

Sealed 23rd September 1965

2604/65

County – Cumberland
Parish – Burgh-By-Sands
Charity – Burgh-By-Sands Parish Public
Hall

L/ 230,483 A/1

Stamp £1

Scheme including appointment of
Trustees and vesting in Official
Custodian for Charities

CHARITY COMMISSION

In the matter of the Charity known as the Burgh-By-Sands Parish Public Hall,
in the parish of Burgh-By-Sands, in the County of Cumberland, comprised in a
conveyance dated the 27th November 1925:

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 Charity:-

SCHEME

1. Administration of Charity – The above mentioned Charity and the endowment thereof specified in the first schedule hereto and all other the endowments (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme under the title of the Public Hall by the Committee of Management hereinafter constituted who shall be the Trustees of the Charity.
2. Vesting – The land with the building thereon specified in the said first schedule is hereby vested in the Official Custodian for Charities for all the estate and interest therein belonging to or held in trust for the Charity.
3. Cash – Sums of cash at any time belonging to the Charity and not needed for immediate working purposes shall be invested in the name of the said Official Custodian unless the Charity Commissioners otherwise direct.

OBJECT

4. Use of property – The said land with the building thereon specified in the said first schedule shall be held upon trust for the purposes of a village hall for the use of the inhabitants of the Parish of Burgh-By-Sands without distinction of sex or political, religious or other opinions.

COMMITTEE OF MANAGEMENT

5. Constitution – The Committee of Management (hereinafter referred to as the Committee) shall consist of competent persons appointed from time to time as hereinafter provided (hereinafter referred to as Members) all of whom shall go out of office at the end of each annual general meeting. Subject as hereinafter provided for additional Representative Members and Co-optative Members the full number of Members shall be eleven being

Two Ex-officio Members
Four Elected Members and
Five Representative Members

6. Ex-officio Members – The Ex-officio Members shall be

The Vicar of the Ecclesiastical Parish of St Michael, Burgh-By-Sands and
The Schoolmaster of the County Primary School, Burgh-By-Sands
both for the time being.

7. Elected Members – Subject as hereinafter provided for the first Elected Members and for casual vacancies the Elected Members shall be appointed at the annual general meeting of the Charity to be held as hereinafter provided and shall be entitled to hold office from the end of the annual general meeting at which they are appointed until the end of the annual general meeting in the following year.
8. First Elected Members – The following persons shall be the first Elected Members and shall be entitled to hold office until the end of the first annual general meeting:-

Ernest Armstrong, of West End Farm, Farmer
Alfred George Harrison, of Wood Cottage, Retired Bank Manager
Gertrude May Hodgson, of West End, Widow, and
Thomas Harley Fiddler, of Garden Cottage, Coal Merchant, all in
Burgh-By-Sands

9. Representative Members – Subject as hereinafter provided for the first Representative Members the Representative Members shall be appointed by the organisations named in the second column of the second schedule hereto. Each of the said organisations shall be entitled to appoint one Representative Member. Each appointment shall be made at a meeting convened and held according to the ordinary practice of the organisation concerned and shall be made either during the month next before the annual general meeting to take effect from the end of that annual general meeting or as soon as practicable after the annual general meeting to take effect from the date of appointment. The chairman of the meeting shall cause the name of each person appointment to be notified forthwith to the Committee or their clerk.

10. First Representative Members – The persons named in the third column of the said second schedule shall be the first Representative Members and each of them shall be deemed to have been appointed by the organisation set opposite his or her name to hold office until the end of the first annual general meeting.
11. Additional Representative Members – The Committee have power pursuant to a resolution passed at a meeting of the Committee by the votes of not less than two-thirds of the Members for the time being to authorise the appointment of an additional Representative Member by any organisation in the Parish of Burgh-By-Sands not otherwise entitled under the provisions of this Scheme to appoint a Representative Member but having aims not inconsistent with the trusts upon which the property of the Charity is held under this Scheme but no such resolution shall be effective until it has been approved by an Order of the Commissioners.
12. Co-optative Members – The Committee may appoint if they think fit not more than two Co-optative Members. Each appointment of a Co-optative Member shall be made at a meeting of the Committee to take effect from the date of appointment.
13. Failure to appoint – The proceedings of the Committee shall not be invalidated by any vacancy among its Members or by any failure to appoint or any defect in the appointment or qualification of a Member.
14. Declaration by Members – No person shall be entitled to act as a Member whether on a first or on any subsequent entry into office until after signing in the minute book of the Committee a declaration of acceptance and of willingness to act in the trusts of this Scheme.
15. Determination of membership – Any Member who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Committee a wish to resign shall cease thereupon to be a Member.
16. Vacancies – Upon the occurrence of a vacancy the Committee 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 Representative Member shall cause notice thereof to be given as soon as possible to the organisation entitled to fill the vacancy. Any competent Member may be re-appointed. A casual vacancy in the office of Elected Member may be filled by the Committee but a person so appointed shall retain office so long only as the vacating Elected Member would have retained office if no vacancy had occurred.

