

Sealed 8 May 1958.

*Administrative County*—YORK, NORTH RIDING.

No. 4115 P.

*Parishes*—KIRKBYMOORSIDE AND OTHERS.

*Foundation*—John Stockton.

*Scheme.*

SCHEME MADE BY THE MINISTER OF EDUCATION UNDER THE CHARITABLE TRUSTS ACTS, 1853 TO 1925.

*The Foundation*

1. In this Scheme the expression "the Foundation" means the Foundation of John Stockton, in the Parishes specified in the First Schedule to this Scheme, in the Administrative County of the North Riding of York, now regulated by a Scheme made by the Board of Education on 16 April 1909.

*Administration and Title*

2. The Foundation and its endowment (including the particulars specified in the Second Schedule to this Scheme) shall be administered in conformity with the provisions of this Scheme, under the name of the JOHN STOCKTON EDUCATIONAL FOUNDATION.

*Governors*

3.—(1) The body of Governors of the Foundation shall, when complete, consist of sixteen persons, to be appointed:—

- Three by the North Riding County Council, as Local Education Authority;
- One by the Kirkbymoorside Parish Council;
- One by the Beadlam and Nawton Parish Councils, acting jointly;
- One by the Welburn and Wombledon Parish Councils, acting jointly;
- One by the Gillamoor and Fadmoor Parish Meetings, acting jointly;
- One by the Aislaby and Middleton Parish Meetings, acting jointly;
- One by the Cropton Parish Council and the Wreton Parish Meeting, acting jointly;
- One by the Harome and Pockley Parish Councils, acting jointly;
- One by the Appleton-le-Moors and Lastingham Parish Meetings, acting jointly;
- One by the Hutton-le-Hole and Spaunton Parish Meetings, acting jointly;
- One by the Farndale East Side Parish Council and the Farndale West Side Parish Meeting, acting jointly;
- One by the Normanby and Barugh Ambo Parish Meetings, acting jointly;
- One by the Great Edstone and Thornton Riseborough Parish Meetings, acting jointly, and
- One by the Thornton Dale Parish Council and the Wilton Parish Meeting, acting jointly.

(2) 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 Governors shall, except as provided in this Scheme, be appointed each for a term of three years.

(3) Where two Local Authorities act jointly under this Scheme in the appointment of a Governor, the Governor first appointed after the date of this Scheme shall, unless the two Local Authorities concerned otherwise agree, be a person resident in the area of the first-named Local Authority and his successor shall be a person resident in the area of the second-named Local Authority. Governors subsequently appointed shall be persons resident in each area alternately unless the two Local Authorities concerned otherwise agree on any particular occasion.

(4) If a vacancy in the office of Governor is not filled within three months of its being notified to the proper appointing body it shall, for that term, be filled by the Governors.

*First Governors and Meeting*

4. (1) The first Governors to be appointed by the four pairs of Local Authorities first named in clause 3 (1) of this Scheme shall be appointed each for a term of four years; the first Governors to be appointed by the four pairs of Local Authorities named next in that sub-clause shall be appointed each for a term of three years; and the first Governors to be appointed by the four pairs of Local Authorities last named in that sub-clause shall be appointed each for a term of two years.

(2) The first Governors shall be appointed as soon as possible after the date of this Scheme, and their names shall be notified to Mr. C. E. White on behalf of the Governors.

(3) The first meeting of the Governors under this Scheme shall be summoned by the said Mr. C. E. White 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*

5. 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 Foundation*

6. Except in special circumstances, with the approval in writing of the Minister 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*

7. 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*

8. (1) Every vacancy in the office of Governor shall as soon as possible be notified to the proper appointing body. Any competent Governor may be re-appointed.

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

*Meetings of Governors*

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

*Chairman*

10. 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 the Chairman is absent from any meeting, a Chairman for that meeting shall be appointed before any other business is transacted. The Chairman shall always be eligible for re-appointment.

*Quorum and Voting*

11. There shall be a quorum when six 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 of the meeting shall have a second or casting vote.

