

Sealed 9th March 1983.

N67(S)
83.

County - South Glamorgan.
Place - Cowbridge.
Charities - 1. Cowbridge Grammar
School.
2. Sir Thomas Mansel
Franklen Trust.

L3.
525,559 A/1.

Stamp ~~50p~~
£1.00

Scheme including appointment of
Trustees, ~~and vesting.~~

CHARITY COMMISSION.



In the matter of the following Charities, at
Cowbridge, in the County of South Glamorgan:-

1. The Charity called Cowbridge
Grammar School, regulated by a
Scheme of the Board of Education
of the 9th October 1919 as varied
by a Scheme of the Minister of
Education of the 18th October
1951;
2. The Charity known as the Sir Thomas
Mansel Franklen Trust, comprised
in a declaration of trust dated
the 21st December 1922; and

In the matter of the Charities Act, 1960.

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 subject to and in
conformity with the provisions of this Scheme.

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CHARITY NUMBERED 1 ABOVE.

2. Trustee. - The County Council of South Glamorgan shall be the Trustee of the Charity numbered 1 above.

3. Vesting. - The land specified and numbered 1 to 6 in the said schedule and belonging to the said Charity numbered 1 is hereby vested in the Trustee for all the estate and interest therein belonging to or held in trust for that Charity.

4. Secondary school. - The said land and any buildings now or hereafter to be erected thereon shall be used by the Trustee for the provision and conduct by it of a county secondary school (hereinafter referred to as the said school) within the meaning of the Education Acts, 1944 to 1980.

5. Application of income. - The Trustee shall pay over the clear income of the said Charity numbered 1 to the Managing Trustees appointed by clause 7 of this Scheme in ³ augmentation of the income of the Charity numbered 2 above.

CHARITY NUMBERED 2 ABOVE.

6. Custodian Trustee. - The County Council of South Glamorgan shall be the Custodian Trustee of the said Charity numbered 2.

7. Vesting. - The land specified and numbered 7 and 8 in the said schedule and the easement there specified all belonging to the said Charity numbered 2 are hereby vested in the Custodian Trustee for all the estate and interest therein belonging to or held in trust for that Charity.

8. Managing Trustees. - The persons who are the Governors for the time being of the Cowbridge Comprehensive School, at Cowbridge, acting in accordance with their usual procedure shall be the Managing Trustees of the said Charity numbered 2.

9. Use of land. - The Managing Trustees may permit the said land specified and numbered 7 and 8 in the said schedule and belonging to the said Charity numbered 2 to be used by the Trustee of the said Charity numbered 1 in connection with the conduct by it of the said school subject in the case of the land numbered 8 to the rights reserved to the purchasers in a conveyance dated the 12th N1489 25.11.76LFx(4)

August 1941 and made between the Glamorgan County Council of the one part and Reginald Herbert Williams of the other part and a conveyance dated the 14th August 1941 and made between the Glamorgan County Council of the one part and John Stanley Morgan of the other part.

10. Management and letting of lands. - The Managing Trustees shall let and otherwise manage all the lands belonging to the said Charity numbered 2 not required for use as aforesaid. The Managing Trustees shall not without the sanction of the Commissioners, the court or other competent authority create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.

11. Leases. - The Managing Trustees shall provide that on the grant by them 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, the proper cultivation of the land 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.

12. Application of income. - The Managing Trustees shall apply the clear income of the said Charity numbered 2 in one or both of the following ways:

- (1) in providing for the said school special benefits of any kind not normally provided by the local education authority;
- (2) in promoting the education, including social and physical training, of persons who are or were pupils at the said school and who are in need of financial assistance.

GENERAL PROVISION.

13. 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 Charity Commissioners upon such application made to them for the purpose as they think sufficient.

SCHEDULE.

