STATUTORY INSTRUMENTS

1983 No. 1910

CHARITIES

The Charities (The Hospital of Sir John Hawkins, Knight, in Chatham) Order 1983

Laid before Parliament in draft

Made - - - -	18*th December* 1983
Coming into Operation	1*st January* 1984

Whereas the Charity Commissioners for England and Wales have, in pursuance of subsection (1) of section 19 of the Charities Act 1960 (a), settled the Scheme set out in the Appendix to this Order with a view to its being given effect under that section:

And Whereas the said Scheme does not alter any statutory provision contained in or having effect under any public general Act of Parliament:

And Whereas a draft of this Order has been laid before Parliament and the period of forty days mentioned in section 6(1) of the Statutory Instruments Act 1946 (b) has expired, and neither House of Parliament has within that period resolved that the Order be not made:

Now, therefore, in pursuance of section 19(2) of the Charities Act 1960, I hereby make the following Order:—

1. This Order may be cited as the Charities (The Hospital of Sir John Hawkins, Knight, in Chatham) Order 1983 and shall come into operation on the fourteenth day after the day on which it is made.

2. The Scheme set out in the Appendix to this Order shall have effect.

Leon Brittan,
One of Her Majesty's Principal Secretaries of State.

Home Office.
18th December 1983.

(a) 1960 c.58.

(b) 1946 c.36.

APPENDIX

SCHEME FOR THE ADMINISTRATION OF THE CHARITY KNOWN AS THE HOSPITAL OF SIR JOHN HAWKINS, KNIGHT, IN CHATHAM

Whereas the Charity known as The Hospital of Sir John Hawkins, Knight, in Chatham, is now regulated by:

(1) Royal Charter of the 27th August 1594;

(2) Statutes and Ordinances of the 25th May 1598 made under that Charter;

(3) A scheme of the Charity Commissioners of the 4th February 1876:

And Whereas application has been made to the Charity Commissioners by the body corporate called The Governors of the Hospital of John Hawkins, Knight, in Chatham, the Trustee of the Charity, for a Scheme for the administration thereof:

And Whereas it appears to the Charity Commissioners that a Scheme should be established for the administration of the Charity but that it is desirable for the Scheme to make provision which goes beyond the powers exercisable by them apart from section 19 of the Charities Act 1960:

And Whereas in pursuance of section 21 of the Charities Act 1960 public notice of the Charity Commissioners' proposals for this Scheme has been given and no representations have been received by the Charity Commissioners in respect thereof:

Now, therefore, the Charity Commissioners for England and Wales, in pursuance of section 19(1) of the Charities Act 1960, hereby settle the following Scheme:—

SCHEME

1. *Administration of Charity.* — The provisions of the above-mentioned Royal Charter, Statutes and Ordinances and Scheme, other than the provisions of the said Royal Charter as hereinafter varied relating to the incorporation and constitution of the body corporate called The Governors of the Hospital of John Hawkins, Knight, in Chatham, shall cease to have effect and 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 under the title of The Hospital of Sir John Hawkins, Knight, in Chatham.

2. *Investments and cash.* — Subject as otherwise provided in this Scheme and to any further direction of the Charity Commissioners—

(1) All investments at any time belonging to the Charity not already standing in the name of the Official Custodian for Charities shall be transferred to the said Official Custodian;

(2) All sums of cash at any time belonging to the Charity, other than sums of cash needed for immediate working purposes, shall be invested in the name of the said Official Custodian.

GOVERNORS

3. *Governors to continue as body corporate.* — (1) The Governors for the time being of the Charity shall continue to be a body corporate by the name of The Governors of the Hospital of John Hawkins, Knight, in Chatham with perpetual succession and a common seal, but shall henceforth be constituted as hereinafter provided.

(2) The said body corporate shall have power to take and hold lands for any purpose of the Charity and to do and execute all acts and documents necessary or desirable for or incidental to the administration of the Charity.

4. *Constitution.* — The body of Governors shall consist when complete of eleven competent persons being

Two Ex-officio Governors,
Six Nominative Governors and
Three Co-optative Governors.

5. *Ex-officio Governors.* — (1) The Ex-officio Governors shall be

The Lord High Admiral of the United Kingdom and
The Lord Warden of the Cinque Ports,

both for the time being.

