

Sealed 13 March 1957.

County Palatine—LANCASTER.

Ancient Parish—LEYLAND.

Foundation—Balshaw's School.

Scheme altering 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 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 7 May 1909; which Foundation is now regulated by a Scheme made by the Board of Education under the Charitable Trusts Acts on 20 October 1909, for the alteration of a Scheme framed under the Endowed Schools Acts, as amended by a further Scheme of 5 May 1933.

Repeal and Substitution.

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 The provisions of the said Scheme of 20 October 1909, as amended as aforesaid, are hereby repealed so far as they relate to the Foundation and the provisions of this Scheme are substituted therefor.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

Governing Body.

4. The Governing Body of the Foundation, in this Scheme called "the Governors", shall, when complete, comprise thirteen persons that is to say:—

EIGHT Representative Governors to be appointed:—

Three, of whom not less than two shall be members of the Church of England, by the Governors of Balshaw's School;

One by the Blackburn Diocesan Council for Religious Education;

One by the Leyland Urban District Council;

One by a joint Committee (appointed as if under the Local Government Act, 1933) consisting of one representative each of the Urban District Council of Withnell, and the Parish Councils of Clayton-le-Woods, Cuerden, Euxton, Heapey, Hoghton, Wheelton and Whittle-le-Woods; and

Two by the Lancashire County Council as local education authority, of whom one shall be nominated by the Divisional Executive of and for the area in which the Urban District of Leyland is comprised; and

FIVE Co-optative Governors, of whom not less than four shall be members of the Church of England, to be appointed, except in the case of the first such Governors, by resolution of the Governors.

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

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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 Co-optative Governors each, except as in this Scheme provided, for a term of five years.

First Governors and Meeting.

5.—(1) The following persons shall be deemed to be the first Co-optative Governors of the Foundation and, subject to the provisions of this Scheme as to determination of governorship, shall be entitled to hold office for life:—

George Herbert Redman, Esq., C.B.E., J.P., C.A., of Levens Lodge, Moss Lane, Leyland.

James Tomlinson, Esq., of 3, Church Road, Leyland.

Mrs. Ethel Woodcock, of Congham House, Moss Lane, Leyland.

William Nelson, Esq., J.P., of "Kirksyde," Slater Lane, Leyland.

James Hunt, Esq., of 282, Leyland Lane, Leyland.

(2) The first meeting of the Governors 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 Governors.

Declaration by Governors.

6. No person shall be entitled to act as 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.

7. 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.

8. 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.

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

(2) A Representative 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.

10. 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.

Quorum and Voting.

11. There shall be a quorum when five Governors are present at a meeting. Every matter shall be determined by the majority of Governors present and voting on the question. In 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 Governors may apply a yearly sum not exceeding one-fifth of the said net income in the provision of special benefits for Balshaw's School of a kind not normally provided by the local education authority.

Grants to Managers and Governors of Aided Schools.

14. The Governors may apply a yearly sum not exceeding two-fifths of the said net income in making grants to the Managers or Governors of any school attended by children resident in the Ancient Parish of Leyland, which is an aided school within the meaning of the Education Acts, 1944 to 1953, 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 the said Acts.

Other Educational Benefits.

15.—(1) The remainder of the net yearly income of the Foundation shall be applied by the Governors 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 Governors, 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 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) 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 Governors shall give a preference to candidates who are or have been in attendance at Balshaw's 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 Governors shall consult the local education authority as to their general action under the 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 income of the Foundation to the purposes to which it has been allocated by this Scheme, the Governors may, with the written consent of the Minister of Education, apply any such part which has so become surplus to requirements to any other purpose of this Scheme.

Saving of Interests.

17. Any holder of an 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 Governors 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 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:

Provided that the Chairman of the Governors shall be elected from those Governors who are members of the Church of England.

Management of Property.

19. The Governors shall manage any property of the Foundation not occupied for the purposes thereof according to the general law applicable to the management of property by trustees of charitable foundations.

Allotments Extension Act, 1882.

20. The Governors may set apart and let in allotments under the Allotments Extension Act, 1882, any portions of the land belonging to the Foundation other than buildings and appurtenances of buildings.

Minutes and Accounts.

21. 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.

Vesting Property.

22. 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 vest in the Official Trustee of Charity Lands and to transfer to the Official Trustees of Charitable Funds respectively, all freehold and leasehold lands and hereditaments and all stocks, shares, funds, and securities at any time belonging to the Foundation.

Further Endowments.

23. 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.

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 Minister of Education) be treated as capital and invested.

Alteration of Scheme.

25. The Minister of Education may, in the exercise of his ordinary jurisdiction under the Charitable Trusts Acts, 1853 to 1925, frame Schemes for the alteration of any portion of this Scheme, provided that such alterations shall not be contrary to anything contained in the Endowed Schools Acts, 1869 to 1948.

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

Interpretation.

27. The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to an 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 Minister of Education.

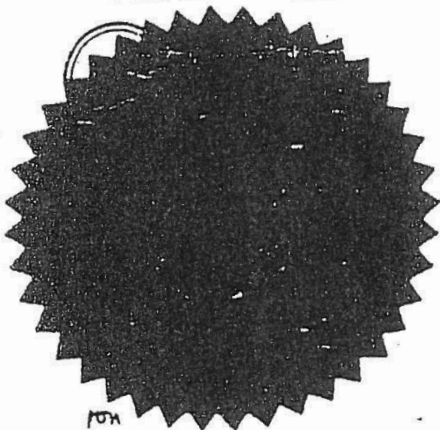
SCHEDULE OF PROPERTY.

Description.	Extent or Amount.	Tenant, Person liable, or Persons in whose name invested.	Gross Yearly Income.
			£ s. d.
<i>Real Property.</i>			
Richmond House, Golden Hill, Leyland	—	Mr. J. Fishwick (annual) ..	27 0 0 S.P.
<i>Rent Charges.</i>			
142, Golden Hill, Leyland	—	Mr. F. Bennett	2 15 9
144, Golden Hill Leyland	—	Mr. T. B. Whittaker	2 15 9
Wayleave	—	North Western Electricity Board	5 0
<i>Personal Property.</i>			
2½ per cent. Consolidated Stock ..	£ 6,443 17 4	Official Trustees of Charitable Funds	161 1 8
2½ per cent. Treasury Stock, 1975/after	3,499 13 8	Do. .. do.	87 9 10
3½ per cent. War Stock	2,920 13 1	Do. .. do.	102 4 4
4 per cent. Consolidated Stock ..	9,071 2 5	Do. .. do.	362 16 10
Cash in hand	3,097 12 8		—

This Schedule is made up to 31 March 1955.

The Minister of Education orders that foregoing Scheme be established.

Given under the Official Seal of the Minister of Education this 13th day of March, 1957.



H. B. Stowell

Authorized under Section 3 of the Statutory Act, 1944.