
THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

xxxxxxx

this

SCHEME

will govern the charities listed in part 1 of the schedule to this Scheme

and now to be known as

PORTSMOUTH CITY COUNCIL ELEMENTARY EDUCATION FOUNDATION (4037817)

at

Portsmouth

Authorised Officer

1. Definitions

In this scheme:

“the charity” means the charity created by clause 2 of this Scheme.

“the charities” means the charities listed in part 1 of the schedule to this Scheme.

“the Commission” means the Charity Commission for England and Wales.

“the area of benefit” means the City of Portsmouth.

“the trustee” means the trustee of the charity acting under this Scheme.

“educational institution” means a school (including an academy) within the meaning of the Education Acts for pupils under the age of 12 years.

“beneficiaries” means children under the age of 12 years residing in, or educated in, the City of Portsmouth.

“Education Acts” means the Acts included in section 578 of the Education Act 1996 as amended from time to time.

ADMINISTRATION

2. Administration

The charities are to be administered as one charity in accordance with this Scheme. This Scheme replaces the former trusts of the charities.

3. Name of the charity

The name of the charity is [Portsmouth City Council Elementary Education Foundation].

OBJECTS

4. Objects of the charity

The objects of the charity are to advance education through:

- (1) The provision of a site or sites in the area of benefit for an educational institution or educational institutions.
- (2) Providing for any educational institution in the area of benefit such special benefits of any kind not normally provided by the local authority or the Department for Education as may from time to time be agreed between the trustee and the governors of the educational institution concerned.

APPENDIX - DRAFT SCHEME

- (3) Providing grants or loans for or towards improvements to any educational institution in the area of benefit as may from time to time be agreed between the trustee and the governors of the educational institution concerned. Assistance can only be provided if the improvements are, in the opinion of the trustee, necessary to either:
 - (a) raise the standard of education of; or
 - (b) improve access to the education being provided for, the beneficiaries at that educational institution; and
 - (c) the local authority or the Department for Education are not able to meet the costs in full or in part.
- (4) Promoting the education (including social and physical training) of beneficiaries who are in need of financial assistance by providing financial assistance (including assistance with the cost of educational trips), uniforms, clothing, tools, instruments or books to assist them to pursue their education (including the study of music and other arts).
- (5) Subject to clause (6) below, the trustees must permit the land identified in part 2 of the schedule to this Scheme to be used in furtherance of the object described at clause 4(1) of this scheme, and this may be by granting a lease of that land to an educational institution at such rent (which may be one peppercorn) as may be agreed by the trustees.
- (6) The trustees must permit the land numbered #10 in part 2 of the schedule to this scheme to be used as a playing field in connection with an educational institution in the area of benefit for so long as it is required for that purpose.

POWERS OF THE TRUSTEE

5. Powers of the trustee

In addition to any other powers which it has, the trustee may make rules and regulations consistent with this Scheme for the management of the charity.

TRUSTEE

6. Trustee

Portsmouth City Council acting in accordance with its usual practices and procedures is the trustee of the charity.

CHARITY PROPERTY

7. Use of income and capital

- (1) The trustee must firstly apply:
 - (a) the charity's income; and

APPENDIX - DRAFT SCHEME

- (b) if the trustee thinks fit, expendable endowment; and
- (c) when the expenditure can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings).

- (2) After payment of these costs, the trustee must apply the remaining income in furthering the objects of the charity.
- (3) The trustee may also apply for the objects of the charity:
 - (a) expendable endowment; and
 - (b) permanent endowment, but only:
 - (i) on improvements or additions to buildings on land owned by the charity; or
 - (ii) where it is permitted in accordance with, and subject to the conditions in, section 75, section 75A or section 75B of the Charities Act 1993 (*power of unincorporated charities to spend capital*); or
 - (iii) on such terms, including for the replacement of the amount spent, as the Commission may approve by order in advance.

GENERAL PROVISIONS

8. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

PART 1

	Charity	Value of permanent endowment (excluding real property) at 31 March 2013	Accumulated income
1.	New Road Centre (3948032)	£184,500	£389,527

APPENDIX - DRAFT SCHEME

2.	Omega Street Centre (3957024)	-	£164,949
3.	Former Cottage Grove Middle School (3127342)	-	£142,741
4.	The Brambles Nursey and Goldsmiths Infant School	-	£5,589
5.	Site of Fernhurst Junior School and Southsea and Devonshire Infant School Fernhurst Annexe	-	£99
6.	Site of Penhale Middle School Penhale Annexe	-	£545
7.	Site of Stamshaw Infant School	-	£3,030
8.	Site of Southsea Infant school	-	-
9.	Site of Craneswater Junior School and Craneswater Centre	-	-
10.	Site of Cumberland Infant School: Cumberland Annexe Cumberland Lodge Methuen Road	£400,000 £163,000	£163,982 £8,228
11.	Manor Infants School Manor House Nursery	-	£46,845
12.	Former Newbridge County Middle School	-	-
13.	Meredith Infant School and Isambard Brunel Junior School	-	-
14.	Former Buckland Youth Activities Centre*	£145,342	£86,628

*Land no longer subject to EEA trust pursuant to Charity Commission Scheme dated 18 November 1998

