

Sealed 31st January 1978.

N37(S)  
78.

County - Nottinghamshire.  
Parish - Elkesley.  
Charity - Elkesley Memorial Hall.

L4.  
214,429 A/1.

Stamp £1

Scheme including appointment of  
Trustees and vesting.

### C H A R I T Y   C O M M I S S I O N .

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In the matter of the Charity known as Elkesley  
Memorial Hall, in the Parish of Elkesley,  
in the County of Nottinghamshire, regulated  
by a declaration of trust dated the  
11th March 1949; and  
In the matter of the Charities Act, 1960.

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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:-

### S C H E M E .

1. Administration of Charity. - The above-mentioned  
Charity and the property thereof specified in the schedule  
hereto and all other the property (if any) of the Charity  
shall be administered and managed in conformity with the  
provisions of this Scheme.

### TRUSTEES.

2. Trustees and vesting. - (1) The Parish Council of  
Elkesley shall be the Custodian Trustees of the Charity.

(2) The land with the building thereon specified in  
the said schedule is hereby vested in the said council for  
all the estate and interest therein belonging to or held in  
trust for the Charity.

(3) Until the end of the first annual general meeting to be held as hereinafter provided the existing Trustees of the Charity at the date of this Scheme shall be the Managing Trustees of the Charity as the Charity Trustees thereof within the meaning of section 46 of the Charities Act, 1960, but from and after the end of that meeting the Committee of Management hereinafter constituted shall be the Managing Trustees of the Charity as the Charity Trustees thereof as aforesaid.

### OBJECTS.

3. Object of Charity. - (1) The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of the Parish of Elkesley (hereinafter called "the area of benefit") without distinction of political, religious or other opinions, including use for meetings, lectures and classes, and for other forms of recreation and leisure-time occupation, with the object of improving the conditions of life for the said inhabitants.

(2) The said land and building shall be held upon trust for the purposes of a village hall as aforesaid.

### COMMITTEE OF MANAGEMENT.

4. Constitution. - Subject as hereinafter provided, the Committee of Management (hereinafter referred to as the Committee) shall consist when complete of 15 persons (hereinafter referred to as Members) being

2 Elected Members and  
13 Representative Members.

5. Elected Members. - Subject as hereinafter provided for casual vacancies, the Elected Members shall be appointed at the annual general meeting to be held as hereinafter provided and shall hold office from the end of the annual general meeting at which they are appointed.

6. Representative Members. - (1) The Representative Members shall be appointed as follows:-

Nine by the Parish Council of Elkesley.  
One by Elkesley Branch of The Royal  
British Legion.  
One by Elkesley Social Club.  
One by Elkesley Women's Guild.  
One by Elkesley Youth Club.

(2) Each organisation shall notify the name of the person or persons appointed by it to the secretary of the Committee.

(3) The appointment of a Representative Member or Members may be made not more than one month before the annual general meeting and the term of office of Representative Members so appointed shall commence at the end of that meeting.

(4) If an organisation entitled to appoint a Representative Member or Members fails to do so within the said period of one month before the annual general meeting the appointment or appointments shall be made as soon as practicable after that meeting. The term of office of Representative Members so appointed and of a Representative Member appointed to fill a casual vacancy shall commence on the day on which notification is received by the said secretary.

7. 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 that meeting.

8. Termination of membership. - (1) 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 thereupon cease to be a Member.

(2) All the Members shall retire from office together at the end of the annual general meeting next after the

9. Additional Representative Members. - The Committee shall have power by a resolution passed at a duly constituted meeting by the votes of not less than two-thirds of the Members for the time being to allow the appointment of an additional Representative Member by any organisation in the area of benefit not already named in this Scheme.

10. Alteration of constitution of Committee. - The constitution of the Committee as hereinbefore provided may on the application of the Committee be altered from time to time by Order of the Charity Commissioners.

11. Casual vacancies. - (1) Upon the occurrence of a casual 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.

(2) A casual vacancy in the office of Elected Member may be filled at a meeting of the Committee to take effect from the date of that meeting.

12. 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.

13. 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.

14. Members not to be personally interested. - Except in special circumstances with the approval in writing of the Commissioners no Member shall take or hold any interest in any property belonging to the Charity otherwise than as a trustee for the purposes thereof, or receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

MEETINGS AND PROCEEDINGS OF THE COMMITTEE.

15. 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 the chairman or by any two Members upon seven clear days' notice being given to all the other Members of the matters to be discussed.

16. Chairman. - (1) At the first meeting in each year after the annual general meeting the Committee shall elect one of their number to be chairman of their meetings until the commencement of the first meeting after the annual general meeting in the following year and may also elect one of their number to be vice-chairman. The chairman and vice-chairman shall always be eligible for re-election.

