

DATED



11th

2016

THE HOSPITAL OF ST THOMAS THE MARTYR EASTBRIDGE
(OTHERWISE EASTBRIDGE HOSPITAL, CANTERBURY)

An Ordinance

of

His Grace the Archbishop of Canterbury
Concerning the Hospital of Eastbridge
(otherwise St. Thomas) in the City of
Canterbury and the governance of the
same

SECTION 1 THE COUNCIL

1. APPOINTMENT OF COUNCIL OF MANAGEMENT

Subject as hereinafter mentioned there shall be a 'Council' consisting of the following persons viz:

The Archdeacon of Canterbury (ex officio)

A Clergyman

Seven other persons at least three of whom shall be lay people the said Clergyman and other persons being nominated and appointed by the Archbishops of Canterbury to hold office for five years and at the expiration of the five years of office and at every vacancy caused by the death resignation or otherwise of either of the said Clergymen of any of the seven other persons the Archbishop of Canterbury shall nominate and appoint another to fill such vacancy

2. MANAGEMENT

The Council shall be responsible for the care and control of the property and effects of the Charity and shall also be responsible for all financial matters relating to the said Charity . In particular the Council shall:

- (i) Provide accommodation in the Hospital or any extension thereof for those in financial need or suffering hardship or under such terms as the Council considers appropriate
- (ii) Maintain the fabric of the Hospital buildings its grounds and estate generally with the contents thereof and all muniments and documents of record relating to the Charity.
- (iii) Contribute an annual sum the amount of which shall be at the

discretion of the Council to the Eastbridge Parker Exhibitions at the College of Corpus Christi, Cambridge and in accordance with the terms of the Eastbridge Parker Exhibition dated the Nineteenth day of November 1999

- (iv) Contribute such sums annually as the Council may decide in furtherance of the Eastbridge Award Scheme at the discretion of the Council to further Christian Education in the area administered by Canterbury District Council and otherwise in accordance with the terms of the said Scheme.
- (v) Make such provision for pilgrims and the promotion of the Christian faith amongst visitors to the Hospital as may seem appropriate.
- (vi) Appoint and fix the salaries or remuneration of such officers or agents necessary or proper for the management of the Charity or administration of the Hospital in accordance with the provisions of this Ordinance. Every appointment so made shall be revocable by the Council at its pleasure.
- (vii) In particular ensure the appointment of a Master to the Hospital who will provide pastoral and spiritual care for the residents of the Hospital, act as a representative of the Hospital to the community at large, act as guardian of Greyfriars Chapel, facilitate as required by the Council of Management the provision of the aforesaid educational foundation known as the Eastbridge Parker Exhibition and the Eastbridge Award Scheme and generally upon such other terms and conditions as the Council deem appropriate from time to time such appointment to be made by the Archbishop of Canterbury upon recommendation of the Council of Management.
- (viii) Provide and maintain a fund for the extraordinary repair

improvement or rebuilding of the Hospital or any of its said Estate in accordance with the requirements of the Charity Commissioners or as decided upon by the Council of Management from time to time.

- (ix) Generally to make such provision for use of the Hospital buildings and its said Estate as the Council may from time to time decide which will improve the financial standing and well being of the Hospital within the overall spirit of this Ordinance.

3. ORDINARY MEETINGS

The Council shall hold at least four ordinary meetings in each year.

4. CHAIRMAN

The Council of Management shall elect annually and at its first meeting in any calendar year a Chairman of all meetings of the Council at which he or she is present to serve for such term or terms as the Council may deem appropriate. If at any meeting the Chairman is not present within ten minutes after the time appointed for holding the same the members of the Council present shall choose one of their members to be Chairman of that meeting.

5. SPECIAL MEETINGS

A special meeting may at any time be summoned by the Chairman or any two members upon seven days notice being given to all other members of the matters to be discussed.

6. APPOINTMENT OF CLERK AND RECEIVER

The Council shall appoint a fit person to be their Clerk and Receiver at such salary or other remuneration as the Council thinks fit. The appointment shall be revocable by the Council at its pleasure.

