

# THE TOTTENHAM GRAMMAR SCHOOL FOUNDATION

## GOVERNING DOCUMENTS, RULES AND CONDITIONS



SCHEME (original) – dated 2<sup>nd</sup> March 1989

on [PINK](#) paper

SCHEME – dated 4<sup>th</sup> October 2000

on [YELLOW](#) paper

SCHEME AMENDMENT – dated 13<sup>th</sup> March 2001

on [BLUE](#) paper

RULES FOR THE MANAGEMENT OF THE FOUNDATION on [WHITE](#) paper

CONDITIONS FOR SOMERSET AWARDS

on [GREEN](#) paper

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CHARITY COMMISSIONERS FOR ENGLAND AND WALES

SCHEME

THE TOTTENHAM GRAMMAR SCHOOL FOUNDATION TOTTENHAM  
LONDON BOROUGH OF HARINGEY

DATED 2ND MARCH 1989

Sealed 2nd March 1989

92(S)  
89

Greater London  
London )  
Borough) - Haringey  
Place - Tottenham  
Charities - The  
Tottenham Grammar  
School Foundation and  
Various Prize Funds held  
in connection therewith

**LB** .  
312,634 A/1

Adjudged not chargeable  
with stamp duty

Scheme including appointment of  
Trustees

**CHARITY COMMISSION**  
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In the matter of the following Charities, at Tottenham, in the London Borough of  
Haringey:-

1. The Charity called The Tottenham Grammar School Foundation, regulated by a Scheme made by the Minister of Education of the 29th April 1959;
2. The Charity called the Arthur Kettle Memorial Prize Fund, comprised in a trust deed dated the 21st February 1927;
3. The Charity called the George A Davies Prize Fund, comprised in a declaration of trust dated the 26th November 1943;
4. The Charity called The Alan Nunn Award, comprised in a declaration of trust dated the 28th October 1944;
5. The Charity called The Alderman Lynch Memorial Prize Fund, comprised in a declaration of trust dated the 20th November 1945;
6. The Charity called The J. J. Phillips Memorial Prize Fund, comprised in a declaration of trust dated the 30th September 1947;
7. The Charity known as the Sir Patrick Bishop Prize Fund, comprised in trust deed dated 12th October 1964;
8. The Charity known as The Couch Memorial Prize Fund, founded in or about the year 1952;
9. The Charity known as The H. W. Vallance Lodge Memorial Prize;
10. The Charity known as The Eric Powley Memorial Prize;
11. The Charity known as the L. C. A. Dubery Awards in connection with the Tottenham Grammar School; and

In the matter of the Charities Act 1960.  
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1011-4-7-88-x(2)

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES  
HEREBY ORDER that the following Scheme be approved and established as the  
Scheme for the regulation of the above-mentioned Charities:

#### S C H E M E

1. Administration of Charities. The above-mentioned Charities and the property thereof specified in the schedule hereto and all other the property (if any) of the Charities shall be administered and managed together as one Charity (hereinafter referred to as the Charity) subject to and in conformity with the provisions of this Scheme by the body of Trustees hereinafter constituted.

(2) The name of the Charity shall be The Tottenham Grammar School Foundation or such other name as the Trustees from time to time by resolution may decide with the prior approval of the Charity Commissioners.

2. Investments and cash. Subject to any further direction of the Charity Commissioners 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.

#### TRUSTEES

*[NB Scheme Amendment dated 13<sup>th</sup> March 2001]*

3. Trustees. The body of Trustees shall consist of not less than nine and not more than eleven competent persons being –

Three Nominated Trustees and  
Not less than six and not more than eight Co-opted Trustees.

4. Nominated Trustees. (1) Except at first as hereinafter provided the Nominated Trustees shall be appointed as follows:

Two by the London Borough of Haringey as local education authority,  
and  
One by the Governing Body of the University of London.

(2) Every Nominated Trustee appointed by the London Borough of Haringey shall be appointed for a term of office ending on the date of the appointment of his or her successor (which may be made at any time after the date next following his or her appointment on which members of that body ordinarily retire).

(3) Except as hereinafter provided every other Nominated Trustee shall be appointed for a term of four years.

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(4.) Each appointment of a Nominated Trustee shall be made at a meeting convened and held according to the ordinary practice of the appointing body. The chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Trustees or their clerk. The person appointed may be but need not be a member of the appointing body.

