

Dated: 31st August 2012



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER (Charity)**

Case No. CA/2011/0007

ON APPEAL/APPLICATION FROM:

Charity Commission decision reference: C-331865-ZQKS 661/1112

Dated: 11 November 2011

Appellants: RAYMOND ALISS and MARTIN HESKETH

First Respondents: THE CHARITY COMMISSION FOR ENGLAND AND WALES

Second Respondents: LYTHAM SCHOOLS TRUSTEE LTD

Third Respondents: THE UNITED CHURCH SCHOOLS TRUST

ORDER

Upon the Tribunal issuing its Decision dated 31st August 2012

And pursuant to the power contained in s.319 of the Charities Act 2011 and the table in schedule 6 to that Act in connection with an Order made under under s. 69 (1) of that Act

IT IS ORDERED THAT:

The following provisions are added to or substituted for those in the Charity Commission's scheme dated 11th November 2011 in respect of the charities formerly known as The Lytham Schools (26315) and King Edward and Queen Mary School Prize Fund (1074355)

Paragraph 4

In the fourth line add after "children and young people" the following:–
"residing in or near Lytham St Annes"

Paragraph 6

Add a new paragraph 6 (2) in the Scheme in the following terms:

"(2) The trustee shall at all times take necessary steps to ensure that:

(a) The property of the charity is being utilised effectively and in accordance with the

objects of the charity for the benefit of the public;

(b) The charity is independent and it exists to pursue its own purposes and not to carry out the policies or directions of any other body and that it retains adequate control or supervision over the property of the charity;

(c) Its board has an appropriate mix of skills, knowledge and experience necessary for the efficient and effective administration of the charity and that the recruitment and appointment of new board members provides adequate opportunities for re-assessing and achieving that mix;

(d) It has adequate systems and procedures in place to enable it to receive and respond to the views of supporters, funders, beneficiaries, potential beneficiaries and others with a legitimate interest in the charity's work “

Paragraph 8

In the third line of sub-paragraph (2) delete “to enable” and substitute:-
“on terms that permit and require”

At the end of each of sub-paragraphs (2) and (4) add the following:-
“that will further the objects of the charity”

Paragraph 10

Substitute the following :

“Compliance with section 117 Charities Act 2011

In relation to any disposal of the charity's land under clause 8 and 9 of this Scheme, the trustee must comply with the restrictions on disposal imposed by section 117 of the Charities Act 2011, unless the sale, lease or disposal is excepted from these restrictions by section 117(3)(c) or (d) or section 117(4) of that Act. “

Paragraph 11

In the last line of sub-paragraph (1) add after “buildings” the following:-
“save where the repair and insurance is the responsibility of tenants or other users.”

Paragraph 11 (3) (b) (i)

Substitute the following:

(i) “where it is permitted in accordance with, and subject to the conditions in, section 281, section 282 or section 288 of the Charities Act 2011 (power of unincorporated charities to spend capital); or”

Paragraph 13

After the reference to “the School” in the second line of sub paragraph 13(1) and in sub-paragraphs 13(1)(c) and (e) add the following:-
“or the Primary Schools”

Add a new paragraph 14 as follows:

“The trustee shall apply out of the income of the charity such yearly sum as it shall at its discretion determine in pursuing such other activities that fall within the objects of the charity as may advance the education of children in financial hardship residing in or near Lytham St Annes.”

Paragraphs 14 and 15

Renumber paragraphs 14 and 15 as “15” and “16” respectively.

Peter Hinchliffe
Tribunal Judge

Dated: 31st August 2012