1. Cowbridge Grammar School.

The following land situate at Cowbridge in the County of South Glamorgan:

1. Land containing 2.09 acres or thereabouts known as "the Closes" and being the land comprised in a conveyance dated the 30th April 1919 and made between Constance Mary Clay of the one part and the Glamorgan County Council of other part.
2. Land containing 0.69 of an acre or thereabouts having a frontage on the north west to Church Street of 235 feet or thereabouts with the buildings erected thereon formerly known as Cowbridge Grammar School and being the property comprised in a conveyance dated the 3rd August 1920 made between the Principal, Fellows and Scholars of Jesus College, Oxford of the one part and the said Glamorgan County Council of the other part.
3. Land containing 0.35 of an acre or thereabouts having a frontage on the south east to Church Street of 100 feet or thereabouts being the land comprised in a further conveyance dated the 3rd August 1920 and made between the said Principal, Fellows and Scholars of Jesus College, Oxford of the one part and the said Glamorgan County Council of the other part.
4. Land containing 3.46 acres or thereabouts known as "The College Field" and being the land comprised in a conveyance dated the 28th November 1922 and made between Charles Thomas Edmondes of the one part and the said Glamorgan County Council of the other part.
5. Land containing 0.05 of an acre or thereabouts formerly forming part of a field known as Waun-y-Gaer being the land comprised in a conveyance dated the 29th July 1925 and made between Charlotte Ann David of the first part James Gilbert Harold Bird of the second part and the said Glamorgan County Council of the other part.

6. Land containing 0.16 of an acre or thereabouts having a frontage on the north to the churchyard of St. Mary's Church being the land comprised in a conveyance dated the 19th November 1925 and made between The Mayor Aldermen and Burgesses of the Borough of Cowbridge of the one part and the said Glamorgan County Council of the other part with the building erected thereon.

The right to receive yearly sums amounting to £50 charged upon or issuing out of land devised to the Principal, Fellows and Scholars of Jesus College, Oxford.

The following investments standing in the name of the Official Custodian for Charities representing accumulations of income:

- 2,182.47 Shares in the Charibond Charities
Narrower Range Common Investment Fund.
- 1,789.35 Shares in the Charinco Charities
Narrower Range Common Investment Fund.

£50 cash on temporary loan to the South Glamorgan County Council at interest.

£122.65 cash on current account at the Cardiff branch of the Co-operative Bank plc being accumulations of income.

2. Sir Thomas Mansel Franklen Trust.

The following land situate at Cowbridge in the County of South Glamorgan:

7. Land containing 0.22 of an acre or thereabouts having a frontage on the west to the graveyard of St. Mary's Church of 141 feet or thereabouts.
8. Land containing 173 square yards or thereabouts lying between the property known as Number 34 High Street and the property known as Number 36 High Street and having a frontage on the north to High Street of 9 feet or thereabouts.

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An easement consisting or a right of way over and along the garden forming part of the property known as Number 36 High Street Cowbridge being a right excepted and reserved in the said conveyance dated the 14th August 1941.

The following investments standing in the name of the Official Custodian for Charities:

914 Shares in the Charibond Charities
Narrower Range Common Investment Fund
representing permanent endowment.
746.33 Shares in the Charinco Charities
Narrower Range Common Investment Fund
representing accumulations of income.
896.53 Shares in the Charibond Charities
Narrower Range Common Investment Fund
representing accumulations of income.

£235 cash on temporary loan to the South Glamorgan County Council at interest.

£14.99 cash on current account at the said branch of the said bank being accumulations of income.

Sealed by Order of the Commissioners this 9th day
of March 1983.

L.S.

N1489LFx(4)

Hilary M. Thomas FSA

[REDACTED]

[REDACTED]

The Chief Executive
Charity Commission
PO Box 1227
Liverpool L69 3UG

09 03 2011

Dear Sir,

THE SIR THOMAS MANSEL FRANKLEN TRUST (REF: C - 202260)

My attention has been drawn to a small advertisement in a local free newspaper (The Cowbridge Gem, 17 Feb. 2011) announcing proposals to amend the trusts of the above Charity. I understand that while the terms of the proposed new scheme can be consulted at the Cowbridge Comprehensive School, details of the existing scheme are not so available and I would like to know on what basis the changes have been formulated and to what 'new' purposes the revenue arising from the Trust is to be applied. I would be grateful for clarification as to what exactly is being proposed and the reasoning behind the proposals.