(2) Either Ex-officio Governor may from time to time in writing notified to the Governors delegate her or his office to some other competent person for any specified period and may at any time revoke such delegation.

6. *Nominative Governors.* — (1) Except at first as hereinafter provided the Nominative Governors shall be appointed as follows:

One by the Lord Bishop of Rochester,
Two by the Chief of Naval Personnel and Second Sea Lord,
One by the Head of the Royal Corps of Naval Constructors,
One by the Court for the time being of the Corporation of The Trinity House of Deptford Strond, and
One by the Central Committee for the time being of the Royal Naval Benevolent Trust.

(2) Except at first as hereinafter provided for the first Nominative Governors—

(a) Each appointment by the Lord Bishop of Rochester, the Chief of Naval Personnel and Second Sea Lord and the Head of the Royal Corps of Naval Constructors shall be made for a term of five years by nomination in writing.

(b) Every other appointment shall be made for a term of five years at a meeting convened and held according to the ordinary practice of the appointing body. The chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Governors or their clerk. The person appointed may be but need not be a member of the appointing body.

7. *First Nominative Governors.* — The following persons shall be the first Nominative Governors and subject to the provisions hereinafter contained for determination of governorship shall be entitled to hold office for the following periods respectively:

As appointee of the Lord Bishop of Rochester—
The Very Reverend John Robert Arnold, of The Deanery, King's Orchard, in the County of Kent,
for five years from the date on which this Scheme takes effect;

As appointees of the Chief of Naval Personnel and Second Sea Lord—

Surgeon Vice-Admiral Sir Eric Bradbury, K.B.E., C.B., F.R.C.S., of The Gatehouse, Nevill Park, Royal Tunbridge Wells, in the said county,
for five years from the date on which this Scheme takes effect;

Rear Admiral Sir Colin Charles Harrison Dunlop, C.B., C.B.E., D.L., of Chanceford Farm, Sand Lane, Frittenden, in the said county,
for three years from the said date;

As appointee of the Head of the Royal Corps of Naval Constructors—

John Frederick Collis, of 39, Audley Avenue, Gillingham in the said county, Naval Constructor,
for four years from the date on which this Scheme takes effect;

As appointee of the Court of the Corporation of The Trinity House—

Captain John Arthur Neale Bezant, D.S.C., R.D., of Welldon, Vicarage Road, Southborough in the said county, an Elder Brother of The Trinity House,
for four years from the date on which this Scheme takes effect;

As appointee of the Central Committee of The Royal Naval Benevolent Trust—

Gerald Coulson, of Braemore, Queen Street, Southminster, in the County of Essex, Health Physicist,
for three years from the date on which this Scheme takes effect.

8. *First Co-optative Governors.* — The following persons shall be the first Co-optative Governors and subject to the provisions hereinafter contained for determination of governorship shall hold office for the following periods respectively:

Herbert Charles Hill, of Church View, Water Farm Close, Duke Street, Elham, in the County of Kent, Company Chairman and Director,
for five years from the date on which this Scheme takes effect;

David John Bradley, Order of Vasa, J.P., of 24, Dane Close, Hartlip, in the said county, Ship Owner and Broker,
for four years from the said date;

Paris Newton Anderson, V.R.D., of 7, Oakdale Road, Royal Tunbridge Wells, a Lieutenant-Commander in the Royal Naval Reserve,
for three years from the said date.

9. *Future Co-optative Governors.* — Every future Co-optative Governor shall be appointed for a term of five years by a resolution of the Governors passed at a special meeting of which not less than 21 days' notice has been given and may be so appointed not more than one month before the term of an existing Co-optative Governor expires with effect from the date of expiry but so that the latter shall not vote on the matter.

10. *Declaration by Governors.* — No person appointed to be a Nominative or Co-optative Governor shall be entitled to act as a Governor whether on a first or on any subsequent entry into office until after signing in the minute book of the Governors a declaration of acceptance and of willingness to act in the trusts of this Scheme.

11. *Determination of governorship.* — Any Nominative or Co-optative Governor who is absent from all meetings of the Governors during a period of one year and any Governor who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Governors a wish to resign shall cease thereupon to be a Governor.

12. *Vacancies.* — Upon the occurrence of a vacancy the Governors 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 Governor shall cause notice thereof to be given as soon as possible to the proper appointor. Any competent Governor may be re-appointed.

