ROBERT MONK'S FOXTON CHARITY

SCHEME

for

THE ADMINISTRATION OF THE CHARITABLE TRUSTS CONSTITUTED BY THE WILL OF ROBERT MONK, deceased.

Approved by the Court 16th December 1927.

Varied 17th July 1928

Further Varying Scheme sealed 21st October 1938 *1

" " " " 6th March 1953

" " " " 12th August 1960 *1

" " " " 27th June 1973

" " " " 21st March 1977

" " " " 28th February 1991

" " " " 23rd February 2024

Note: Order of Charities Commission 14.9.90

*1 Schemes revoked as per scheme varied 23.02.2024

ROBERT MONK'S FOXTON CHARITY

SCHEME FOR THE ADMINISTRATION OF THE CHARITABLE TRUSTS CONSTITUTED BY THE WILL OF ROBERT MONK, deceased.

Approved by the Court 16th December 1927 and as further amended on 23rd February 2024

1. The Charitable Trusts constituted by the Will of the above named Robert Monk, deceased, and the funds thereof specified in the Schedule hereto and all property and funds (if any) subject to the said trusts from time to time shall be administered and managed by the body of Trustees hereinafter constituted subject to and in conformity with the provisions of this Scheme under the general title of “Robert Monk's Foxton Charity” and the several titles hereinafter mentioned.

2. The investments and funds set forth in the First, Second and Third Parts of the Schedule hereto shall be forthwith transferred under the authority of an Order of the Charity Commissioners into the name of the Official Trustees of Charitable Funds, and all sums of cash now or at any time belonging to the Charity and not needed for immediate working purposes shall (unless otherwise ordered) as soon as possible be invested under the authority of a further Order of the said Commissioners in the name of the said Official Trustees.

3. (a). The Investment of funds set forth in the Robert Monks Foxton Coal Fund and Robert Monks Charity Loans Fund hereto shall be forthwith transferred into the name of the Robert Monks Foxton General Charity Fund, and all sums of cash now or at any time belonging to these two transferring funds.***3**

3. (a)(i). The Robert Monks Coal Fund and Robert Monks Charity Loans Fund shall be wound-up as separate funds and / or charitable bodies. ***2 *3**

4. Any freehold or leasehold lands comprised in this Scheme from time to time shall be vested under the authority of an Order of the Charity Commissioners in the Official Custodian of Charity Lands.

**2 Scheme varied 6.3.53 (superseding variation of 21.10.38).*

**3 Scheme varied 22.2.24.*

TRUSTEES

5. (a). There must be at least 4 trustees. In selecting individuals for appointment as trustees, the trustee must have regard to the skills, knowledge and experience of the charity.
The trust must keep a record of the name and address and the dates of appointment re-appointment and retirement of each trustee.
The trust must make available to each new trustee on his or her first appointment [*5]

(i) A copy of this scheme and any amendments.

(ii) A copy of the charity's latest report and statement of accounts.

(b). A trustee shall cease to hold office if he or she:

- Is disqualified for acting as a trustee by virtue of sections 178 and 179 of the Charities Act 2011 or any statutory re-enactment or modification of that provision.
- In the written opinion, given to the trust, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a trustee and may remain so for more than three months.
- Notifies to the trust a wish to resign (but only if enough trustees will remain in office when the resignation takes effect, to form a quorum for meetings).[*6]

(c). Conflict of interest, a trustee must:

- Declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement entered into the charity which has not been previously declared, and:
- Absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the charity and any personal interest (including, but not limited to any personal financial interest.)[*7]

(d). Any trustee absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.[*8]

(e). Disputes. If a dispute arises between the trustees about the validity of propriety of anything done by the charity trustees under this scheme, and the dispute cannot be resolved by agreement, the trustees party to the dispute must first try in good faith to settle the dispute by mediation before restoring to litigation.[*9]

(f). Benefits and payments to trustees and appointed persons. The income and property of the charity must solely be applied to the promotion of the objects. A trustee is entitled to be reimbursed out of the property of the charity or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the charity.
A trustee may benefit from trustee indemnity, insurance cover purchased at the charity's expenses in accordance with, and subject to the conditions in section 189 of the Charities Act 2011.[*10]

(g). Subject to clause (f), none of the income or property of the charity may be paid or transferred directly, or indirectly by way of dividend, bonus, or otherwise by way of profit to any trustee.*11

(h). Expenses. The trustees may use the charity's funds to meet any necessary and reasonable expenses which they incur carrying out their responsibilities as trustees of the charity.*12

(i). General provisions. No trustee or connected person may:

- Buy or receive any goods or services from the charity on terms preferential to those applicable to members of the public.
- Sell goods, services or any interest in land to the charity.
- Be employed by or receive any renumeration from the charity.
- Receive any other financial benefit from the charity. Unless the payment is permitted or authorised by the court of the Charity Commission.