7. DUTIES OF THE CLERK AND RECEIVER

Duties shall include (but not be confined to) the summoning of all meetings of the Hospital and attendance at those meetings and the keeping of the minutes of all such meetings. The Clerk and Receiver will and in collaboration with the Hospital's nominated accountants and the Hospital's Bursar and other professional advisers ensure that the accounts of the Hospital and all other records are properly kept and shall cause to be prepared and furnished the statements of such accounts which the Council may be bound to render and shall perform such other duties not coming within the province of a professional legal adviser as the Council may reasonably require.

8. NOTICE OF MEETINGS

Notice in writing of every meeting whether general special or adjourned shall be delivered or sent electronically or through the post to each member by the Clerk and Receiver to the Council or other person acting under the direction of the Council seven clear days at least before the date of the meeting so far as in the case of an adjourned meeting the interval between the original and adjourned meetings will permit. Every notice of meeting shall state the place day and hour of the meeting and every notice of a general or special meeting shall further state the matters to be discussed thereat.

9. QUORUM

There shall be a quorum when three members are present at any meeting of the Council. Pending the filling of any vacancy the members for the time being (not less in number than a quorum) may act for all purposes in the administration of the property of the Charity.

10. MINUTES

A minute book shall be provided and kept by the Council. Minutes of the

entry into office of every new member and of all proceedings of the Council and any sub-committee of it shall be entered in the minute book and shall be signed by the Chairman of the meeting or the Chairman of the next meeting if they shall have been duly confirmed.

11. VOTING

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

12. VARIATION OF RESOLUTION

Any resolution of the Council may be rescinded or varied from time to time by the Council.

13. ACCOUNTS

Full accounts shall be entered in proper books of account to be provided for the purpose of all money received and paid on account of the Charity . Such books of account shall be prepared for each year and shall be examined and passed by the Council as soon as possible at a meeting in the ensuing year or at some other meeting appointed for the purpose.

14. CHEQUES AND DRAWING'S ON THE HOSPITAL'S FINANCIAL ACCOUNTS

The Council may by resolution passed at a duly convenient meeting make such arrangements for the signing of cheques and withdrawals from the Hospital's bank or other investment accounts as it deems appropriate and shall give notice in writing of that resolution to any bank or investment body with whom the Hospital has its funds invested or placed from time to time.

15. POWER OF INVESTMENT

(a) SUBJECT TO the provisions of Section 6 of the Trustee Investments Act 1961 or any statutory modification or amendment thereof the Council of Management shall have all the powers of investment sale alienation exchange partition mortgage charging pledging leasing insurance protection improvement equipment dealing disposition and management (and all other powers) of an absolute beneficial owner of the Trust Funds of the said Hospital and such powers shall not be restricted by any principle of construction but shall operate according to the widest generality of which the foregoing words are capable notwithstanding that certain powers are more particularly set out in the following paragraph and

(b) APPLY ANY money belonging to the said Hospital to be invested in the purchase or acquisition (either alone or jointly with other persons) of such shares stock funds securities land buildings chattels or other property of whatever nature and wherever situated and whether involving liabilities or producing income or not or in making such loans with or without security as the Council of Management think fit.

16. POWER TO BORROW

(a) THE Council of Management may borrow and raise money with or without security or on the security of the Trust Funds of the said Hospital any part of it or any assets comprised in it for any purpose (including the investment of the monies so raised as part of the Trust Funds) and may mortgage charge or pledge the Trust Funds any part of it or any assets comprised in it as security for any monies so raised.

(b) The Council of Management may enter into borrowing arrangements jointly with other persons whether involving joint or several liability.

17. POWER TO APPOINT INVESTMENT ADVISER

17.1 The Council of Management may appoint as the investment manager for the Hospital a person who they are satisfied after enquiry is a proper and competent person to act in that capacity and who is either:

- (i) An individual of repute with at least fifteen years' experience of investment management who is an authorised person within the meaning of the Financial Services Act 1986 or
- (ii) A company or firm of repute which is an authorised or exempted person within the meaning of that Act otherwise than by virtue of s.45(1)(j) of that Act;

17.2 The Council of Management may delegate to an investment manager so appointed power at his discretion to buy and sell investments for the Hospital on behalf of the Council of Management in accordance with the investment policy laid down by it. The Council of Management may only do so on terms consistent with this Order.