5. First Nominated Trustees. The following persons shall be the first Nominated Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall hold office as if they had been appointed by the respective appointing bodies under this Scheme, for the following periods respectively:

As appointees of the London Borough of Haringey -

Harry Lister, of 28 Talbot Road, in the London Borough of Haringey,

for four years from the date of this Scheme;

Peter Clarke, of 264 Alexandra Park Road, in the London Borough of Haringey,

for two years from the said date.

As appointee of the Governing Body of the University of London -

Bernard Fishel, of 14 Charlton Place, in the London Borough of Islington,

for four years from the said date.

6. First Co-opted Trustees. The following persons shall be the first Co-opted Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall hold office for the following periods respectively:

Keith Charles Brown, of 10 Coolhurst Road, in the London Borough of Haringey,

Laurence Richard Cooper, of 70 Mount Grace Road, Potters Bar, in the County of Hertfordshire,

Anthony George Fogg, of 61 Uplands Way, Winchmore Hill, in the London Borough of Enfield, and

Andrew George Krokou, of 8 Barrington Road, in the London Borough of Haringey,

all for five years from the date of this Scheme;

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Lesley Madon Gilbert, of 15 Stanmore Road, in the London Borough of Haringey,

Brian Howard, of Fairfield, Culloden Road, in the London Borough of Enfield,

Guy Charles Pascoe, of 1 Drayton Gardens, Winchmore Hill, in the London Borough of Enfield, and

William Robert Ward, of 33 Queen Anne's Grove, Bush Hill Park, in the London Borough of Enfield,

all for three years from the said date.

7. Future Co-opted Trustees. (1) Every future Co-opted Trustee shall be appointed for a term of five years by a resolution of the Trustees passed at a special meeting of which not less than 21 days' notice has been given and may be so appointed not more than one month before the term of an existing Co-opted Trustee expires with effect from the date of expiry but so that the latter shall not vote on the matter.

(2) The Trustees shall have regard to the desirability of ensuring that at least one Co-opted Trustee is a former pupil of the Somerset School or of the Tottenham Grammar School and is appointed after consultation with the body called the Somerset Association, so far as practicable.

8. 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.

9. Determination of trusteeship. Any Trustee who is absent from all meetings of the Trustees during a period of one year and any Trustee who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapable of acting or who communicates in writing to the Trustees a wish to resign shall cease thereupon to be a Trustee.

10. Vacancies. Upon the occurrence of a vacancy the Trustees shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Nominated Trustee shall cause notice thereof to be given as soon as possible to the proper appointing body. Any competent Trustee may be re-appointed.

#### MEETINGS AND PROCEEDINGS OF TRUSTEES

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

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12. First meeting. The first meeting of the Trustees shall be summoned by Peter William Calvert, of 11 Onslow Gardens, Winchmore Hill, in the London Borough of Enfield, or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

13. 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.

14. 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.

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

16. Voting. Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the chairman of the meeting shall have a casting vote whether he or she has or has not voted previously on the same question but no Trustee in any other circumstances shall give more than one vote.

17. Minutes and accounts. A minute book and books of account shall be provided and kept by the Trustees. Statements of account in relation to the Charity shall be prepared and transmitted to the Commissioners in accordance with the provisions of the Charities Act 1960, except if and in so far as the Charity is excepted by order or regulations.

18. 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 deposit of money at a proper bank and the custody of documents.

19. Clerk. The Trustees may appoint as clerk one of their number without remuneration who shall be dismissible at their pleasure or some other fit person at such reasonable salary and upon such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit.

20. Committees. The Trustees may from time to time appoint a committee or committees consisting of not less than three members of their body for dealing with any matter of administration delegated to such committee or committees on such terms as the Trustees think fit; provided that all proceedings of such committee or committees shall be reported to a full meeting of the Trustees as soon as reasonably possible.

#### APPLICATION OF INCOME

21. 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.