In this clause a 'financial benefit' means a benefit direct or indirect, which is either money or has monetary value.*13

(j). Accounting and records. Trustees must comply with their obligations under the Charities Act 2011 with regard to:*14

- The keeping of accounting records for the charity.
- The preparation of annual statements of accounts for the charity.
- The auditing, or independent examination of the statements of account for the charity.
- The transition of the statements of account of the charity to the Charity Commission.
- The preparation of an Annual Report and its transmission to the Charity Commission.
- The preparation of an Annual Return and its transmission to the Charity Commission.

6. Each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the appointing body. The Chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Trustees or their Secretary. The persons appointed need not be members of the appointing body but must be residents or owners or occupiers of land in or within five miles of the Parish of Foxton. Following a term of four years trustees may be reappointed.*4 *15

7. Clause deleted after resolution dated 23.2.24 passed under Section 280 of the Charities Act 2011.

8. Clause deleted after resolution dated 23.2.24 passed under Section 280 of the Charities Act 2011.

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

10. Any Representative Trustee who ceases to be qualified as aforesaid or who is absent from all meetings of the Trustees during a period of one year and any Trustee who is adjudicated 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.

11. Upon the occurrence of a vacancy the Trustees shall at their next meeting cause a note thereof to be recorded in the minutes, and in the case of a vacancy in the office of Representative Trustee shall cause notice thereof to be given as soon as possible to the proper appointing body. Any competent Trustee may be reappointed.*16

**4 Scheme varied 21.3.77*

**5 Clause amended after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**6 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**7 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**8 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**9 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**10 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**11 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**12 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**13 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**14 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**15 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**16 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

MEETINGS AND PROCEEDINGS OF TRUSTEES

12. The Trustees shall meet on some day in the month of January in each year and at such other times as they may think necessary and may adjourn each meeting from time to time as occasion shall require. A meeting may at any time be summoned by any two Trustees upon seven days notice being given to all the other Trustees of the matters to be discussed and notice in writing of every meeting shall be given to the Trustees seven days at least before such meeting shall be held.

(a). Special Meetings
A special meeting may be called at any time by the person elected to chair meetings of the trustees, or by any two trustees. Not less than four days clear notice must be given to the other trustees of the matters to be discussed at the meeting. However, if those matters include the appointment of a trustee or a proposal to amend any of the trusts of this deed, not less than 21 days' notice must be given. A special meeting may be called to take place immediately before or after an ordinary meeting.***17**

13. There shall be a quorum when three Trustees are present at any meeting.
Subject to the following provision of this clause, no business shall be conducted at a meeting of the trustees unless at least three of the total number of trustees at the time are present throughout the meeting.
The trustees may make regulations specifying different quorums for meetings dealing with different types of business.***18**

14. (a). At one said meeting in March in each year, or within one month of the first of March the Trustees present shall appoint a Chairman to act as such until after the meeting in March in the following year. Every matter shall be determined by the majority of the Trustees present and voting on the question. The Chairman shall have a casting vote whether he has or has not previously voted on the same question, but no Trustee shall in any other circumstances give more than one vote. At such a meeting the trustees must agree to the appointment of an auditor for the following year and adopt the annual accounts.***19**

(b). Trustees must keep minutes, kept for the purpose of or by such other means as the trustees decide, of the proceedings at their meetings. In the minutes the trustees must record their decisions and, where appropriate the reasons for those decisions. The trustees must approve the minutes, and the minutes must be signed by the Chair or Vice Chair of the trustees.***20**

15. Clause deleted after resolution dated 23.2.24 passed under Section 280 of the Charities Act 2011.

16. (a). The Trustees shall 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.***21 *22**

(b). Trustees shall employ and remunerate such staff as are necessary for carrying out the work of the charity.***22**

17. 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, the signing of cheques and the custody of documents.

**17 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**18 Clause amended after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**19 Clause amended after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**20 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**21 Scheme varied 27.6.73.*

**22 Clause amended after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

APPLICATION OF FUNDS

18. The proper costs, charges and expenses of and incidental to the administration of the Charity shall be first to be paid by the Trustees out of the income of the Fund and only thereafter shall the funds of the Charity be applied as mentioned below.[*23]

