**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 AS AMENDED BY RESOLUTION DATED 01 0CT 2019 AND AS FURTHER AMENDED BY A SPECIAL RESOLUTION DATED 6th DECEMBER 2022**

**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 ten competent persons.

 (3) Every future Trustee shall be appointed for a term of threeyears 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.

1. 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;

(b) vary clause 1 of this scheme (Definitions)

(c ) vary clause 3 of the Governing document (Area of Benefit)

 (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.

1. 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:

1. 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.