



## CHAPTER xii

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the St. James's Dwellings Charity in the City of Westminster.  
[14th May 1958.]

**W**HEREAS the Charity Commissioners in their Report to Her Majesty of their proceedings during the year one thousand nine hundred and fifty-seven reported that they had approved and certified a Scheme for the application or management of the Charity known as the St. James's Dwellings, in the Ancient Parish of St. James, in the City of Westminster:

And whereas it is expedient that the Scheme as the same is fully set out and defined in the schedule to this Act should be confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The said Scheme is hereby confirmed:

Confirmation  
of Scheme.

Provided always that nothing in this Act or in the said Scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exercisable by the High Court of Justice and the Charity Commissioners.

2. This Act may be cited as the St. James's Dwellings Charity Short title. Scheme Confirmation Act, 1958.

## SCHEDULE

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE FOLLOWING CHARITY:—

The Charity known as the St. James's Dwellings, in the Ancient Parish of St. James, in the City of Westminster, regulated by a Scheme of the High Court of Justice (Chancery Division) of the 3rd August 1885 as affected or supplemented by the City of Westminster (St. James) Scheme, 1901, and a Scheme of the Charity Commissioners of the 4th November 1932.

1. *Administration of Charity.*—The above-mentioned Charity and the endowments thereof specified in the schedule hereto and all other the endowments (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme by the Mayor, Aldermen and Councillors of the City of Westminster the Trustees thereof.

2. *Saving for existing beneficiaries.*—The provisions of this Scheme shall have effect without prejudice to the rights of the existing beneficiaries of the Charity to the benefits awarded to them under the provisions of the above-mentioned Scheme of the 3rd August 1885 namely accommodation allotted in the existing St. James's Dwellings during the currency of the interest of the Charity therein or equivalent benefits approved by the Charity Commissioners and thereafter by being allotted accommodation provided in accordance with the following provisions of this Scheme.

3. *Investment of cash.*—All sums of cash now or at any time belonging to the Charity and not needed for immediate working purposes shall be invested (unless otherwise ordered) as soon as possible under the authority of a further Order of the Charity Commissioners in the name of The Official Trustees of Charitable Funds.

## PROVISION OF NEW BUILDINGS

4. *Acquisition of site.*—Subject to the approval of the Charity Commissioners the Trustees may acquire a site in the City of Westminster suitable for the erection of buildings as hereinafter mentioned.

5. *Erection of buildings.*—The Trustees may erect on the said site in accordance with plans and specifications to be approved by the said Commissioners buildings suitable for the accommodation of the beneficiaries of the Charity and may include in the said plans provision for a part or parts of the said buildings intended to be let for commercial or other purposes.

6. *Provision of cost.*—The Trustees may apply in or towards defraying the cost of acquiring the said site and of erecting buildings as aforesaid such part of the investments belonging to the Charity and specified in the schedule hereto as the said Commissioners approve.

7. *Borrowing.*—For the purpose of defraying part of the said cost the Trustees may borrow upon the security of a mortgage or charge of the said site and the buildings to be erected such additional

sums as the said Commissioners authorise to be repaid not later than 80 years from the date of the borrowing and otherwise upon such terms as the said Commissioners by Order provide.

8. *Appropriation and use of buildings.*—(1) The Trustees shall appropriate and use a sufficient part of the said buildings for the accommodation of such number of resident beneficiaries of the Charity (hereinafter referred to as residents) as the Charity Commissioners shall approve from time to time. The residents shall be qualified as hereinafter provided.

(2) The Trustees may let for commercial or other purposes in accordance with the provisions hereinafter contained any part of the buildings not appropriated and used as aforesaid.

9. *Letting.*—In every case the Trustees shall give public notice of the intention to let any part of the buildings in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than three years of any existing term or for more than 21 years certain or for less than the improved annual value at rackrent without the sanction of the Charity Commissioners or a competent court.

10. *Leases.*—The Trustees 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.

11. *Repair and insurance.*—The Trustees shall keep in repair and insure for full value against damage or destruction by fire any part of the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof.

#### APPLICATION OF INCOME

12. *Future provisions.*—Upon the completion of the erection of the said buildings the Trustees shall apply the yearly income of the Charity in accordance with the following provisions of this Scheme.

13. *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.

14. *Extraordinary Repair Fund.*—(1) Subject to any further Order or Orders of the Charity Commissioners a fund for the extraordinary repair, improvement or rebuilding of the buildings belonging to the Charity shall be provided and maintained as follows.

(2) The Trustees shall pay to The Official Trustees of Charitable Funds out of the income of the Charity a yearly sum of not less amount than the Charity Commissioners by Order prescribe from time to time and the said Official Trustees shall invest the yearly sum so paid at compound interest in the purchase in their name to the credit of an account to be entitled Extraordinary Repair

Fund of one or more of the stocks, funds and securities (other than real securities) authorised by law for the investment of trust funds.

15. *Benefit of residents.*—Subject to the payments aforesaid the Trustees shall apply the income of the Charity in giving effect to the provisions hereinafter contained for the benefit of the residents and otherwise for the benefit of the residents or any of them in such manner as the Trustees think fit from time to time.

#### RESIDENTS

16. *Qualification of residents.*—(1) The residents shall be or shall have been elderly workers being poor persons of good character who reside or have resided in the City of Westminster preference being given to those who reside or have resided in the area of the Ancient Parish of St. James, Westminster.

(2) Married couples may be appointed if either the husband or wife is qualified for appointment as aforesaid.