22. Application of income. (1) Subject to payment of the expenses aforesaid the Trustees shall apply the income of the Charity in one or more of the following ways:-

- (i) in promoting the education (including social and physical training) of persons under the age of 25 years who or whose parents are resident in the London Borough of Haringey or who have at any time attended as a pupil at a school or college in that London Borough and who are in need of financial assistance (provided that preference shall be given to persons so qualified who have at any time attended Somerset School) and in particular but without prejudice to the generality of the foregoing -
  - (a) in awarding to such persons scholarships, exhibitions, bursaries, maintenance allowances or grants tenable at any school, university, polytechnic, or other institution of further or higher (including professional and technical) education approved for the purpose by the Trustees;
  - (b) in providing financial assistance, outfits, clothing, tools, instruments, books or any equipment to assist such persons to pursue their education (including the study of music and other arts), to undertake travel in furtherance thereof, or to prepare for or enter a profession, trade, occupation or service on leaving school, university, or other educational establishment.
- (ii) in providing such special benefits at any maintained school or college in the said London Borough as are not normally provided by the local education authority or the Governing Body;
- (iii) in making grants to other charities which promote the education (including social and physical training) of persons referred to in paragraph (i) above.



(2) Within the limits prescribed by this Scheme the Trustees shall have full power to make rules for the award of scholarships, exhibitions, bursaries, maintenance allowances and other benefits, including rules as to the value and period of tenure of the awards and the qualifications, method of ascertainment and selection of candidates for benefit.

(3) The Trustees shall have regard to the desirability of consulting the local education authority as to their general action under sub-clause (1) of this clause and, if occasion requires, as to the educational qualifications of candidates for benefit.

## INVESTMENTS

23. Investment Adviser. (1) The Trustees shall engage an investment adviser being either a company or firm of repute in the field of investment advice or an individual of not less than 15 years' experience of one or more of the following businesses in the City of London, that is to say, the businesses of stockbrokers, merchant bankers, finance houses which is either an authorised person or an exempted person under the Financial Services Act 1986.

(2) In the following provisions of this Scheme, "Investment Adviser" means the adviser engaged in pursuance of sub-clause (1) above.

(3) The Trustees shall require the Investment Adviser to comply with the following provisions:-

- (a) the Investment Adviser shall keep the investments of the Charity under review at all times; and
- (b) the Investment Adviser shall inform the Trustees promptly of any change in those investments which appears to the Investment Adviser to be desirable (but if so instructed shall instead inform an Investment Committee constituted for the purposes of clause 26 below).

24. Delegation to Investment Adviser. (1) Without prejudice to any other of their powers, the Trustees may (subject to the provisions of this Scheme) delegate to the Investment Adviser, for such period and upon such other terms as the Trustees think fit, power at the discretion of the Investment Adviser to buy and sell investments on behalf of the Trustees.

(2) Where the Trustees make a delegation under sub-clause (1) above, they shall at that time and from time to time thereafter give to the Investment Adviser clear instructions as to investment policy.

(3) The Trustees shall secure that any delegation under sub-clause (1) above is for the time being subject to the following provisions:

- (a) no power included in the delegation shall exceed or in any way infringe the powers of investment of the Trustees;

- (b) no power included in the delegation shall be exercisable except in accordance with instructions as to investment policy given in advance under sub-clause (2) above;
- (c) the Trustees may, with or without notice, revoke the delegation or alter any of its terms notwithstanding that the period of the delegation has not expired (but without prejudice to the validity of anything done before such a revocation or alteration);
- (d) the Investment Adviser shall, as soon as reasonably possible after each purchase or sale in exercise of a power included in the delegation, report that purchase or sale to the Trustees (but if so instructed shall instead report to an Investment Committee constituted for the purposes of clause 26 below).

(4) The Trustees shall review every delegation under sub-clause(1) above at such intervals (not exceeding, in the absence of special reasons, 12 months from the last preceding review under this sub-clause) as the Trustees think fit.

(5) The Trustees shall be liable for the acts and defaults of the Investment Adviser in exercise of any power delegated under sub-clause (1) above to the same extent and in the same manner as if they were the acts and defaults of the Trustees.

25. Remuneration of Investment Adviser. The Trustees may pay reasonable remuneration to the Investment Adviser for services rendered to them under the provisions of this Scheme.

26. Investment Committee. The Trustees may delegate any of their functions relating to investment to an Investment Committee consisting of at least three Trustees on such terms as the Trustees think fit; Provided that those terms shall include a requirement that the Investment Committee report as soon as reasonably possible to a full meeting of the Trustees anything done by or in relation to that Committee.

#### HOLDING OF INVESTMENTS

27. Holding of investments. Without prejudice to any other of their powers, the Trustees may if they think fit invest, or allow to remain, in the name or under the control of, or transfer into the name or control of, any corporation or corporations as nominees of the Trustees the whole or such part as the Trustees may determine of their investments and moneys.