17.3 Where the Council of Management make any delegation under this Order they shall:

- (a) Inform the investment manager in writing of the extent of the Hospital's investment powers;
- (b) Lay down a detailed investment policy for the Hospital and immediately inform the investment manager in writing of it and of any changes to it;
- (c) Ensure that the terms of the delegated authority are clearly set out in writing and notified to the investment manager;
- (d) Ensure that they are kept informed of, and review on a regular basis, the performance of their investment portfolio managed by the investment manager and the exercise by him of his delegated authority;
- (e) Take all reasonable care to ensure that the investment manager

complies with the terms of the delegated authority;

- (f) Review the appointment at such intervals not exceeding 24 months as they think fit; and
- (g) Pay such reasonable and proper remuneration to the investment manager and agree such proper terms as to notice and other matters as the Council of Management shall decide and as are consistent with this Order provided that such remuneration may include commission fees and/or expenses earned by the investment manager if and only to the extent that such commission fees and/or expenses are disclosed to it.

17.4 Where the Council of Management make any delegation under this Order they shall do so on the terms that:

- (a) The investment manager shall comply with the terms of his delegated authority;
- (b) The investment manager shall not do anything which the Council of Management do not have the power to do;
- (c) The Council of Management may with reasonable notice revoke the delegation or vary any of its terms in a way which is consistent with the terms of this Order; and
- (d) The Council of Management shall give directions to the investment manager as to the manner in which he is to report to them all sales and purchases of investments made on their behalf

18. POWER TO APPOINT NOMINEES

The Council of Management may:

- (a) Make such arrangements as they think fit for any investments of the Hospital or income from those investments to be held by a corporate body which is incorporated in England or Wales (or which has established a branch or a place of business in England or Wales) as the Council of Management's nominee; and

- (b) Pay reasonable and proper remuneration to any corporate body acting as the Council of Management's nominee in pursuance of this clause.

19. DOCUMENTS

The Council shall provide and cause to be deposited in some secure place a fireproof box or safe wherein shall be kept the deeds muniments vouchers minute books accounts and other deeds and documents of or relating to the Charity.

20. REGULATIONS

Within the limits prescribed by this Ordinance the Council shall have full power from time to time to make regulations for the conduct of their business and for management of the property of the Charity and such regulations shall be binding on all persons affected thereby.

SECTION II - THE MASTER, INDWELLERS AND MANAGEMENT GENERALLY

1. THE MASTER TO HAVE AUTHORITY IN THE HOSPITAL

Working on behalf of the Council of Management the Master shall have authority over, and be responsible for, the internal discipline of the Hospital. In particular:

- (i) At his discretion the Master may allocate and terminate duties undertaken by Residents.
- (ii) All questions and disputes arising amongst Residents shall be decided by the Master in the first instance.
- (iii) The Master shall control all arrangements for visitors to the

Hospital.

- (iv) The Master shall be responsible for the maintenance of the worship which is at the centre of the common life of the Hospital.

In fulfilling these duties the Master shall at all times be accountable to the Council of Management and subject to appeal to the Archbishop of Canterbury

2. ACTING FOR THE COUNCIL IN-BETWEEN MEETINGS

Between meetings of the Council and to avoid delay in essential business the Chairman appointed by the Council of Management (or any other member of the Council if the Chairman shall not be available) shall act on behalf of the Council in matters touching the care maintenance and administration of the Hospital. The Council may authorise the Chairman or other Council member to incur on its behalf expenditure on any one item up to a sum which they in their discretion shall fix from time to time. The Chairman or other Council member shall report such action and expenditure at the next meeting of the Council.