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

18. *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 towards the cost of maintaining the part of the buildings belonging to the Charity and appropriated for use by the residents such a weekly sum not exceeding such amount as the Charity Commissioners may prescribe from time to time.

19. *Notice of vacancy.*—No appointment of a resident shall be made by the Trustees until a sufficient notice of a vacancy specifying the qualifications required from candidates has been published in the City of Westminster 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.

20. *Application for appointment.*—All applications for appointment shall be made in writing to the Trustees or the Clerk to the Trustees 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.

21. *Selection of residents.*—Every resident shall be selected under the following conditions :—

- (1) After full investigation of the character and circumstances of the applicants.

- (2) Where claims are equal preference shall be given to those applicants who have resided longest in the area of the Ancient Parish of St. James, Westminster, and in default of applicants resident in that area then to those applicants who have resided longest in the City of Westminster.

For the purposes of this clause the Trustees may avail themselves of the services of any charity organisation society or other like agency.

22. *Appointments of residents.*—Every appointment of a resident shall be made by the Trustees or any committee to which that duty may be delegated.

23. *Records.*—The Trustees shall provide and keep a register 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.

24. *Absence from buildings.*—No resident shall be absent from the room or rooms allotted to him or her in the buildings of the Charity for a period exceeding 72 hours without the consent in writing of the Trustees or their clerk or other duly authorised officer.

25. *Rooms not to be let.*—(1) Except as hereinafter provided 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.

(2) The Trustees may permit a resident to share the room or rooms allotted to him or her with a female who is a relative of that resident and is not qualified for appointment as aforesaid.

26. *Nurse, Warden or Superintendent.*—The Trustees may appoint a Nurse, Warden or Superintendent dismissible at their pleasure to perform such duties as may be necessary for the superintendence and care of the residents at such reasonable salary as they think fit and may allot to the Nurse, Warden or Superintendent accommodation in the buildings of the Charity as a residence while he or she holds office. The Trustees may appoint a married couple to hold any such offices jointly.

27. *Removal of residents.*—(1) The following persons may be removed from being residents :—

- (a) Any resident who in the opinion of the Trustees is guilty of insobriety, insubordination, breach of regulations or immoral or improper conduct ;
- (b) Any resident who in the opinion of the Trustees no longer has the required qualifications ;
- (c) Any resident who has been appointed without having the required qualifications ;
- (d) Any resident who is suffering from mental or other disease or infirmity rendering him or her unfit to remain a resident.

(2) Upon the removal of any resident, Nurse, Warden or Superintendent the Trustees shall take possession of the room or rooms occupied by him or her.

(3) Any resident removed under section (1) of this clause on account of mental or other disease or infirmity may be re-appointed on recovery without previous notice being given of the vacancy and need not have the qualification as to residence.

28. *Regulations.*—The Trustees may prescribe from time to time such reasonable regulations as they consider expedient for the government of 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 Nurse, Warden, or Superintendent as is within their power.

#### GENERAL PROVISIONS.

29. *Committees.*—The Trustees from time to time may delegate all or any of their powers and duties as Trustees of the Charity to such Committees of the Trustees acting as the Metropolitan Borough Council of the City of Westminster as they think fit.

30. *Charity not to relieve public funds.*—The funds or income of the Charity shall not in any case be applied in relief of rates, taxes or other public funds.

31. *Accounts.*—All proper accounts in relation to the Charity shall be made out in each year and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners in compliance with the provisions of the Charitable Trusts Acts.

32. *Alteration of Scheme.*—The Charity Commissioners in the exercise of their ordinary jurisdiction may establish from time to time Schemes for the alteration of any of the provisions of this Scheme as if those provisions had been made by the founder in the case of a Charity having a founder.

33. *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 Court or the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

34. *Date of Scheme.*—The date of this Scheme shall be the date of the Act of Parliament confirming the same.

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#### FORM OF NOTICE

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In the matter of the Charity known as the St. James's Dwellings, in the Ancient Parish of St. James, in the City of Westminster.

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

Elderly workers being poor persons of good character resident in the City of Westminster are eligible for appointment. Preference will be given to applicants who are resident in the area of the Ancient Parish of St. James, Westminster. Married couples may be appointed if either the husband or wife is qualified as aforesaid.

Application for appointment must be made in writing to  
 at \_\_\_\_\_ on or before the \_\_\_\_\_ 19 .  
 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.

Residents may be required to contribute a small weekly sum towards the cost of maintaining the part of the buildings of the Charity used by the residents.

Signed

Clerk to the Trustees.

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### SCHEDULE

Buildings situate on the west side of Ingestre Place and the south side of Silver Place in the City of Westminster numbered 9, 10 and 11 in Ingestre Place and 3 and 4 in Silver Place and known as the St. James's Dwellings, held for the unexpired residue of the term of 19 years from the 25th December 1944 at the yearly rent of £50 created and reserved by a lease dated the 22nd August 1946.

The following investments standing in the name of The Official Trustees of Charitable Funds:—

£15,264 13s. 10d. 3½ per cent. Conversion Stock, 1969.

£1,000 3 per cent. Savings Bonds, 1965-75.

£29,455 9s. 4d. 2½ per cent. Savings Bonds, 1964-67.

£2,563 11s. 7d. 2½ per cent. Savings Bonds, 1964-67 (accumulations of income).

£2,531 8s. 10d. Commonwealth of Australia 3 per cent. Registered Stock, 1975-77.

£1,259 16s. 8d. cash at the Covent Garden branch of Westminster Bank Limited.

Sealed by Order of the Board this 20th day of December 1957.

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