*Application of Income*

12. (1) After payment of any expenses of administration, the net income of the Foundation shall be applied by the Governors in any one or more of the following ways:—

- (a) In awarding to beneficiaries exhibitions tenable at any secondary school, training college for teachers, university, or other institution of further (including professional and technical) education, approved by the Governors, to be awarded under rules to be made by the Governors, including rules as to the value and period of tenure of the exhibitions, and the qualifications, and method of ascertainment and selection, of candidates;
- (b) In granting financial assistance, outfits, clothing, tools, instruments or books to enable beneficiaries on leaving school, university or any other educational establishment, to prepare for, or to assist their entry into, a profession, trade or calling;
- (c) In providing, for schools maintained by the Local Education Authority and attended by children resident in any of the Parishes specified in the First Schedule to this Scheme, special benefits of any kind not normally provided by the Local Education Authority;
- (d) In otherwise promoting the education of beneficiaries.

(2) In this clause "beneficiaries" means young persons not exceeding the age of twenty-five years who are, and have been for not less than two years, resident in any of the Parishes specified in the First Schedule to this Scheme and who, in the opinion of the Governors, are in need of financial assistance.

(3) In the application of income under this clause the Governors shall have regard to the intention of John Stockton, the Founder, as expressed in his Will, that if at any time the income should be insufficient to provide adequate benefits for all the Parishes specified in the First Schedule to this Scheme preference should be given to those Parishes in the order in which they are named.

(4) The Governors shall from time to time furnish to the Managers or Governors of each school maintained by the Local Education Authority and attended by children resident in any of the Parishes specified in the First Schedule to this Scheme particulars of awards and grants available to beneficiaries under sub-clause (1) of this clause.

#### *Savings of Interests*

13. Any Scholarship, Exhibition or other like emolument awarded on or before the date of this Scheme shall be maintained and held, as nearly as may be, as if this Scheme had not been made.

#### *General Power to make Rules*

14. 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 Minister of Education.

#### *Minutes, Accounts and Reports*

15. (1) 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 Minister of Education may require, and copies sent to the Ministry.

(2) The Governors shall in each year prepare a report and send a copy to each of the Parish Councils and Parish Meetings named in clause 3 of this Scheme. The Report shall give particulars of the manner in which the income of the Foundation was applied in the preceding year and shall specify the place of residence of beneficiaries to whom awards or grants were made and the schools for which benefits were provided.

#### *Investments*

16. The Governors and all other persons capable of being bound by this Scheme shall, unless the Minister of Education otherwise in writing directs, do all such acts as may be necessary in order to transfer to the Official Trustees of Charitable Funds all stocks, shares, funds, and securities at any time belonging to the Foundation.

*Further Endowments*

17. 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 Minister of Education for his decision.

*Surplus Cash*

18. 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 Minister of Education) be treated as capital and invested.

*Money in Hands of Local Trustees*

19. Any money belonging to the Foundation which is, at the date of this Scheme, in the hands of any body of Local Trustees constituted in accordance with the provisions of the Scheme of 16 April 1909 may be applied by that body in any manner authorised for the application of income of the Foundation by this Scheme and, insofar as it is not so applied within six months of the date of this Scheme, shall be paid to the Governors, treated as capital and invested.

*Questions under Scheme*

20. 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 Minister of Education upon such application made to him for the purpose as he thinks sufficient.

*Interpretation*

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

*Date of Scheme*

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

## FIRST SCHEDULE

Civil Parish of Kirkbymoorside.	
"	Nawton.
"	Beadlam.
"	Wombledon.
"	Harome.
"	Appleton-le-Moors.
"	Hutton-le-Hole.
"	Gillamoore.
"	Lastingham.
Ancient Parish of Farndale.	
Civil Parish of Wreiton.	
"	Middleton.
"	Fadmoor.
"	Welburn.
"	Spaunton.
"	Pockley.
"	Normanby.
"	Great Edstone.
"	Barugh Ambo.
"	Aislaby.
"	Cropton.
"	Thornton Riscborough.
Ancient Parish of Ellerburn.	