

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

1st October 2001

the following

SCHEME

will govern the charities

known as

THE GUILD ESTATE (217484) and THE COLLEGE ESTATE (217485)

at

Stratford upon Avon

This Scheme has been adjudged as not liable to stamp duty.

Commissioners' References:

Sealing: N140(S)

01

Case No: 50068

1. Administration of Charities

- (1) The above mentioned Charities and the property thereof shall be administered and managed subject to and in accordance with the provisions of this Scheme by the Trustee hereinafter appointed.
- (2) The permanent endowment of the Guild Estate Charity is as specified in part 1 of the schedule hereto and the permanent endowment of the College Estate Charity is as specified in part 2 of the schedule hereto and the remainder of the property of the Charities is expendable property.
- (3) The said permanent endowment of the Guild Estate Charity shall be administered and managed under the title of the Guild Estate Endowment or such other title as the Trustee from time to time may decide with the prior approval of the Charity Commissioners.
- (4) The said permanent endowment of the College Estate Charity shall be administered and managed under the title of the College Estate Endowment or such other title as the Trustee from time to time may decide with the prior approval of the Charity Commissioners.
- (5) The Guild Estate Endowment and the College Estate Endowment are hereinafter referred together as "the Endowment Charities".

2. Trustee

The body corporate called The Stratford-upon-Avon Town Trust (hereinafter referred to as "the Company") shall be the Trustee of the Endowment Charities.

3. Vesting

Any land belonging to the Charities is hereby vested in the Company for all the estate and interest therein belonging to or held in trust for the Charity concerned.

4. Allocation of property

The Company shall hold all the expendable property of the above mentioned Charities beneficially as part of its corporate property for application for its objects.

THE ENDOWMENT CHARITIES

5. Disposal of land

The Company may sell, lease or otherwise dispose of all or any part of the property of the Endowment Charities. The Company must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale, lease or disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.

6. Leases

The Company shall provide that on the grant 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.

7. Repair and insurance

The Company shall keep in repair and insure to the full value thereof against fire and other usual risks all the buildings of the Endowment Charities not required to be kept in repair and insured by the lessees or tenants thereof and shall suitably insure in respect of public liability.

8. Proceeds of sale

Unless the Charity Commissioners otherwise direct the clear proceeds of any sale shall be invested in trust for the Endowment Charity concerned.

9. Expenses of management

The Company shall first defray -

- (1) the cost of the repairs and insurance, and all other charges and outgoings payable in respect of the land and buildings of each of the Endowment Charities out of the income of the Charity concerned;
- (2) all the proper costs, charges and expenses of and incidental to the administration and management of the Endowment Charities out of the income thereof, and as between them, proportionately.

10. Trustee indemnity insurance

(1) The Trustees of the Company may provide indemnity insurance for themselves out of the funds of the charities. (The insurance must not extend to:

- (a) any claim arising from any act or omission which:
 - (i) the Trustees knew to be a breach of trust or breach of duty; or
 - (ii) was committed by the Trustees in reckless disregard of whether it was a breach of trust or breach of duty or not; and
- (b) the costs of an unsuccessful defence to a criminal prosecution brought against the Trustees in their capacity as trustee of the charities.

11. Application of income

Subject to the payment of the expenses aforesaid -

(1) The Company shall apply the clear yearly income of the College Estate Endowment:-

- (a) Firstly, in maintaining and supporting the Vicar and Curate for the time being of the Church of the Holy Trinity at Stratford-upon-Avon by the payment to him or her of the yearly sum of £2,400 or such other sum as the Commissioners from time to time approve; and
 - (b) Secondly, in appropriating the remaining income itself as part of its general property for application for its objects.
- (2) The Company, after setting aside 36% of the clear yearly income of the Guild Estate Endowment (which is the property of the charity known as the Grammar School of King Edward VI in Stratford-upon-Avon by virtue of the Scheme and Order described in note 1 at the end of this Scheme) and paying that proportion to the trustees of the Grammar School, shall appropriate the income of the Guild Estate Endowment itself as part of its general property for application for its objects.