APPENDIX - DRAFT SCHEME

PART 2

Property subject to clause 4 (4) and 4(5) of this scheme

Charity	Property	Land reference	Registry title:
1. New Road Centre	<p>1. Land described as a piece of land and premises at Buckland comprised in Conveyance of 26 June 1872 between Mr. Holloway and the School Board for the Borough of Portsmouth.</p> <p>2. Land situate near New Road, Buckland comprised in a conveyance of 16 June 1896 between Mr. Gunner and the School Board for the Borough of Portsmouth</p> <p>3. Land situate in New Road, Buckland comprised in a conveyance of 16 June 1896 between E Hall and T Bramsdon and the School Board for the Borough of Portsmouth</p>	Freehold	PM21736
2. Omega Street Centre (3957024)	1. Land in Omega Street, Portsmouth comprised in a conveyance of 29 January 1891 between J A C Hewett and the School Board for the Borough of Portsmouth.	Freehold	PM26661
3. Former Cottage Grove Middle School (3127342)	<p>1. Land described as Land in Smith's Lane Somerstown comprised in a conveyance of 27 June 1872 between Mr. Roper and others and the School Board for the City of Portsmouth</p> <p>2. Land described as a piece of land in Cottage Grove comprised in a conveyance 27 June 1872 between Mr. March and the School Board for the Borough of Portsmouth.</p> <p>3. Land and buildings in Smith's</p>	Freehold	PM26615

APPENDIX - DRAFT SCHEME

	Lane, Southsea comprised in a conveyance 25 June 1872 between Mr Parson and the School Board for the Borough of Portsmouth.		
4. The Brambles Nursery and Goldsmith Infant School	<ol style="list-style-type: none"> 1. Land and buildings now known as Brambles Nursery comprised in a conveyance of 1 April 1886 between Messrs' Bramble and the School Board for the Borough of Portsmouth. 2. Land at Brambles Nursery, Portsmouth comprised in a conveyance of 3 July 1891 between Messrs' Bramble and the School Board for the Borough of Portsmouth 	Freehold PM26607	title:
5. Site of Fernhurst Junior school and Devonshire Infant school	<ol style="list-style-type: none"> 1. Land and buildings known as Fernhurst Junior School and Devonshire Infant school comprised in a conveyance of 27 December 1894 between Francis Francis and the School Board for the Borough of Portsmouth. 	Freehold PM26610	title:
6. Site of Penhale Middle School	<ol style="list-style-type: none"> 1. Land at Fratton, Portsmouth, comprised in a conveyance of 11 December 1885 between Mr. Francis and the School Board for the Borough of Portsmouth 2. Land at Lincoln Road, Portsmouth comprised in a conveyance of 14 February 1894 between Mr. Holyoake and the School Board for the Borough of Portsmouth 	Freehold PM21136	title:
7. Site of Stamshaw Infant School	<ol style="list-style-type: none"> 1. Land at Stamshaw comprised in a conveyance of 29 January 1898 between Winchester College and the School Board for the Borough of Portsmouth 	Freehold	title:
8. Site of Southsea Infant School	<ol style="list-style-type: none"> 1. Land and buildings in Albert Road, Portsmouth comprised in a conveyance of 13 March 1874 between Mr. Palmer and the School Board for the Borough of Portsmouth 	Freehold PM26609	title:
9. Site of	<ol style="list-style-type: none"> 1. Land on the south side of Albert 	Freehold	title:

APPENDIX - DRAFT SCHEME

<p>Craneswater Junior School and Craneswater Centre (3000036)</p>	<p>Road comprised in a conveyance of 16 March 1892 between the Trustees of Henry Moody and the School Board for the Borough of Portsmouth</p>	<p>PM26770</p>
<p>10. Site of Cumberland Infant School including Cumberland Annexe and Lodge</p>	<p>1. Land in Reginal Road, Southsea comprised in a conveyance of 29 September 1902 between Messrs Bailey White and the School Board for the Borough of Portsmouth</p> <p>2. Land in Reginal Road and Methuen Road, Southsea comprised in a conveyance of 22 January 1903 between Messrs Bailey White and the School Board for the Borough of Portsmouth</p>	<p>Freehold title: PM26612</p>
<p>11. Manor Infants School</p>	<p>1. Land known as Manor Infants School comprised in a conveyance of 7 October 1881 between Mr. Besant and the School Board for the Borough of Portsmouth.</p> <p>2. Land known as Manor Infants School comprised in a conveyance of 7 October 1881 between Mr. Lewis and the School board for the Borough of Portsmouth</p> <p>3. Trust Deed dated 23 March 1989 - charitable status of Binstead First School (situate in Langley Road) transferred to Manor Infant School</p>	<p>Freehold title: HP270437 HP102473</p>
<p>12. Former Newbridge County Middle School</p>	<p>Land in New Road Buckland comprised in a conveyance of 16 June 1896 between the Trustees of Mr. Charles William Dawson and the School Board for the Borough of Portsmouth</p>	<p>Freehold title: PM22728</p>
<p>13. Meredith Infants School and Isambard Brunel Junior</p>	<p>1. Land near Drayton Road, Buckland comprised in a conveyance of 9 April 1892 between the Warden & Scholars of St Marys College Winchester</p>	

APPENDIX - DRAFT SCHEME

School	<p>and the School Board for the City of Portsmouth</p> <p>2. Land near Drayton Road, Buckland comprised in a conveyance of 28 December 1892 between the Warden & Scholars of St Marys College Winchester and the School Board for the City of Portsmouth</p> <p>Land on the east side of Drayton Road in Buckland comprised in a conveyance of 30 April 1892 between Charles Dye and the School Board for the Borough of Portsmouth</p>	
--------	---	--

DRAFT