MEETINGS AND PROCEEDINGS OF THE COMMITTEE

17. Meetings of the Committee – The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by any two Members upon four days' notice being given to all the other Members of the matters to be discussed.

18. First Meeting – The first meeting of the Committee shall be summoned by the said Alfred George Harrison or if he fails for two calendar months after the date of this Scheme to summon a meeting by any two of the Members.
19. Chairman – At the first meeting in each year after the annual general meeting of the Charity the Committee shall elect one of their number to be chairman of the meetings of the Committee until the commencement of the first meeting after the annual general meeting in the following year. The chairman shall always be eligible for re-election. If at any meeting of the Committee the chairman is not present within ten minutes after the time appointed for holding the same or there is no chairman the Members present shall choose one of their number to be chairman of the meeting.
20. Voting – Every matter other than the appointment of an additional Representative Member 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 or she has or has not voted previously on the same question but no Member in any other circumstances shall give more than one vote.
21. Minutes and accounts – A minute book and books of account shall be provided and kept by the Committee. 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.
22. Rules and regulations – The Committee may from time to time make and alter rules and regulations for the conduct of their business and for the summoning and conduct of their meetings and in particular with reference to –
- a) the terms and conditions upon which the said building may be used;
 - b) the appointment of an auditor, treasurer and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office;
 - c) the engagement and dismissal of such paid officers and servants for the said building as the Committee may consider necessary;
- and
- d) the number of Members who shall form a quorum at meetings of the Committee, provided that the number of Members who shall form a quorum shall never be less than a third of the total number of Members for the time being.

APPLICATION OF INCOME

23. Receipts and expenditure – The income of the Charity including all payments for the use of the said building and all donations for the benefit thereof shall be paid into a trust account at such bank as the Committee shall from time to time prescribe. The moneys standing to the credit of the said account shall be applied as the Committee shall decide in repairing and insuring the said

building and the furniture and effects therein and in paying all rent (if any), rates, taxes, salaries of paid officers and servants and other outgoings and in providing furniture, games, books, newspapers, periodicals and other literature and means of recreation and otherwise for the upkeep and improvement of the said building.

ANNUAL GENERAL MEETING

24. Annual General Meeting – An annual general meeting of the Charity shall be held in each year. The first annual general meeting shall be held as soon as practicable after the date of this Scheme and every subsequent annual general meeting shall be held in the month of July. The Committee shall cause notice of the meeting to be published in the Parish of Burgh-By-Sands at least seven days before the date thereof and shall present to the meeting the report and accounts of the Charity for the preceding year. All inhabitants of the said parish of 18 years and upwards shall be entitled to attend and vote at the annual general meeting. The persons who are present at the first annual general meeting shall elect a chairman of that meeting and the chairman for the time being of the Committee shall be chairman of every subsequent annual general meeting but if he is not present at the meeting the persons who are present shall elect a chairman of that meeting. If in any year the annual general meeting is not convened and held in the month hereinbefore prescribed it shall be convened and held as soon as practicable thereafter in that year.

GENERAL PROVISIONS

25. Members not to be personally interested – No Member shall receive remuneration or be interested in the supply of work or goods at the cost of the Charity.
26. 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.

FIRST SCHEDULE

The following land situate at Burgh in the Parish of Burgh-By-Sands in the County of Cumberland: -

1. Land containing 611 square yards or thereabouts being part of the land numbered 153 on the Ordnance Survey map (1900 edition) with the building thereon known as the Burgh-By-Sands Parish Public Hall.
2. Land containing 542 square yards or thereabouts comprised in a conveyance made the 10th day of February 1965 between Elizabeth Smith and another of the one part and Ernest Armstrong and three others of the other part.

SECOND SCHEDULE

1. No	2. Organisation	3. First Representative Member
1	The Parish Council of Burgh-By-Sands	Thomas Pattinson
2	The Committee of the Burgh-By-Sands Badminton Club	John Askew Lawson
3	The Committee of the Burgh-By- Sands Mothers' Union	Elsie May Roberts
4	The Committee of the Burgh-By- Sands Sports Club	John Percival
5	The Committee of the Burgh-By- Sands Women's Institute	Kathleen Lilian Foster

Sealed by the Commissioners this 23rd day of September 1965

L.S.