



C J GALLARD'S ALMSHOUSES

Registered Charity Number: 209787

27 Gallard's Close London Road Southborough Tunbridge Wells Kent TN4 0NB
☎ 01892 528437

GOVERNING DOCUMENT:

**CHARITY COMMISSION SCHEME
DATED 15 APRIL 1969**

AS AMENDED

**BY THE CHARITY COMMISSIONERS' SCHEME
DATED 6 FEBRUARY 2007**

**AND,
PURSUANT TO CHARITY COMMISSIONERS' ORDER
DATED 29 MARCH 2006,
BY RESOLUTIONS OF THE TRUSTEES
DATED 16 JULY 2007, 12 MAY 2008, 22 OCTOBER 2013, 11 MAY
2015, 11 JULY 2016, 10 MAY 2018, 14 NOVEMBER 2019 AND 12TH
MAY 2022**

UPDATED 12TH MAY 2022

Sealed 15th April 1969

880
69.

County - Kent.
Urban District) - Southborough
(as in 1905).
Charity - C. J. Gallard's
Almshouse Charity.

L2.
209,787 A/2.

Stamp 10s.

Scheme including appointment of Trustees.

CHARITY COMMISSION.

In the matter of the Charity called C. J. Gallard's Almshouse Charity, in the Urban District of Southborough (as constituted on the 24th May 1905), in the County of Kent, regulated by a Scheme of the Charity Commissioners of the 2nd January 1914 as varied by a Scheme of the Commissioners of the 6th May 1932; and in the matter of the Charities Act, 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established as the Scheme for the regulation of the above-mentioned Charity:-

S C H E M E.

1. Administration of Charity.

The above-mentioned Charity and the property thereof specified in the schedule hereto and all other the property (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme by the body of Trustees hereinafter constituted.

2. Investment of cash.

Sums of cash at any time belonging to the Charity and not needed for immediate working purposes shall be invested in the name of the Official Custodian for Charities unless the Charity Commissioners otherwise direct.

2A. Powers.

In addition to any other powers they have, the Trustees may exercise any of the following powers in order to meet the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity and all the proper costs, charges and expenses of and incidental to the administration and

management of the Charity and for the extraordinary repair, improvement, extension or rebuilding of the almshouses belonging to the Charity and otherwise for the benefit of the residents in the said almshouses or any of them (but not for any other purpose):

(1) to raise funds, but not by undertaking any substantial permanent trading activity and always in compliance with any relevant statutory regulations;

(2) to buy, take on lease or in exchange, hire or otherwise acquire property and to maintain and equip it for use;

(3) to sell, lease or otherwise dispose of all or any part of the property belonging to the Charity, provided that the Trustees must comply as appropriate with sections 36 and 37 of the Charities Act 1993;

(4) to borrow money and to charge the whole or any part of the property belonging to the Charity as security for repayment of the money borrowed, provided that the Trustees must comply as appropriate with sections 38 and 39 of the Charities Act 1993 if they wish to mortgage land owned by the Charity;

(5) to co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;

(6) to create such advisory committees as the Trustees think fit;

(7) to employ and remunerate such staff as are necessary for carrying out the work of the Charity;

(8) to do any other lawful thing that is necessary or desirable for the said purposes.

TRUSTEES.

3. Trustees.

The body of Trustees shall consist when complete of nine competent persons being

Two Ex-officio Trustees,
Three Nominative Trustees, and
Four Co-optative Trustees.

4. Ex-officio Trustees.

The Ex-officio Trustees shall be

The Rector of the Ecclesiastical Parish of St Lawrence, Bidborough and St. Peter, Southborough, and

The Vicar of the Ecclesiastical Parish of St. Thomas, Southborough,
both for the time being.

5. Nominative Trustees.

Two nominative Trustees shall be appointed by the Council of the Borough of Tunbridge Wells and one shall be appointed by the Southborough Town Council. Each appointment shall be made for a term of four years at a meeting convened and

held in accordance with the ordinary practice of the relevant Council and the name of each person appointed shall be notified forthwith to the Trustees or their Clerk. A person appointed may be but need not be a member of the Council.

