period of one year subject to the relevant trustee being able to provide a reasonable explanation for such absence.

#### **Vacancies**

9. (1) Every vacancy in the office of trustee shall as soon as possible be notified to the proper appointing body, or filled by the Trustees as the case may require. Any competent trustee may be re-appointed.

- (2) A Representative Trustee appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the Trustee in whose place he or she is appointed.

#### **Meetings of Trustees**

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

#### **Quorum and Voting**

11. There shall be a quorum of Trustees at a meeting when either five Trustees are present or a number representing one-third of the total Trustees in office at the time of the meeting. Every matter shall be determined by the majority of Trustees present and voting on the question. In the case of an equality of votes the Chairman shall have a second or casting vote.

#### **Application of Income**

12. After payment of any expenses of administration the net annual income of the Foundation shall be applied in accordance with the following provisions of this Scheme.

#### **Special benefits for Balshaw's School**

13. The Trustees may apply a yearly sum not exceeding three-fifths of the said net annual income for the purposes of any activity deemed appropriate to further the study of, or provide financial assistance to enable, a pupil of the School to have an equitable right to the curriculum and extra-curricular activities without prejudice to the financial situation of parents or the potential of present students or past students at the discretion of the Head or the Trustees.

#### **Grants to Managers and Governors of Aided Schools**

14. The Trustees may apply a yearly sum not exceeding two-fifths of the said net annual income in making grants to the Head of any school attended by children resident in the Ancient Parish of Leyland, which is an aided school within the meaning of the School Standards and Framework Act 1998, and wherein religious instruction is given in accordance with the principles of the Church of England, so that the premises of such schools may conform to the requirements of legislation. The Beneficiary Schools fall within the category covered by this paragraph.

#### **Other Educational Benefits**

15. (1) The remainder of the net annual income of the Foundation (not applied in accordance with Paras. 13 and 14 above) shall be applied by the Trustees in any one or more of the following ways for the benefit of boys or girls (hereinafter called "beneficiaries") who, or whose parents, are resident in the Ancient Parish of Leyland and who, in the opinion of the Trustees, are in need of financial assistance: -
- (a) Exhibitions tenable at any secondary school, training college for teachers, university, or other institution of further (including professional and technical) education approved by the Trustees, to be awarded under rules to be made by the Trustees, including rules as to the values and period of tenure of the exhibitions, and the qualifications and method of ascertainment and selection, of candidates.
  - (b) Financial assistance, outfits, clothing, tools, instruments or books to enable beneficiaries on leaving school, university or any other educational establishment, to prepare for, or assist their entry into, a profession, trade or calling.
  - (c) Financial assistance to enable beneficiaries to study music or other arts, or to enable beneficiaries to travel abroad to pursue their education.
  - (d) Otherwise promoting the education of beneficiaries.
- (2) In the award of benefits under this clause the Trustees shall give a preference to candidates who are or who have been in attendance at Balshaw's C. E. High School and, subject thereto, shall have due regard to the promotion of education in accordance with the principles of the Church of England.
- (3) The Trustees shall consult the Local Education Authority as to their general action under this clause and, if occasion requires, as to the educational qualifications of candidates for benefit.

#### **Surplus Income**

16. If at any time it has proved impracticable to apply any part of the net annual income of the Foundation to the purposes to which it has been allocated by this Scheme, the Trustees may apply any such part for the objects and purposes of the School and shall take into account any representations made in this respect by the Head of the School.

#### **Saving of Interests**

17. Any holder of any exhibition scholarship or other like emolument awarded on or before the date of this Scheme shall be entitled to hold the same as if this Scheme had not been made.

#### **General Power to make Rules**

18. Within the limits prescribed by this Scheme the Trustees shall have full power to make rules for the management of the Foundation and for the conduct of their business, including the summoning and chairmanship of meetings, the deposit of money at a proper bank, the custody of documents, and the appointment as Clerk (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 Charity Commission **PROVIDED HOWEVER THAT** the Chairman of the Trustees shall be elected from those Trustees who are members of the Church of England.

#### **Management of Property**

19. In the event of the Trustees holding any property belonging to the Foundation and not occupied for the purposes thereof, the Trustees shall hold such property according to the general law applicable to the management of property by trustees of charitable foundations.

#### **Allotments Extension Act 1882**

20. In the event of the Trustees holding any land, other than buildings and appurtenances of buildings, the Trustees may set apart and let in allotments under the Allotments Extension Act 1882, any portions of such land.

#### **Minutes and Accounts**

21. The Trustees 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 prepared in such form as shall be applicable in accordance with the general law from time to time relating to the accounts of charitable foundations.

#### **Vesting Property**

22. The Trustees and all other persons capable of being bound by this Scheme shall unless otherwise directed in writing by the Charity Commission, deal with all freehold and leasehold land and hereditaments, and all stocks shares funds and other securities at any time belonging to the Foundation, in accordance with the general law relating to the property, assets and securities of charitable foundations.

#### **Further Endowments**

23. The Trustees 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 on this last point shall be referred to the Charity Commission for a decision.

#### **Surplus Cash**

24. Any sum of cash at any time belonging to the Foundation and not needed as a balance for working purposes shall (unless otherwise directed by the Charity Commission) be treated as capital and invested.

#### **Alteration of Scheme**

25. The Charity Commission may, in the exercise of their jurisdiction under any legislation in force at the relevant time, frame schemes for the alteration of any portion of this Scheme, provided that such alterations shall not be contrary to anything contained in any legislation currently in force at the relevant time.

**Questions under Scheme**

26. 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 Commission upon such application made to them for the purpose as they think sufficient.

**Interpretation**

27. The Interpretation Act 1889, or any amendment or re-enactment thereof, applies to the interpretation of this Scheme as it applies to any Act of Parliament

**Date of Scheme**

28. The date of this Scheme shall be the day on which it is established by an Order of the Charity Commission.

**Termination of the Foundation**

29. In the event of the School ceasing to exist, the Trustees, with the consent in writing of the Charity Commission, shall distribute any remaining assets of the Foundation, for the benefit of the Beneficiary Schools, or for such charitable purposes as shall as closely as possible coincide with the objects and purposes of the Foundation.

The Charity Commission orders that the foregoing Scheme be established.

Given under the seal of the Charity Commission this                      day of                      2004.