28. Remuneration of nominees. The Trustees may pay reasonable remuneration to any nominee under clause 27 above.

29. Discharge of Official Custodian for Charities. The Official Custodian for Charities shall transfer the investments standing in his name to the Trustees or to such nominee or nominees under clause 27 above as the Trustees may direct and thereupon the Official Custodian shall be discharged from his trusteeship as respects those investments.

#### GENERAL PROVISIONS

30. Appropriation of benefits. The appropriation of the benefits of the Charity shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees.

31. Trustees not to be personally interested. No Trustee shall take or hold any interest in property at any time 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.

32. 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.

33. 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.

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SCHEDULE

Charity numbered 1 above

Endowment Fund

The following investments representing the clear proceeds of sale of real property (Order of the Charity Commissioners of the 8th August 1988:-

383,856	Accumulation Units in the GAM Sterling European Unit Trust.
457,940	Accumulation Units in the GAM UK Special Unit Trust.
526,175	Accumulation Units in the GAM Sterling and International Unit Trust.
632,840	Accumulation Units in the GAM North America Unit Trust.
476,971	Accumulation Units in the GAM Far East Unit Trust.

£4,101,345.15 cash on deposit account at the Lothbury Branch of National Westminster Bank PLC (Clifford Chance account held on behalf of the Charity).

1011-4-7-88

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

**4<sup>th</sup> October 2000**

the following

**SCHEME**

will alter or affect the governing document of the charity

known as

**THE TOTTENHAM GRAMMAR SCHOOL FOUNDATION (312634)**

at

Tottenham, in the London Borough of Haringey

## **SCHEME**

### **1. Definitions**

In this scheme:

"the charity" means the charity identified at the beginning of this scheme.

"governing document" means a scheme of the Commissioners of 2<sup>nd</sup> March 1989.

"the trustees" means the trustees of the charity acting under this scheme and "trustee" means one of the trustees.

### **2. Administration and scope**

- (1) The charity identified at the beginning of this scheme is to be administered in accordance with its governing document as altered or affected by this scheme.
- (2) The powers conferred on the trustees of the charity by clauses 8(1) and 11 (1) of this scheme are in addition to any other powers which they have but are subject to any restriction or exclusion imposed by the governing document of the charity (other than this scheme).
- (3) Any restriction or exclusion imposed by the governing document of the charity, other than this scheme in relation to matters of investment shall continue to apply but subject thereto any existing power of investment conferred on the trustees shall cease to have effect.
- (4) The trustees shall have the power of investment conferred by clause 4 subject to any restriction or exclusion imposed by the governing document other than this scheme.
- (5) Clause 14 shall not apply to sub-clause (3) of this clause.

### **3. Duty of care**

- (1) When exercising any of the powers conferred on the trustees by this scheme, or when carrying out any of the duties to which they are subject under clauses 4(2), 5, 7, 9, and 11(8) and (9) of this scheme, each trustee must exercise such care and skill as is reasonable in all the circumstances, having regard in particular:
  - (a) to any special knowledge or experience that he has or holds himself out as having, and
  - (b) if he acts as trustee in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

- (2) The duty of care also applies to the exercise by the trustees of any power conferred upon them by the governing document of the charity other than this scheme to authorise a person to exercise functions as their agent, or to appoint a person to act as nominee or custodian, unless it appears from those documents that the duty is not meant to apply.
- (3) In the exercise of the powers conferred by clause 8(1) or 11(1) of this scheme, or the powers referred to in sub-clause (2) above, the duty of care in particular applies to:
  - (a) the selection of the person to act;
  - (b) the determination of the terms on which that person is to act;
  - (c) if the person is being authorised under clause 8(7) to exercise asset management functions, the preparation of the policy statement referred to in clause 8(9).

## **POWER OF INVESTMENT**

### **4. Power of investment**

- (1) The trustees may make any kind of investment which they could make if they were absolutely entitled to the assets of the charity.
- (2) In exercising the power of investment conferred by this clause the trustees must have regard to the standard investment criteria.

### **5. Review of investments**

The trustees must from time to time review the investments of the charity and consider whether, having regard to the standard investment criteria they should be varied.

### **6. Standard Investment Criteria**

The standard investment criteria referred to in clauses 4 and 5 are:

- (1) the suitability to the charity of investments of the same kind as any particular investment proposed to be made or retained and of that particular investment as an investment of that kind; and
- (2) the need for diversification of investments of the charity, in so far as is appropriate to the circumstances of the charity.