MEETINGS AND PROCEEDINGS OF GOVERNORS

13. *Ordinary meetings.* — The Governors shall hold at least three ordinary meetings in each year.

14. *First meeting.* — The first meeting of the Governors shall be summoned by the said Herbert Charles Hill within two months after the date on which this Scheme takes effect or, if he fails to do so, by any two of the Governors within three months after that date.

15. *Chairman.* — The Governors at their first ordinary meeting in each year shall elect one of their number to be chairman of any of their meetings at which the Lord High Admiral of the United Kingdom is not personally present or does not wish to act as chairman. The chairman shall hold office until the commencement of the first ordinary meeting in the following year but shall always be eligible for re-election. If at any meeting at which the Lord High Admiral of the United Kingdom is not personally present or does not wish to act as chairman and if then the elected chairman is not present within ten minutes after the time appointed for holding the meeting or there is a vacancy in the office of elected chairman the Governors present shall choose one of their number to be chairman of the meeting.

16. *Special meetings.* — A special meeting may be summoned at any time by either Ex-officio Governor, the elected chairman or any two Governors upon not less than four days' notice being given to the other Governors of the matters to be discussed, but if the matters include an appointment of a Co-optative Governor then upon not less than twenty-one days' notice being so given. A special meeting may be summoned to take place immediately after an ordinary meeting.

17. *Quorum.* — There shall be a quorum when four Governors are present at a meeting.

18. *Voting.* — Every matter shall be determined by the majority of votes of the Governors present and voting on the question. In case of equality of votes the Lord High Admiral of the United Kingdom if acting as chairman and otherwise the chairman of the meeting shall have a casting vote whether she or he has or has not voted previously on the same question but no Governor in any other circumstances shall give more than one vote.

19. *Common Seal and execution of instruments.* — (1) The Governors shall be responsible for the safe custody of their Common Seal.

(2) Any instrument for giving effect to a transaction to which the Governors are a party which if made by or between private persons would be required by law to be in writing under seal, including any conveyance or lease of land belonging to the Charity, shall be made by the Governors in writing under their Common Seal to be affixed at a meeting of the Governors, or in the presence of one or more of the Governors and the Deputy Governor if the Governors at a meeting shall have authorised the same, and to be countersigned by one or more of the Governors and the Deputy Governor.

(3) Any other instrument for giving effect to a transaction to which the Governors are a party may be made either in manner aforesaid or in writing signed by one or more of the Governors acting by the direction and on behalf of the Governors and countersigned by the Deputy Governor.

20. *Minutes and accounts.* — A minute book and books of account shall be provided and kept by the Governors. Statements of account in relation to the Charity shall be prepared and transmitted to the Charity 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.

21. *General power to make regulations.* — Within the limits prescribed by this Scheme the Governors 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, and may from time to time amend and replace such regulations.

22. *Deputy Governor.* — The Governors may from time to time appoint a clerk to be called the Deputy Governor at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit or appoint as Deputy Governor one of their number without remuneration and dismissible at their pleasure.

23. *Other Officers and Servants.* — The Governors may from time to time employ such other officers and servants to perform such duties as they consider necessary for the proper administration and management of the Charity at such reasonable salaries and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

24. *Committees.* — The Governors may from time to time appoint two or more persons to be a committee for the purpose of performing any duty which in the judgement of the Governors would be more efficiently undertaken by a committee, but all acts and proceedings shall be submitted as soon as may be to the Governors for approval and confirmation. Before incurring any expenditure or financial liability a committee shall first obtain the sanction of the Governors. Not less than two Governors shall be members of every committee and the chairman and the majority of the members of every committee shall always be Governors.

PROPERTY

25. *Management and letting of lands.* — The Governors shall let and otherwise manage all the lands belonging to the Charity not required to be retained or occupied for the purposes thereof. The Governors shall not without the sanction of the Charity Commissioners, the court or other competent authority create any tenancy wholly or

partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.

26. *Leases.* — The Governors shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

27. *Repair and insurance.* — The Governors shall keep in repair and insure to the full value thereof against fire and other usual risks all the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof and shall suitably insure in respect of public liability and employer's liability.