ROBERT MONK'S FOXTON COAL FUND

19. Clause deleted 23.2.24 as per scheme varied 23.2.24.

ROBERT MONK'S FOXTON CHARITY LOANS FUND

20. Clause deleted 23.2.24 as per scheme varied 23.2.24.

21. Clause deleted 23.2.24 as per scheme varied 23.2.24.[*24 *25]

22. Clause deleted 23.2.24 as per scheme varied 23.2.24.

23. Clause deleted 23.2.24 as per scheme varied 23.2.24.[*26]

24. Clause deleted 23.2.24 as per scheme varied 23.2.24.

25. Clause deleted 23.2.24 as per scheme varied 23.2.24.

26. Clause deleted 23.2.24 as per scheme varied 23.2.24.

27. Clause deleted 23.2.24 as per scheme varied 23.2.24.

28. Clause deleted 23.2.24 as per scheme varied 23.2.24.

29. Clause deleted 23.3.24 as per scheme varied 23.2.24.

30. (a). The Trustees shall consider at any point in the year and agreed between them, to advertise the particulars and the objects of the Fund and the amount of capital which may be available or applicable for grants during the current year to be inserted in such local newspaper or other appropriate social media source as they may consider best calculated to give publicity to the said objects.[*27]
(b). The Trustees shall agree and set the necessary requisites and conditions, by way of the preparation of an internal guideline and application document, for applications for a grant which the applicant must meet and submit.[*28]
(c). Applications will be assessed by the Trustees in a meeting after such advertisement has been published at any point in the year about the particulars of every such applicant, and the Trustees shall then proceed to enquire whether such persons or person as may so apply to them are or is duly qualified to receive the benefit of the said Fund and shall either grant or refuse such application and in such sums as to them shall seem right in the Trustee's absolute discretion.[*29]
(d). Administration of grants. The secretary employed by the trustees will advertise, monitor and manage all applications for grants and advise the trustees at in the ordinary meetings. Administration of such grants will be written in a separate document.[*30]

31. Clause deleted after resolution dated 23.2.24 passed under Section 280 of the Charities Act 2011.

ROBERT MONK'S FOXTON CHARITY GENERAL FUND

32 The Trustees may apply with the approval of the Charity Commission such sum as they think fit in the purchase of a site or sites for a Recreation Ground and Village Hall for the

inhabitants of the said area of benefit and the erection of the necessary buildings thereon and the laying out thereof.[*31]

33. When such site or sites have been so acquired and utilised as aforesaid the Trustees shall agree and apply out of income of the Fund such sum [ ][*32] in each year for the upkeep and maintenance of the same as the Trustees shall think fit.[*31]

34. Out of the income of the said Fund (including accumulations of income of previous years not required for expenditure in such years) the Trustees may apply such yearly sums as they deem appropriate in the area of benefit in one or more of the following ways:

(i)The provision and maintenance, for the benefit and use of the inhabitants of the area of benefit of a village hall and recreation ground; and

(ii) The relief of people resident in the area of benefit who are in need, whether by reason of youth, ill health, disability, financial hardship or age by making available financial support as further provided in Clause 35 below.

(iii) Promotion of the education (including social and physical training) of people under 30 years of age who are resident in the area of benefit, or their parents are resident in the area of benefit, in such ways as the charity Trustees think fit, including by awarding to such person's scholarships, maintenance allowances or grants to enable them to attend courses at any university, college or institution of higher or further education.[*33] [*34]

35. Subject as aforesaid the Trustees shall apply the income of the said Fund (including accumulations of income of previous years not required for expenditure in such years) for such of the following ways as they may think fit:[*35]

(a). Making grants of money towards the cost of, or providing for, fuel in the winter months for residents in the area of benefit in such need.[*36]

(b). Making grants of money to, or providing or paying for goods, services or facilities for residents in the area of benefit otherwise in need as aforesaid.[*37]

(c). Clause deleted after resolution dated 23.2.24 passed under Section 280 of the Charities Act 2011.

(d). Clause deleted after resolution dated 23.2.24 passed under Section 280 of the Charities Act 2011.[*38]

**23 Scheme varied 23.2.24.*

**24 Scheme varied 28.2.91.*

**25 Scheme varied 6.3 53.*

**26 Scheme varied 28.2.91.*

**27 Clause amended after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**28 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**29 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**30 Clause added after resolution dated 23/2/24 passed under Section 280 of the Charities Act 2011.*

**31 Scheme varied 23.2.24*

**33 Scheme varied 23.2.24.*

**34 Scheme varied 27.6.73.*

**35 Scheme varied 6.5.53.*

**36 Scheme varied 23.2.24.*

**37 Scheme varied 23.2.24.*

**38 Scheme varied 12.8.60 superseding variation of 6.3.53 and subclauses (2) and (3) no longer having effect.*

GENERAL PROVISIONS.

36. For the purpose of this Scheme the whole of the urban area of Foxton, Foxton Locks and Gartree, shall be deemed to be in the County of Leicester.

37. No religious creed or belief shall debar or disqualify any applicant from the benefits of the Charity.

38. No part of the income or of the endowments of the Charity shall in any case be applied directly or indirectly [in relief of rates, taxes or other public funds.] ***39**

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

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

***39** *Scheme varied 6.3.53*