

Charity No 1074562

CHARITY COMMISSIONERS FOR ENGLAND AND WALES

THE CLAPHAM RELIEF FUND

LONDON BOROUGH OF LAMBETH

SCHEMES CLAUSES CURRENTLY APPLICABLE

(Constitution of Charity)

SCHEMES DATED 13TH JANUARY 1997 & 11TH AUGUST 2000

AND

AMENDMENT OF 15TH JULY 2002

THE CLAPHAM RELIEF FUND

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Note: The paragraph nos. in standard type are those used in the original Scheme. *Paragraph 15 (b)*, in italics, comes from the amendments to the Scheme dated 11th August 2000.

THE CLAPHAM RELIEF FUND

PURPOSE OF THIS DOCUMENT

The constitution of the charity is laid out in the two "Schemes" prepared by the Charity Commission dated 13th January 1997 and 11th August 2000 and an amendment of 15th July 2002, copies of which are given to a Trustee on his or her appointment . This combined version has been prepared in order to assist trustees, and excludes some parts which do not now apply.

The second Scheme was created mainly in order to allow us wider investment powers. However, these powers have since been given to us under the terms of The Trustee Investment Act 2000, and so the clauses 3 to 13 then drop out of this Scheme. We are left with clause 15 which is inserted as *15(b)*, (*headed in italics*). (References in this clause to the "Governing Document" refer to the original Scheme.)

The amendment of 15th July 2002 reduced the term of office of a Trustee from five to three years.

SCHEME

1. Administration of Charity

(1) The above-mentioned Charity and the property thereof shall be administered and managed subject to and in accordance with the provisions of this Scheme by the body of Trustees hereinafter constituted.

(2) The name of the Charity shall be The Clapham Relief Fund or such other name as the Trustees from time to time by resolution may decide with the prior approval of the Charity Commissioners.

2. Investment of Cash

All sums of cash now or at any time belonging to the Charity, other than sums of cash needed for immediate working purposes, shall be invested in trust for the Charity.

3. Area of Benefit

In this Scheme the expression "area of benefit" shall mean Clapham and the vicinity thereof.

4. Trustees.

(1) The body of Trustees shall consist when complete of nine competent persons.

(3) Every future Trustee shall be appointed for a term of three years by a resolution of the Trustees.

5. 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.

6. Determination of Trusteeship

A Trustee shall cease to be a Trustee if he or she:

- (1) is disqualified from acting as a Trustee by virtue of section 72 of the Charities Act 1993; or
- (2) becomes incapable (in the opinion of the Trustees) by reason of illness, injury or mental disorder of managing his or her own affairs; or
- (3) is absent without the permission of the Trustees from all their meetings held within a period of one year and the Trustees resolve that his or her office be vacated; or
- (4) gives not less than one month's notice in writing of his or her intention to resign (but only if at least four Trustees will remain in office when the notice of resignation is to take effect).

MEETINGS AND PROCEEDINGS OF TRUSTEES

7. Ordinary Meetings

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

9. Chairman

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

10. Special Meetings

A special meeting may be summoned at any time by the chairman or any two Trustees upon not less than four days' notice being given to the other Trustees of the matters to be discussed, but if the matters include an appointment of a Co-opted Trustee then upon not less than 21 days' notice being so given. A special meeting may be summoned to take place immediately after an ordinary meeting.

11. Quorum.

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

12. Minutes.

The Trustees shall keep, in books maintained for the purpose, minutes of the proceedings of their meetings.

13. Accounts and Annual Report

The Trustees shall comply with their obligations under Part VI of the Charities Act 1993 with regard to:

- (1) the keeping of accounting records for the Charity;
- (2) the preparation of annual accounts for the Charity;

- (3) the preparation of an annual report;
- (4) where applicable, the auditing or independent examination of the statements of account of The Charity; and
- (5) where applicable, the transmission of the statements of account and the annual report to the Commissioners.

14. Annual Return.

The Trustees shall, where applicable, comply with their obligations under the Charities Act 1993 with regard to the preparation of an annual return and its transmission to the Commissioners.

15.(a) 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 appointment of a clerk, the deposit of money at a proper bank and the custody of documents.

15.(b) Amendment of Scheme

- (1) Subject to the provisions of this clause, the trustees may amend the provisions of this Scheme and the governing document.
- (2) Any amendment must be made by a resolution passed at a special meeting of the trustees. The notice of the special meeting must include notice of the resolution, setting out the terms of the amendment proposed.
- (3) The trustees must not make any amendment which would:
 - (a) vary this clause;
 - (d) vary clause 16 of the governing document (Expenses of management);
 - (e) vary clause 17 of the governing document (Application of income);
 - (f) confer a power to dissolve the charity;
 - (g) enable them to spend permanent endowment of the charity.
- (3) The trustees must obtain the prior written approval of the Commissioners before making any amendment which would:
 - (a) vary clause 1(2) of the governing document (the name of the charity);
 - (b) vary clause 19 of the governing document (Trustees not to be personally interested).

(5) The trustees must:

(a) promptly send to the Commissioners a copy of any amendment made under this clause; and

(b) keep a copy of any such amendment with this scheme.

APPLICATION OF INCOME

16. Expenses of management

The Trustees shall first defray out of the income of the Charity all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

17. Application of Income

(1) Subject to payment of the expenses aforesaid the Trustees shall apply the income of the Charity in relieving either generally or individually persons resident in the area of benefit who are in conditions of need, hardship or distress by making grants of money or providing or paying for items, services or facilities calculated to reduce the need, hardship or distress of such persons.