### **7. Advice**

- (1) Before exercising the power of investment conferred by this scheme the trustees must obtain and consider proper advice about the way in which,

having regard to the standard investment criteria, the power should be exercised.

- (2) When reviewing the investments of the charity the trustees must obtain and consider proper advice about whether, having regard to the standard investment criteria, the investments should be varied.
- (3) Notwithstanding the previous two sub-clauses, the trustees need not obtain such advice if they reasonably conclude that in all the circumstances it is unnecessary or inappropriate to do so.
- (4) For the purposes of this clause "proper advice" is the advice of a person who is reasonably believed by the trustees to be qualified to give it by his ability in and practical experience of financial and other matters relating to the proposed investment.

## **POWER OF DELEGATION**

### **8. Power of delegation**

- (1) The trustees may authorise one or more persons, who may but need not be trustees, to exercise all or any of their delegable functions as their agent on such terms as to remuneration and other matters as the trustees may determine, provided that they comply with the provisions of this clause.
- (2) "delegable functions" means:
  - (a) any function consisting of carrying out a decision that the trustees have taken;
  - (b) any function relating to the investment of assets belonging to the charity (including, in the case of land acquired as an investment, managing the land and creating or disposing of an interest in the land);
  - (c) any function relating to the raising of funds for the charity.
- (3) If 2 or more persons are to be authorised to exercise any delegable function then this must be on terms that they exercise the function jointly.
- (4) The trustees may not include in the agreement with the agent:
  - (a) a term permitting the agent to appoint a substitute; or
  - (b) a term restricting the liability of the agent (or substitute) to the trustees or to the charity; or
  - (c) a term permitting the agent to act in circumstances capable of giving rise to a conflict of interest

unless it is reasonably necessary for them to do so.

- (5) Subject to the provisions of this sub-clause, the trustees may remunerate the agent out of the assets of the charity for his services to the charity if:
- (a) he is engaged on terms entitling him to be remunerated for those services; and
  - (b) the amount does not exceed such remuneration as is reasonable in the circumstances for the, provision of those: services by him on behalf of the charity.

If a trustee is appointed as agent he will not be entitled to remuneration except in so as this is authorised by the governing document of the charity (other than this scheme) or by the Commissioners.

- (6) The trustees may reimburse the agent for any expenses properly incurred by him in exercising the functions referred to in the agreement with the agent.
- (7) The trustees may not authorise a person to exercise as their agent a delegable function which is also an asset management function except by an agreement which is in, or evidenced in, writing.
- (8) The asset management functions of the trustees for the purposes of sub-clause (7) are their functions relating to:
- (a) the investment of assets of the charity;
  - (b) the acquisition of property for the charity;
  - (c) managing property of the charity and disposing of, or creating or disposing of an interest in, such property.
- (9) Before entering into an agreement with an agent of the kind mentioned in sub-clause (7) the trustees must prepare a policy statement which is in, or evidenced in, writing that gives guidance as to how the asset management functions should be exercised with a view to ensuring that the asset management functions will be exercised in the best interests of the charity.
- (10) Any such agreement must set out the functions which are being delegated to the agent and must include a term to the effect that the agent will secure compliance with the policy statement referred to in sub-clause (9) or, if the policy statement is revised or replaced in accordance with clause 9 of this scheme, that the agent will secure compliance with the revised or replacement policy statement.

## **9. Review of delegation arrangements**

- (1) The trustees must keep under review the arrangements under which the agent acts in connection with delegable functions and how those arrangements are being put into effect.
- (2) The trustees may give directions to any person who is authorised to exercise such functions as their agent, and revoke any such authorisation. If



circumstances make it appropriate to do so the trustees must consider whether there is a need to exercise this power and if they consider that there is a need to exercise the power then the trustees must do so.

- (3) In relation to the policy statement referred to in clause 8 the trustees are under:
  - (a) a duty to assess whether the policy statement (as it has effect for the time being) is being complied with; and
  - (b) a duty to consider whether there is a need to revise or replace the policy statement; and
  - (c) if they consider that there is a need to revise or replace the policy statement in the best interests of the charity, a duty to do so and to give notice in writing (or evidenced in writing) to the agent of the revised or replacement policy statement without delay.