6. First Nominative Trustees.

The first Nominative Trustees shall be appointed as soon as possible after the date hereof and their names shall be notified to William Frederick Kember, of 2 Summerhill Avenue, Southborough, in the County of Kent, on behalf of the Trustees. At the end of two years from the date of the appointment of the first Nominative Trustees if more than two remain Trustees one of them to be determined by lot if necessary shall go out of office but shall be eligible for re-appointment.

7. Co-optative Trustees.

The Co-optative Trustees shall be persons who have resided or carried on business in or near Southborough.

8. First Co-optative Trustees.

The following persons shall be the first Co-optative Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office for the following periods respectively:

Colin Hill, of 34 Pennington Road, Southborough, Builder and Contractor,
for five years from the date of this Scheme;

Andrew Ian Stewart Murray, of 18 Bounds Oak Way, Southborough, Medical
Practitioner,
for three years from the said date.

9. Future Co-optative Trustees.

Every future Co-optative Trustee shall be appointed for a term of five years by a resolution of the Trustees passed at a special meeting.

10. Declaration by Trustees.

No person shall be entitled to act as a Trustee whether on a first or on any subsequent entry into office until after signing in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this Scheme.

11. Determination of trusteeship.

Any Co-optative Trustee who ceases to be qualified as aforesaid, any Nominative or Co-optative Trustee who is absent from all meetings of the Trustees during a period of one year and any Trustee who is adjudged bankrupt or makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the Trustees a wish to resign shall cease thereupon to be a Trustee.

12. Vacancies.

Upon the occurrence of a vacancy the Trustees shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the

office of Nominative Trustee shall cause notice thereof to be given as soon as possible to the council. Any competent Trustee may be re-appointed.

MEETINGS AND PROCEEDINGS OF TRUSTEES.

13. Ordinary meetings.

The Trustees shall hold at least two ordinary meetings in each year.

14. First meeting.

The first meeting of the Trustees shall be summoned by the said William Frederick Kember or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

15. Chair.

The Trustees at their first ordinary meeting in each year shall elect one of their number to be chair of their meetings until the commencement of the first ordinary meeting in the following year. The chair shall always be eligible for re-election. If at any meeting the chair is not present within ten minutes after the time appointed for holding the same or there is no chair the Trustees present shall choose one of their number to be chair of the meeting.

16. Special meetings.

A special meeting may be summoned at any time by the chair or any two Trustees upon four days' notice being given to all the other Trustees of the matters to be discussed. A special meeting may be summoned to take place immediately before or after an ordinary meeting.

17. Quorum.

There shall be a quorum when three Trustees are present at a meeting.

18. Voting.

Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the chair of the meeting shall have a casting vote whether they have or have not voted previously on the same question but no Trustee in any other circumstances shall give more than one vote.

18A. Written resolutions.

A resolution in writing signed by all the Trustees or by a committee of Trustees shall be as valid and effectual as if it had been passed at a special or ordinary meeting of Trustees or (as the case may be) a committee of Trustees duly convened and held and may consist of several documents in the like form each signed by one or more Trustees.

19. Minutes and accounts.

A minute book and books of account shall be provided and kept by the Trustees. Statements of account in relation to the Charity shall be prepared and transmitted to

the Commissioners in accordance with the provisions of the Charities Act, 1960, except if and in so far as the Charity is excepted by order or regulations.

20. General power to make regulations.

Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the management of the Charity and for the conduct of their business including the summoning of meetings, the deposit of money at a proper bank and the custody of documents.

21. Clerk.

The Trustees may appoint as clerk one of their number without remuneration who shall be dismissible at their pleasure or some other fit person at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

APPLICATION OF INCOME.