28. *Boardroom.* — Subject to and without prejudice to any use by the Governors for the purposes of the Charity, the Governors may permit the Boardroom belonging to the Charity to be used otherwise than for the purposes of the Charity subject to a payment sufficient at least to defray the expenses incidental to the use in each case but so as not substantially to interfere with its use for the said purposes.

29. *Extension, improvement or rebuilding of almshouses and Boardroom.* — (1) Subject to the approval of the Charity Commissioners the Governors may improve, extend or rebuild the almshouses and Boardroom of the Charity.

(2) The Governors may defray the cost of such improvement, extension or rebuilding out of the property of the Charity but nevertheless upon such terms with regard to the recoupment of capital expended and otherwise as the Charity Commissioners may by further Order or Orders provide.

APPLICATION OF INCOME

30. *Expenses of management.* — The Governors 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.

31. *Cyclical Maintenance Fund.* — (1) The Governors may establish and maintain a reserve fund, to be entitled Cyclical Maintenance Fund, for the purpose of providing for those items of ordinary maintenance and repair of the almshouses and the Boardroom belonging to the Charity which recur at infrequent intervals.

(2) The fund may be maintained out of the income of the Charity by setting aside a yearly sum of £1,080 or such other sum as the Charity Commissioners from time to time approve and may be invested by the Governors in their own name in trust for the Charity.

32. *Extraordinary Repair Fund.* — Subject to any further Order or direction of the Charity Commissioners—

(1) The Governors shall establish and maintain a reserve fund, to be entitled Extraordinary Repair Fund, for the purpose of providing for the extraordinary repair, improvement, extension or rebuilding of the almshouses and the Boardroom belonging to the Charity.

(2) The fund shall be established and maintained out of the income of the Charity either by transfer to the fund of a yearly sum of not less than £585 or in such other manner as the Charity Commissioners from time to time approve or direct.

(3) The fund and the income therefrom shall be invested in the name of the said Official Custodian.

33. *Benefit of Pensioners.* — Subject to the payments aforesaid the Governors shall apply the income of the Charity for the benefit of the Pensioners residing in the almshouses of the Charity or any of them in such manner as the Governors from time to time think fit.

34. *Almshouses and Boardroom.* — The almshouses and the Boardroom of the Charity and the land occupied therewith first described in the schedule hereto shall continue to be called The Hospital of John Hawkins, Knight, in Chatham (hereinafter referred to as the Hospital). The Hospital shall be appropriated and used for the accommodation of Pensioners in conformity with the provisions of this Scheme.

35. *Saving for existing Pensioners.* — Appointments of Pensioners under this Scheme shall be made without prejudice to the interests of the existing Pensioners.

36. *Qualifications of Pensioners.* — (1) The Pensioners shall be needy or disabled persons who have served either in the Royal Navy, the Royal Marines, the Women's Royal Naval Service or the Queen Alexandra's Royal Naval Nursing Service, or who have served and have been mobilised for active service in any of the Reserve forces or bodies of the Royal Navy or the Royal Marines, or who have been employed in any of Her Majesty's Dockyards or Naval Bases directly on the construction, maintenance, re-fitting or repair of any of Her Majesty's ships and vessels.

(2) If on the occasion of a vacancy there is no applicant qualified as aforesaid the Governors may appoint as a Pensioner a needy or disabled person who is the widow, widower or other dependant of a person who has served or been employed as aforesaid.

(3) The Governors may permit the spouse of a Pensioner to reside with him or her. Upon the death of a married Pensioner the Governors may permit the spouse, if in need, and if theretofore residing with him or her in the Hospital, to continue in the occupation of such accommodation or to occupy such other accommodation in the Hospital as the Governors allot.

37. *Contributions.* — The Governors may make it a condition of appointing or permitting a person to be or remain a Pensioner that he or she shall from resources available to him or her—

(1) contribute a weekly sum towards the cost of maintaining the Hospital and essential services therein but so that the amount of the weekly sum shall not—

(a) be such as to cause hardship to him or her;

(b) be more than the amount approved from time to time by the Charity Commissioners;

(2) contribute towards the cost of lighting and heating the Hospital and providing hot water therein.

38. *Notice of vacancy.* — No appointment of a Pensioner shall be made by the Governors until a sufficient notice of an existing vacancy specifying the qualifications required from applicants has been published 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.