12. Relief of public funds

The Company shall not apply income of any of the Charities directly in relief of rates, taxes or other public funds, but may supplement provision from statutory sources.

13. Questions relating to the Scheme

The Commissioners may decide any question put to them concerning:

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

Note.

1. By virtue of a Scheme of the Commissioners dated 29th September 1905 as varied by a Scheme of the High Court of Justice Chancery Division in case number CH1994 S 7082 and set out in an order dated 11th March 1996 36% of the clear yearly income arising from the property of the Charity now known as the Guild Estate Endowment (formerly the Guild Estate Charity) forms part of the property of the Charity known as the Grammar School of King Edward VI in Stratford upon Avon.
2. By virtue of the said High Court Scheme dated 11th March 1996 the 10% of the clear yearly income which would but for that Scheme have been payable to the Governors of the Grammar School of King Edward VI is to be applicable by the trustees of the Guild Estate Endowment Charity (formerly the Guild Estate Charity) for other charitable purposes but the Company shall so far as is consistent with its duties seek to use the same in furtherance of educational purposes connected with the town of Stratford upon Avon.

SCHEDULE

PART 1

(R/ O means rear of)

Numbers 12, 13, 14, 20 and 28 Bridge Street.

R/O 14 Bridge Street – storage.

Land between Guild/ Henley Street.

Boat Club and Enclosure.

Numbers 4, 7, 20 and 21 Chapel Street.

Stratford Prep School (The Croft).

Numbers 19, 20 and 21/22 Church Street.

Numbers 20/21, 22/23, 24/25, garages –R/O 20-25,30/31, 32/33, 34/36, 37, 38, 39/40, 45, 46, 47, and 48 Ely Street.

Site of Urinal Ely Street.

Land at Guild Street.

Store Building Nos. 1 and 2 R/O 2/3 Henley Street 1, 7, 8, 9, 46, 47, 48 and 49 Henley Street.

Numbers 1, 3, 4/5, 17/18 (shop and upper floor), 25 (the Garrick Inn) and 36 High Street.

Numbers 1, 3 and 4 Masons Court (plus garages and parking space).

Numbers 2 (plus garage), 7/7a, R/O 7/8 (car park), 8 (front and rear), 11, 12, 13 (and second floor), 32, 33, 39/40, 41 and 42 Rother Street.

Numbers 20, 37, 38, R/O 38 (3 shops), 40 (Shrieve's House) and 46 Sheep Street.

Land adjoining Anne Hathaway's Cottage.

Numbers 16, 17, 18 and 19 Waterside.

Numbers 5, R/O 5, 6, 8/9, 21, 23, R/O 23/24, 25, 26, R/O 26/27/28 (parking spaces), 27, 28, and 42 Wood Street.

Redlands Allotments.

Shrieve's Walk Kiosk.

Bell Court (part of).

Guild Chapel.

None property Permanent Endowment at 31st March 2001 Quoted Investments £216,343

Other Funds £678,778

PART 2

Plots 1, 2, 4 and R/O plots 1, 2, 3 and 3/3A Arden Street.

Plot 5 Birmingham Road.

Kendalls Building

Plots 1, 2/3, 4, 5, 6, 7, 8, 9A, 9B, 9C, 10, 11 and 12 Avenue Farm.

Swan Development – Avenue Farm.

Warwick House.

26 Henley Street/ 43 Guild Street.

81 Maidenhead Road.

Rother Street Car Park.

Rowley Fields Grazing Land.

Warwick Lands and Fishing.

Land at Pumping Centre – House and Yard.

Porton House, 6 Western Road.

Numbers 7, 8/8A, (9/10, 12, 13, 14, 15/15A, 15A (sub-station), 15B (car parking), 16, 17, 18/19, 20/21 & R/O 21, 22/22A, 23/23A, 24, 25, 26 and 27 Western Road.

21 Windsor Street.

46 Wood Street.

Central Chambers – shops and offices.

Numbers 1 and 2 Sheep Street.

Shops and offices, 14/15 Rother Street.

5 Old Town.

Non property Permanent Endowment at 31st March 2001: Quoted Investments £244,228

Other Funds £303,073