## **10. Duties of delegates**

- (1) Any agent authorised under clause 8 to exercise the power of investment given by clause 4 shall be subject to the specific duties and restrictions attached to the exercise of that power by clauses 4(2), 5 and (subject to sub-clause (2) below) 7 or this scheme.
- (2) The agent shall not be required to obtain advice before exercising the powers of investment delegated to him if he is the kind of person from whom it would have been proper for the trustees, in compliance with the requirement, to obtain advice.

## **APPOINTMENT OF NOMINEES AND CUSTODIANS**

### **11. Appointment of nominees and custodians**

- (1) The trustees may:
  - (a) appoint a person to act as their nominee in relation to such of the assets of the charity as they may determine and may take such steps as they shall determine to secure that those assets are vested in the person so appointed;
  - (b) appoint a person to act as a custodian (being a person who undertakes the safe custody of the assets or of any documents or records concerning the assets) in relation to such of the assets of the charity as they may determine.
- (2) Any appointment under this clause must be in or evidenced in writing.
- (3) This clause does not apply if and so long as the charity has a custodian trustee, and does not apply to property in relation to which a person (other than the

trustees) has responsibilities which are comparable to those of a custodian trustee.

- (4) A person may not be appointed to be a nominee or a custodian under this clause unless he carries on a business which consists of or includes acting as a nominee or a custodian or unless that person is a body corporate which is controlled by the trustees.
- (5) The question whether a body corporate is controlled by the trustees is to be determined in accordance with section 840 of the Income and Corporation Taxes Act 1988.
- (6) The trustees must act in accordance with any guidance given by the Commission concerning the selection of a person for appointment as a nominee or custodian.
- (7) The trustees may not include in the terms of appointment of a person to act as a nominee or custodian:
  - (a) a term which permits the nominee or custodian to appoint a substitute; or
  - (b) a term restricting the liability of the nominee or custodian or substitute to the trustees or to the charity; or
  - (c) a term permitting the nominee or custodian to act in circumstances capable of giving rise to a conflict of interest,unless the trustees are satisfied it is reasonably necessary to do so.
- (8) The trustees must keep under review the arrangements under which the nominee or custodian acts and how those arrangements are being put into effect.
- (9) The trustees may give directions to any nominee or custodian, and revoke the appointment of any nominee or custodian. If circumstances make it appropriate to do so the trustees must consider whether there is a need to exercise this power and if they consider there is a need to exercise the power then the trustees must do so.
- (10) Subject to the provisions of this sub-clause, the trustees may remunerate the nominee or custodian out of the assets of the charity for his services to the charity if:
  - (a) he is engaged on terms entitling him to be remunerated for those services; and
  - (b) the amount does not exceed such remuneration as is reasonable in the circumstances for the provision of those services by him on behalf of the charity.

If a trustee is appointed as a nominee or a custodian he will not be entitled to remuneration except in so far as this is authorised by the governing document of the charity (other than this scheme) or by the Commissioners.

- (11) The trustees may reimburse any nominee or custodian out of the assets of the charity for any expenses properly incurred by him in exercising nominee or custodian functions.

## GENERAL PROVISIONS

### 12. Identity of agents, nominees and custodians

In the exercise of the powers conferred on them by this scheme the trustees shall not be precluded, if they consider this to be in the best interests of the charity from:

- (1) appointing as the nominee or custodian of assets of the charity the same person as may be appointed as the agent of the trustees in relation to delegable functions, and *vice versa*;
- (2) appointing the same person as both nominee and custodian;
- (3) appointing one of their number as nominee or custodian, if that one is a trust corporation;
- (4) appointing two or more of their number as nominees or custodians, if they are to act as joint nominees or joint custodians.

### 13. Limitation of trustees' liability

- (1) A trustee is not liable for any act or default of an agent, nominee or custodian unless he has failed to comply with the duty or care applicable to him under clause 3:
  - (a) when exercising the power contained in clause 8(1) or 11(1);
  - (b) when carrying out his duties under clause 9 or 11(8) or (9) as the case may be.
- (2) If a trustee has agreed a term under which the agent, nominee or custodian is permitted to appoint a substitute, the trustee is not liable for any act or default of the substitute unless he or she has failed to comply with the duty of care applicable to him or her under clause 3:
  - (a) when agreeing that term;
  - (b) when carrying out his or her duties under clause 9 or 11(8) or (9) as the case may be in so far as they relate to the use of the substitute.