(2) If the chairman and vice-chairman (if any) are absent from any meeting of the Committee the Members shall choose one of their number to be chairman of the meeting before any other business is transacted.

17. Voting. - Except as hereinbefore provided every matter shall be determined by the majority of votes of the Members present and voting on the question but in case of equality of votes the chairman of the meeting shall have a second or casting vote.

18. Minutes and accounts. - A minute book and books of account shall be provided and kept by the Committee.

19. Rules. - Within the limits prescribed by this Scheme the Committee may from time to time make and alter rules for the conduct of their business and for the summoning and conduct of their meetings and in particular with reference to -

(1) the terms and conditions upon which the said building may be used for the purposes specified in this Scheme by persons or bodies other than the Committee and the sum (if any) to be paid for such use;

(2) the appointment of an auditor, to be

- (3) the engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and
- (4) 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 not be less than one-third of the total number of Members for the time being.

#### MORTGAGE SALE AND LETTING.

20. Mortgage. - The Committee shall have power to mortgage the said land and building or any part thereof subject nevertheless to the authority of any further Order or Orders of the Commissioners.

21. Sale or letting. - If the said land and building or any part thereof shall in the opinion of the Committee no longer be required for use in furthering the object of the Charity, the Committee may sell or let the same or any such part thereof subject nevertheless:-

- (1) to the consent of three quarters of the persons present and voting at a special general meeting of the inhabitants of the area of benefit of 18 years of age and upward, provided that public notice of such meeting shall have been given in the area of benefit at least 14 days before the date thereof specifying the matter to be discussed;
- (2) in the event of a sale, to the authority of any further Order or Orders of the Commissioners;
- (3) in the event of a letting, to the proviso that the Committee shall not without the sanction of the Commissioners or a competent court 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

22. Proceeds of sale or letting. - The Committee shall apply the clear proceeds of any such sale or letting as aforesaid either in the purchase of other land and buildings to be held upon the trusts of this Scheme or for such charitable purposes for the benefit of the inhabitants of the area of benefit as the Commissioners may approve.

#### INSURANCE.

23. Insurance. - The Committee shall insure the said building and the furniture and effects therein to the full value thereof against fire and other usual risks and shall suitably insure against risks arising out of the ownership of property.

#### APPLICATION OF INCOME.

24. Receipts and expenditure. - (1) 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.

(2) The moneys standing to the credit of the said account shall be applied as the Committee shall decide in insuring as aforesaid, in maintaining and repairing 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 otherwise furthering the object of the Charity.

25. Surplus cash. - Sums of cash at any time belonging to the Charity and not needed for immediate working purposes shall be invested in trust for the Charity.

#### ANNUAL GENERAL MEETING.

26. Annual general meeting. - (1) There shall be an annual general meeting in connexion with the Charity which shall be held in the month of September in each year or as soon as practicable thereafter.

(3) The first annual general meeting shall be convened by the existing Trustees of the Charity and every subsequent annual general meeting shall be convened by the Committee.

(4) Public notice of every annual general meeting shall be given in the area of benefit at least 14 days before the date thereof.

(5) Before any other business is transacted at the first annual general meeting after the date of this Scheme, the persons present thereat shall appoint a chairman of the meeting. The chairman of subsequent annual general meetings shall be the chairman for the time being of the Committee, but if he or she is not present, before any other business is transacted, the persons present shall appoint a chairman of the meeting.

(6) The Committee shall present to each annual general meeting the report and accounts of the Charity for the preceding year.

#### GENERAL PROVISIONS.

27. Donations. - The Committee may accept any donations or property for the general purposes of the Charity and they may also accept donations or property for any special objects connected with the Charity not inconsistent with the provisions of this Scheme.

28. 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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S C H E D U L E.

Land containing 1.370 acres or thereabouts situate in the Parish of Elkesley, in the County of Nottinghamshire, having a frontage on the north to Village Street being part of the land numbered 149 of the Ordnance Survey map (1921 edition) being the land comprised in a conveyance dated the 11th March 1949 between Douglas Stephenson Branston and another of the first part, Esme Lyle Inchbald of the second part and the Reverend Douglas Digby Woodgate and four others of the third part with the building since erected thereon known as Elkesley Memorial Hall.

£2,586.40 cash on deposit account at the branch of the National Westminster Bank Limited at 21 The Square, Retford, in the County of Nottinghamshire, being accumulations of income.

Sealed by Order of the Commissioners this 31st day  
of January 1978.

L.S.