SECTION III - RESIDENTS

1. VACANCIES

When there is a vacancy in the Hospital the Council of Management may advertise the same in such manner as it deems appropriate but in the event there is no suitable applicant forthcoming the Council shall notify the Bishop of Dover the Canterbury Diocesan Office and the Canterbury District Council Housing Manager giving details of the accommodation and qualifications and requesting names of suitable applicants for the Council to consider

2. QUALIFICATIONS

As has been the practice hitherto, preference should be given to those applicants of normal retirement age in financial need or suffering hardship and in need of permanent accommodation but in the event of there being found after due enquiry no suitable applicants meeting the age criteria these qualifications may, at the discretion of the Council, be varied so as to permit admission to the Hospital those of younger age where the need for accommodation may be less permanent. In deciding whether or not to vary these qualifications as aforesaid, the Council shall in particular have regard to the life of the Hospital community as a whole and the needs of existing residents. In every case applicants must be willing to take part in regular worship in the Hospital and in the judgement of the Council of Management be such as will benefit from and contribute to the common life of the Hospital. Where there is more than one applicant, other things being equal, preference should be given to the applicant who has resided in the City of Canterbury for the longest period. When there is only one applicant, the fact that applicant may not have resided in the said City shall not of itself disqualify him or her from admission as a resident of the Hospital.

3. METHOD OF APPOINTMENT

All applications for residence shall be made in the first instance to the Clerk and Receiver who shall immediately refer the same to the Master and the Council of Management. The Council of Management having considered the application taken such soundings as it deems appropriate and interviewed the applicant shall thereafter appoint as it sees fit or delegate such appointment to the Master if it so desires.

4. TERMS OF RESIDENCY

A resident shall have use of the flat allocated to him or her free of rent and water rate. All Residents shall make a weekly contribution towards the expenses of the Hospital as the Council shall from time to time decide. All

Residents shall also pay their heating costs but the Council at its discretion may make a grant to the Residents out of the profits of the Charity towards such heating costs.

5. (a) SICKNESS OF RESIDENTS

In the event of a Resident becoming in the opinion of the Council of Management incapacitated or unable to look after him or herself neither the Council nor any of its Officers shall have responsibility for so doing unless such incapacity is plainly for a short term and then only at its discretion. If a Resident is taken into Hospital the flat shall remain for that Resident's use unless or until the appropriate medical authority states that the Resident concerned cannot return to it. The Council may make such regulations as it sees fit for the discipline and/or removal of any resident but in all other respects the Council shall endeavour to conform with the principles of a "Home for Life" set out in the Almshouse Association handbook entitled "Support and Care for Residents".

(b) TERMINATION OF RESIDENCY

If in the judgement of the Council of Management it becomes right or necessary within the said regulations to terminate a Resident's use of a flat the Council shall decide and take such action as it thinks fit. In the event of a dispute between a Resident and the Council which cannot otherwise be resolved the Resident concerned shall have the right to appeal to the Archbishop of Canterbury.

6. RESIDENT OFFICERS

The Council shall endeavour to see that one of the Residents is a priest willing and able to act on occasion for the Master in the Hospital.

SECTION IV AUTHORITY OF ARCHBISHOP OF CANTERBURY

1. ALIENATION OF PROPERTY

No sale or lease of any of the properties or estate of the Hospital shall be entered into without the approval and consent of the Archbishop of Canterbury who shall be a party to any legal documents to give effect to any such sale or lease in order to express his consent and approval as Patron of the Hospital.

2. INTERPRETATION OF THIS ORDINANCE

If any doubt or questions arise under this Ordinance as to the property construction or application of any of the provisions thereof application shall be made to the Archbishop of Canterbury for his opinion and advice thereon which opinion and advice when given shall be binding and conclusive.

3. ARCHBISHOP'S POWER TO AMEND

The Archbishop reserves to himself and his successors the right to amend annul the whole or any part of this or any other Ordinance, Injunction, Statute, Rule or Regulation connected with the said Hospital together with power to make such new Decrees and Ordinances touching the Charity as he may from time to time decide so as such Decrees and Ordinances be not repugnant to the Common or Statute Law. Provided that any present Statutes or Ordinances which contradict or are in any way repugnant to the spirit and intention of this Ordinance are repealed from the date hereof.

IN WITNESS whereof We have hereunto set Our hand and
Archiepiscopal Seal

DATED at

on the *Eleventh* day of *February* Two
Thousand and Sixteen and in the *Seventh* year of Our
translation

T. Willmott

This deed is executed by The Right Reverend Trevor Willmott Bishop of Dover (otherwise
Bishop in Canterbury) by and on behalf of and with the express authority of The Right
Honourable and Most Reverend Lord Archbishop of Canterbury Patron of the Hospital of St
Thomas Eastbridge