22. Expenses of management.

The Trustees shall first defray out of the income of the Charity the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

23. Extraordinary Repair Fund.

(1) Subject to any further Order or Orders of the Commissioners a fund for the extraordinary repair, improvement, extension or rebuilding of the almshouses belonging to the Charity shall be provided and maintained as follows.

(2) The said Official Custodian shall transfer in his books to the credit of a new account entitled Extraordinary Repair and Improvement Fund in the name of the Charity the holding of 1,537 Accumulation Shares in the Charities Official Investment Fund standing to the credit of the account entitled Extraordinary Repair Fund in the name of the Charity established pursuant to the provisions of clause 7 of the above-mentioned Scheme of the 6th May 1932 and the Trustees shall pay to the said Official Custodian a yearly sum of not less than £200 out of the income of the Charity for the credit of the said new account and the said Official Custodian shall invest therefore the yearly sum so paid and the income accruing on the said account.

(3) Any investments standing to the credit of the said new account and derived from income may be applied from time to time for the extraordinary repair, improvement, extension or rebuilding of the said almshouses.

24. Benefit of residents.

Subject to the payments aforesaid the Trustees shall apply the income of the Charity for the benefit of the residents in the said almshouses or any of them in such manner as the Trustees think fit from time to time.

ALMSHOUSES AND RESIDENTS.

25. Almshouses.

The almshouses belonging to the Charity shall be called Gallards Close and they and the property heretofore occupied therewith shall be appropriated and used for the accommodation of residents in conformity with the provisions of this Scheme.

26. Saving for existing almspeople.

Appointments of residents under this Scheme shall be made without prejudice to the interests of the existing almspeople.

27. Qualifications of residents.

(1) The residents shall be married couples and single men and single women, of limited means and of good character, who are not less than 55 years of age and who have resided in the Borough of Tunbridge Wells in Kent, with priority given to applicants from Southborough.

(2) The trustees may, in exceptional circumstances, appoint a resident who lives outside the area of benefit but is otherwise qualified. The trustees must record in the record of their meetings the nature of the exceptional circumstances justifying the appointment. The number of residents appointed under this sub-clause must not exceed one-third of the number of residents at any one time.

28. Incapacity of residents.

The Trustees may provide the residents at the cost of the Charity with any necessary attendance in case of serious illness or permanent infirmity.

29. Contributions.

The Trustees may make it a condition of appointing or permitting any person to be or remain a resident that he or she shall contribute from resources available to him or her a weekly sum towards the cost of maintaining, improving, extending or rebuilding the almshouses and essential services therein but so that the amount of the weekly sum shall not -

- (1) be such as to cause hardship to him or her;
- (2) in any event be more than sufficient with other income of the Charity (including contributions from other residents) to meet the said cost.

30. Notice of vacancy.

No appointment of a resident shall be made by the Trustees until a sufficient notice of an existing vacancy specifying the qualifications required from candidates has been published in the Urban District of Southborough by advertisement or otherwise so as to give due publicity to the intended appointment but it shall not be necessary to publish a notice if a vacancy occurs within twelve calendar months after the last notice of a vacancy has been published. Notices may be according to the form annexed hereto.

31. Applications for appointment.

All applications for appointment shall be made in writing to the Trustees or their clerk in such manner as the Trustees direct. Before appointing any applicant to be a resident the Trustees shall require him or her to attend in person unless he or she is physically disabled or the Trustees are of opinion that special circumstances render this unnecessary. Every applicant must be prepared with sufficient testimonials and other evidence of his or her qualification for appointment.

32. Selection of residents.

Residents shall be selected only after full investigation of the character and circumstances of the applicants.

33. Appointments of residents.

Every appointment of a resident shall be made by the Trustees at a special or ordinary meeting or at a duly convened meeting of a committee of two or more Trustees duly authorised by the Trustees for the purpose.

34. Records.

The Trustees shall provide and keep a book in which shall be entered the name, age and description of every person appointed to be a resident, the date of every appointment and the date and occasion of every vacancy. They shall also keep a register of all applications for appointment.