### 14. Duration of scheme

Other than clause 2(3) this scheme will cease to have effect on the day on which there comes into force any public general Act which:

- (1) is not in force at the date of this scheme, and which
- (2) does, or would, but for this scheme, confer corresponding powers on the trustees of the charity.

## **POWER OF AMENDMENT**

### **15. Amendment of the governing document**

- (1) Subject to the provisions of this clause, the trustees may amend the provisions of 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 clause 21 (Expenses of management);
  - (b) vary clause 22 (Application of income);
  - (c) confer a power to dissolve the charity;
  - (d) enable them to spend permanent endowment of the charity.
- (4) The trustees must obtain the prior written approval of the Commissioners before making any amendment which would:
  - (a) vary clause 31 (Trustees not to be personally interested);
  - (b) vary the name of the charity;
  - (c) vary the trustees' powers of investment.
- (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 the governing document and this scheme.

### **16. 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 or anything done or intended to be done under it.

**Tottenham Grammar School Foundation**

**THE SCHEME FOR THE REGULATION OF THE FOUNDATION**

TRUSTEES (13-03-2001)

AGREED - That, in accordance with Clause 15 of the Charity Commissioner's Order dated 4 October 2000 altering the Foundation's governing document, the terms of the Scheme for the Regulation of the Foundation be amended by deleting existing Clauses 3 and 4 and replacing them as follows:

3. Trustees. The body of Trustees shall consist of not fewer than nine and not more than eleven competent persons being -

Two Nominated Trustees and  
Not fewer than seven and not more than nine Co-opted Trustees.

4. Nominated Trustees. Nominated Trustees shall be appointed as follows:

Two by the London Borough of Haringey as local education authority.

The Charity Commissioners have been advised accordingly.

Peter W Calvert  
Clerk to the Foundation

## **RULES FOR THE MANAGEMENT OF THE FOUNDATION**

Rules for the Management of the Tottenham Grammar School Foundation Charity in respect of the application of the income of the Charity set out in Clauses 21 and 22 of the Scheme for the regulation of the Foundation.

*(These Rules are made under the Provision of Clause 22(2) of Scheme No 312,634A /1 .LB Sealed by Order of the Charity Commissioners on 2 March 1989.)*

- 1 All individual Awards made by the Trustees shall be known as Somerset Awards in remembrance of the re-endowment of the Tottenham Grammar School by Sarah, Duchess of Somerset in the year 1692.
- 2 Somerset Awards shall be made for the benefit of persons as defined in Clause 22(1)(i) of the Scheme and may be supplementary to any scholarship, grant, or any other provision which may be made from public funds or from any other source and in the Rules “beneficiary” and “beneficiaries” shall have the corresponding meaning. Somerset Awards will normally be made only to students of secondary school age and above.
- 3 (i) Somerset Awards may be approved for the following purposes:
  - (a) In respect of approved courses at universities, colleges and other places of education or training approved by trustees;
  - (b) To provide outfits, tools, instruments or books or otherwise to assist beneficiaries preparing for entry into professions and other occupations;(ii) ‘Special’ Somerset Awards may be approved for the following purposes:
  - (a) To enable any beneficiary to have an opportunity satisfactorily to complete a school or college course, including where appropriate specialist equipment for beneficiaries with special needs;
  - (b) To enable any beneficiary to spend a period abroad either for the purpose of studying a foreign language or to pursue other studies to the best advantage or for field courses or other forms of study in the United Kingdom;
  - (c) Awards in respect of fees or expenses in connection with any college or university scholarship or entrance examination
- 4 (i) Applications for Somerset Awards including Undergraduate Awards shall normally be submitted to the Chairman of Trustees for a decision. Any such decision shall be reported to the next Meeting of Trustees.
  - (ii) Applications for Special Somerset Awards shall normally be placed in the first instance before the Foundation’s Awards Committee for consideration and their recommendation put to the Foundation’s Chairman for decision. In urgent cases the clerk may submit applications for special Somerset Awards to the Chairman directly. In all cases the Chairman’s decision and the reasons therefor shall be reported to the next Meeting of Trustees.
- 5 Applications for grants submitted by schools or other charities (cf. Clause 22(1)(ii) and (iii)) shall normally be placed in the first instance before the Awards Committee for consideration and their recommendation put to the Foundation’s Chairman for decision. In urgent cases the clerk may submit applications for grants to the Chairman directly. In all cases the Chairman's decision and the reasons therefor shall be reported to the next Meeting of Trustees.
- 6 Trustees may consider making Somerset Awards to beneficiaries wishing to attend schools outside the public sector. Such Awards to be on terms and conditions to be determined by the Trustees.
- 7 In reaching a decision on the number and size of Awards Trustees shall take into account *inter alia* the following matters:

- (i) Any limits on emoluments which may be received by any person without reduction in other award, scholarship or grant held by that person, whether payable from public funds or from any other source; and
- (ii) The estimated income from the Foundation's investments for the following five years and the amount which should be budgeted for to meet other anticipated calls on the income of the Foundation within the terms of these Rules and of the Scheme during the currency of any Award made.
- 8 Normally any Somerset Award shall be single and non-recurring but the Trustees may make a second or subsequent Award to any applicant if they consider it desirable to do so. The Trustees may also increase the value of any Award.
- 9 The Trustees reserve the right to make, or have made for them, such enquiries as they consider appropriate into the financial circumstances of any applicant for an Award and of the parents or guardians of any such applicant.
- 10 Any Somerset Award may be made subject to such conditions as the Trustees consider appropriate.
- 11 Trustees may make Grants to projects of an educational nature which they consider to be of benefit to pupils or students in attendance at establishments described in Rule 3. Requests for such Grants may be made by the sponsors of the project or the head teacher or principal concerned. Before making any such Grant the Trustees reserve the right to make or have made for them enquiries into the financial circumstances of the sponsor of any such project who shall in any case have the terms of Clause 32 of the Scheme drawn to their attention.
- 12 Where appropriate, Trustees may consult officers of the local education authority, when considering recommendations for Somerset Awards and requests for grants to projects of an educational nature.
- 13 In these Rules, unless the context otherwise requires:  
'AWARD' means a Somerset Award;  
'UNDERGRADUATE AWARD' means any Award made in respect of post school education qualifying for a mandatory LEA grant;  
'FOUNDATION' means the Tottenham Grammar School Foundation;  
'TRUSTEES' means the Trustees of the Tottenham Grammar School Foundation under the Scheme;
- 14 So far as any matters not specifically dealt with in these Rules are concerned and in matters where the Rules may be silent, the Trustees are free to act as they think proper in the interests of the Foundation provided that what is proposed to be done is permissible under the Scheme.
- 15 These Rules may at any time be added to, amended or rescinded and replaced by others, provided that prior notice is given to all Trustees of any proposal to do so. The Rules may be suspended where a clear majority of Trustees present at any meeting vote in favour of such action.

THESE RULES WERE ADOPTED AT A MEETING OF TRUSTEES OF THE  
TOTTENHAM GRAMMAR SCHOOL FOUNDATION HELD ON 3 FEBRUARY  
1998 AND REPLACED THOSE ORIGINALLY APPROVED BY TRUSTEES ON  
27 APRIL 1989



# THE TOTTENHAM GRAMMAR SCHOOL FOUNDATION

## CONDITIONS FOR SOMERSET AWARDS (INCLUDING UNDERGRADUATE AWARDS)

**The full rules and regulations of the Tottenham Grammar School Foundation are available upon request and can also be viewed on the Foundation's website: [www.tgsf.info](http://www.tgsf.info). The Trustees of the Foundation have approved the following additional Rules for the granting of Somerset Awards:**

- (i) the closing date for receipt of applications for Somerset Awards for any academic year shall be 31 January;
- (ii) Somerset Awards (for students taking a full-time vocational course at a further education college or other recognised provider) and Undergraduate Awards (for students taking a full-time degree or other full-time course of higher education of two or more year's duration) will be available only to applicants who are resident in the London Borough of Haringey and have attended a London Borough of Haringey maintained secondary school for the majority of their secondary education;
- (iii) Awards will not be approved for GCSE, AS or A level courses;
- (iv) Awards will not be approved in respect of courses being followed at schools (including school sixth forms) unless it is a vocational course;
- (v) Awards will not be approved for students on apprenticeships;
- (vi) Payment of any Award will be conditional on the provision by the Award holder of a Certificate of Enrolment and Attendance which should be on University or College headed paper (not a photo copy) and which must be signed by the holder's tutor or other senior member of staff concerned with the course being followed;
- (vii) Applicants for Awards must be at least 16 years old and below the age of 25 years on the 1st September in the year of their course of study.

[as agreed by the Trustees at their meeting held on 13 May 2014]