39. *Applications for appointment.* — All applications for appointment shall be made to the Governors or the Deputy Governor in such manner as the Governors direct. Before appointing any applicant to be a Pensioner the Governors shall require him or her to attend in person unless he or she is physically disabled or the Governors are of opinion that special circumstances render this unnecessary. An applicant may be required to supply evidence of his or her qualification for appointment.

40. *Selection of Pensioners.* — Pensioners shall be selected only after full investigation of the suitability and circumstances of the applicants.

41. *Appointments of Pensioners.* — Every appointment of a Pensioner shall be made by the Governors at a special meeting.

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

43. *Absence from Hospital.* — The Governors shall require that any Pensioner who desires to be absent from the Hospital for more than 28 days in any one year shall obtain the prior consent of the Governors or of some officer of the Charity to be nominated by them.

44. *Rooms not to be let.* — No Pensioner 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 Governors to allow any person to share the occupation of the same or of any part thereof.

45. *Setting aside appointments.* — (1) The Governors may set aside the appointment of any Pensioner who in their opinion—

(a) persistently or without reasonable excuse either disregards the regulations for the Pensioners or disturbs the quiet occupation of the Hospital 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 Pensioner.

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

(3) The Governors upon recovery of a Pensioner 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.

46. *Regulations.* — The Governors may prescribe from time to time such reasonable regulations as they consider expedient for the management of the Hospital and the welfare of the Pensioners but so that the same shall not be at variance or inconsistent with any of the provisions of this Scheme.

General Provisions

47. *Appropriation of benefits.* — The appropriation of the benefits of the Charity shall be made by the Governors at meetings of their body and not separately by any individual Governor or Governors.

48. *Governors not to be personally interested.* — No Governor shall take or hold any interest in property belonging to the Charity otherwise than as a Governor for the purposes thereof and no Governor shall receive remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

49. *Charity not to relieve public funds.* — The Governors shall not apply income of the Charity directly in relief of rates, taxes or other public funds.

50. *Donations.* — The Governors may accept donations or property for the general purposes of the Charity or for any special purposes connected with the Charity not inconsistent with the provisions of this Scheme.

51. *Questions under Scheme.* — Any question as to the construction of this Scheme may be referred to the Charity Commissioners for their opinion or advice in accordance with the provisions of section 24 of the Charities Act 1960.

SCHEDULE

The following adjoining land situate at Chatham in the County of Kent being part of the land comprised in a deed made the 20th May 1598 between Sir Henry Palmer and three others of the one part and The Governors of the Hospital of John Hawkins, Knight, in Chatham of the other part and enrolled in the Court of Chancery:

1. Land containing 670 square metres or thereabouts with the buildings thereon known as The Hospital of Sir John Hawkins, Knight, in Chatham;
2. Land containing 946 square metres or thereabouts with the buildings thereon subject to and with the benefit of a lease dated the 1st September 1967 and made between The Governors of the Hospital of Sir John Hawkins, Knight, in Chatham of the one part and Featherstones' Limited of the other part;

being the land registered under the Land Registration Acts 1925 to 1971 under Title No. K 544050.

The following Income Shares in the Charities Official Investment Fund:

4,091 Income Shares,
2,130 Income Shares (accumulations of income).

£574.13 cash on deposit account at the branch of National Westminster Bank PLC at 40, High Street, Rochester.

£10,174.10 cash on deposit account at the said branch of the said bank being accumulations of income.

£601 cash on deposit account at the said branch of the said bank (The Hawkins Appeal).

This schedule is made up to the 28th February 1983.

Sealed by Order of the Charity Commissioners this 13th day of October 1983.

L.S.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order gives effect to a Scheme of the Charity Commissioners for the regulation of The Hospital of Sir John Hawkins, Knight, in Chatham, an almshouse charity founded for the relief of disabled and needy mariners and shipwrights in service of the realm by Royal Charter of 27th August 1594, upon the petition of Queen Elizabeth I's Treasurer of the Navy, Sir John Hawkins.

The Scheme reconstitutes the incorporated body of Governors by which the Charity is administered, redefines the beneficiary class and makes new provisions for the management of the Charity, including provisions which enable the Governors to charge the Pensioners such sum as the Charity Commissioners approve by way of contribution to the cost of maintaining the Hospital.

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