35. Absence from almshouses.

The Trustees shall require that any resident who desires to be absent from the almshouses for a period of more than 24 hours shall notify the almshouses' manager, or the Clerk of the Trustees and that any resident who desires to be absent for more than seven days at any one time or for more than 28 days in any one year shall obtain the prior consent of the Trustees.

36. Rooms not to be let.

No resident shall be permitted to let or part with the possession of the room or rooms allotted to him or her or except with the special permission of the Trustees to suffer any person to share the occupation of the same or of any part thereof.

37. Staff.

The Trustees may appoint an almshouses' manager and one or more assistants to perform such duties as may be necessary for the superintendence and support of the residents at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit and may allot to such persons a room or rooms in the almshouses as a residence while he or she holds such office.

38. Setting aside appointments.

(1) The Trustees may set aside the appointment as a resident of any resident who in their opinion -

- (a) persistently or without reasonable excuse either disregards the regulations for the residents or disturbs the quiet occupation of the almshouses or otherwise behaves vexatiously or offensively; or
- (b) no longer has the required qualifications; or
- (c) has been appointed without having the required qualifications; or
- (d) is suffering from mental or other disease or infirmity rendering him or her unsuited to remain a resident.

(2) Upon setting aside the appointment of a resident the Trustees shall require and take possession of the room or rooms occupied by him or her.

(3) The Trustees upon recovery of a resident whose appointment has been set aside on account of mental or other disease or infirmity may re-appoint him or her without giving previous notice of the vacancy and without regard to the qualification as to residence.

39. Regulations.

The Trustees may prescribe from time to time such reasonable regulations as they consider expedient for the government of the almshouses and the residents but so that the same shall not be at variance or inconsistent with any of the provisions of this Scheme and by such regulations may provide that the residents shall render such assistance to each other and to the almshouses' manager as is within their power.

GENERAL PROVISIONS.

40. Appropriation of benefits.

The appropriation of the benefits of the Charity shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees.

41. Trustees not to be personally interested.

No Trustee shall take or hold any interest in property belonging to the Charity otherwise than as a Trustee for the purposes thereof and no Trustee shall receive remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

42. Charity not to relieve public funds.

The funds or income of the Charity shall not be applied in relief of rates, taxes or other public funds.

43. Questions under Scheme.

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 by the Commissioners upon such application made to them for the purpose as they think sufficient.

FORM OF NOTICE.

In the matter of the Charity called C. J. Gallard's Almshouse Charity, at Southborough, in the County of Kent.

Notice is given that a vacancy exists for a resident of this Charity.

Married couples and single men and single women, of limited means, not less than 55 years of age, of good character who have resided in the town of Southborough and High Brooms for not less than five years next preceding the time of their appointment, are eligible for appointment.

Application for appointment must be made in writing to _____ at
on or before the _____

Every applicant must state his or her name, address, age and occupation and must be prepared to produce sufficient testimonials and other evidence of his or her qualification for appointment and unless physically disabled to attend in person.

Notes. – (1) In special cases to be approved by the Charity Commissioners persons who do not possess the prescribed qualification as to residence may be appointed if otherwise qualified.

(2) Residents may be required to contribute a small weekly sum towards the cost of maintaining the almshouses of the Charity.

Signed

Clerk to the Trustees.

SCHEDULE.

Land situate at Southborough in the County of Kent having a frontage on the east to London Road of 282 feet or thereabouts with the almshouses thereon.

The following investments standing in the name of the Official Custodian for Charities:

9,078 Income Shares in the National Association of Almshouses Common Investment Fund.

106 Income Shares in the said Fund representing accumulations of income

1,537 Accumulation Shares in the Charities Official Investment Fund.

Note. – The above-mentioned land is vested in the said Official Custodian by virtue of the above-mentioned Scheme of the 2nd January 1914 as affected by the provisions of the Charities Act, 1960.

Sealed by Order of the Commissioners this 15th day of April 1969.

L.S.