As I understand it, the Trust was set up to provide grants to students past and present of the old Cowbridge Grammar School, and subsequently of the Cowbridge Comprehensive School, to enable them to further their education when their own financial circumstances would preclude further study.

I am not involved in the affairs of the school or of the Trust, and my sole concern in writing to you is to try to ensure that the intentions of the founder of the Trust are still honoured and that deserving students have access to Trust funds which could make all the difference to their future prospects.

I would be grateful for your comments and await your reply.

Yours sincerely,

Mrs H Thomas
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Wales Office Charity Commission Direct
PO Box 1227, Liverpool L69 3UG

Swyddfa Cymru Comisiwn Elusennau Uniongyrchol
Blwch SP 1227, Lerpwl L69 3UG

tel/ffôn: 01633 225509
fax/ffacs: 01633 225549

Your Ref/Eich Cyf:
Our Ref/Ein Cyf: TR C-202260-N4ZA

Date/Dyddiad: 22 March 2011

Dear Mrs Thomas

Sir Thomas Mansel Franklen Trust (525560)

Thank you for your letter of 9 March and for taking the time to discuss it with me.

The charity is currently governed by a Commission scheme of 9 March 1983, a copy of which is enclosed. Clause 12 of the scheme requires that the charity's income is applied in one or both of the following ways:

"(1) in providing for **the said school** special benefits of any kind not normally provided by the local education authority;

(2) in promoting the education, including social and physical training, of persons who are or were pupils at **the said school** and who are in need of financial assistance."

"**The said school**" referred to in the scheme was the secondary school situated on the land owned by the Cowbridge Comprehensive School Trust. We have been made aware that the school has ceased to operate on that land. We therefore brought it to the attention of the trustees of the Sir Thomas Mansel Franklen Trust that it is necessary to redefine how the income of the Franklen Trust should be applied.

My intention in drafting the proposed scheme was to simply redefine the said school as "Cowbridge Comprehensive School" and to maintain the potential for past pupils of the recently closed school to benefit under clause 12(2). However, it has been brought to my attention that the proposed amendment inadvertently removed the earlier reference, in clause 12(2) to "in need of financial assistance" This was an administrative error on my part.

We have fully considered the issues that have been raised and have concluded that the administrative error in the drafting of the scheme should be addressed. As a result we have decided to authorise the scheme but with the words "and who are in need of financial assistance" restored to the end of clause 3(2).

The effect of this scheme, a copy of which is enclosed, is that:

- those benefits provided under clause 12(1) of the 1983 scheme can be provided for Cowbridge Comprehensive School; and
- those benefits available under clause 12(2) of the 1983 scheme can be provided to past and present pupils of Cowbridge Comprehensive School (who are in need of financial assistance) in addition to past pupils of any school provided by the Cowbridge Comprehensive School Trust under clause 4 of the 1983 scheme and who are in need of financial assistance.

Thank you for your interest in this charity.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Reese', written in a cursive style.

Tim Reese

treese@charitycommission.gsi.gov.uk

1. Definitions

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

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

“the existing trusts” means the Charity Commission scheme of 9 March 1983.

“the 1983 scheme” means the Charity Commission scheme of 9 March 1983.

2. Administration

The charity is to be administered in accordance with the existing trusts as altered by this scheme.

3. Alteration of governing document

The existing trusts will take effect with:

- (1) Clause 12(1) of the 1983 scheme replaced with:

“in providing for Cowbridge Comprehensive School special benefits of any kind not normally provided by the local education authority;”

- (2) Clause 12(2) of the 1983 scheme replaced with:

“in promoting the education, including social and physical training, of persons who are or were pupils of Cowbridge Comprehensive School or were pupils of any school provided under clause 4 of the 1983 scheme prior to the date of this scheme, and who are in need of financial assistance.”

4. 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.

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

22 March 2011

this

SCHEME

will alter or affect the existing trusts of the charity

known as

SIR THOMAS MANSEL FRANKLEN TRUST (525560)

at

Cowbridge, Vale of Glamorgan



Authorised Officer

Reference Number: 1257/1011
Case Number: C-202260-N4ZA