(2) The Trustees may pay for such items, services or facilities by way of donations or subscriptions to institutions or organisations which provide or which undertake in return to provide such items, services or facilities for such persons.

18. Restrictions

In applying the income of the Charity the Trustees shall not commit themselves to repeat or renew the relief granted on any occasion in any case.

GENERAL PROVISIONS

19. 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.

20. Charity Not to Relieve Public Funds

The Trustees shall not apply income of the Charity directly in relief of rates, taxes or other public funds but may apply income in supplementing relief or assistance provided out of public funds.

21. 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.

NOTES ON WHAT CONSTITUTES "RELIEF IN NEED".

This note has no legal force as part of the Scheme but indicates ways in which income may properly be applied for the relief of people in need.

Relief in Need

1. Charities for relief in need operate in the same field as statutory social services. Trustees who administer such charities should not normally give aid until they are satisfied that the potential beneficiary has obtained all the relevant statutory benefits to which he has a claim and should be careful to avoid abating the statutory benefits. Trustees should accordingly acquaint themselves with the system of social benefits, the effect upon such benefits of grants from charitable sources, and the gaps in statutory provision which can be filled by charitable services or facilities for those in need. Leaflets describing the statutory benefits available for the elderly, disabled, sick, unemployed, those on low incomes and single parent families can be obtained from local offices of the Department of Health and Social Security.
2. By consulting officers in the local Social Security offices and in the Social Services Department of the local authority trustees will be able to learn what assistance and services these authorities can give in particular circumstances whether by way of special grants or otherwise and may also discover people living within the charity's area of benefit who have needs which the statutory services do not meet in full. In this way trustees can also ensure that an allowance from the charity or the provision of some item or facility will not affect any statutory benefits.
3. It is for the charity trustees to decide whether need exists in any particular case. The receipt of statutory benefits may be an indication of need but is not a decisive factor in itself. People receiving such benefits may need additional help from charitable funds. But it must be borne in mind that those who are not receiving statutory benefits may also need help.
4. Charity trustees proposing to give immediate aid in cases of emergency should take into account any arrangements made by the statutory authorities to provide essential services in such an emergency and should ascertain, so far as circumstances permit, that emergency relief is not available from public funds.
5. Trustees may either pay directly for the benefits they provide, or give money to beneficiaries to pay for benefits, or they may make arrangements for the benefits to be provided by other organisations in return for subscriptions or donations.
6. The Scheme gives the trustees a wide choice in the sort of relief that they can give out of the income of the charity so long as the need is clear. Relief must be given only to assist people who are eligible under the Scheme, must be related to the need in each case, and must be reasonable in the circumstances, taking into account any relief available from other sources. Some examples follow and others may occur to trustees:

- (1) Grants of money in the form of -
 - (a) weekly allowances for a limited period to meet a particular need,
 - (b) special payments to relieve sudden distress,
 - (c) payment of travelling expenses for visiting people in hospitals, convalescent homes or similar institutions, or in children's homes, or in prison or other correctional establishments, particularly where more frequent visits are desirable than payments from public funds will allow; and payments to meet consequential expenses of accommodation, refreshments, child-minding, etc.,
 - (d) payments to other charities accommodating those in need in the area of the charity such as almshouses, or homes or hostels for the residence or care of old, infirm or homeless people,
 - (e) payments to assist in meeting electricity and gas bills,
 - (f) payment of television licence fees.

- (2) The provision of items either outright or, if expensive and appropriate, on loan, such as-
 - (a) furniture, bedding, clothing, food, fuel, heating appliances,
 - (b) washing machines for widows with large families or radio or television sets for the lonely, bedridden or housebound.

- (3) Payment for services such as house decorating, insulation and repairs, laundering, meals on wheels, outings and entertainments, child-minding.

- (4) The provision of facilities such as -
 - (a) the supply of tools or books or payment of fees for instruction or examinations or of travelling expenses so as to help the recipients to earn their living, or
 - (b) arrangements for a recuperative holiday or change of air.
 - (c) Further examples follow of the sort of additional help that can be given when those in need are also sick, convalescent, disabled, handicapped or infirm, whether mentally or physically:

- (5) Grants of money in the form of -
 - (a) special payments to relieve sickness or infirmity
 - (b) payment of travelling expenses on entering or leaving hospitals, convalescent homes or similar institutions, or for out-patient consultations,
 - (c) payment towards the cost of adaptations to the homes of the disabled,
 - (d) payment of telephone installation charges and rentals.

- (6) The provision of items either outright or, if expensive and appropriate, on loan, such as-
 - (a) food for special diets, medical or other aids, nursing requisites or comforts,
 - (b) invalid chairs for the disabled, handicapped or infirm.

- (7) The provision of services such as bathing, exchange of library books, foot care, gardening, hair washing, shaving, help in the home, nursing aid, physiotherapy in the home, reading, shopping, sitting-in, tape-recording for the housebound, travelling companions.

- (8) The provision of facilities such as arrangements for a period of rest or change of air or to secure the benefits of any convalescent home or other institution or organisation or to provide temporary relief for those having the care of the sick or handicapped person: help for relatives and friends to visit or care for patients: transport.

THE CLAPHAM RELIEF FUND

Record of a Resolution Passed at a Special Meeting held on Monday 15th July 2002, amending the Charity Commissioners Scheme of 13th January 1997.

“ That our Scheme dated 13th January 1997 be amended by removing from clause 4. (3) the word five, and replacing it with the word three.”

Explanation

The purpose of this amendment is to reduce the term of a trustee's appointment from five years, as set out in our constitution dated 13th January 1997, to three years, as agreed at our meeting held on 11th February this year under item 4.1.

Sheila Jones
Chairperson

15th July 2002