

Sealed 15 September 1959.

County—DERBY.

No. 4228 L.

Parishes—PEAK FOREST AND CHAPEL-en-le-FRITH.

Place—SPARROWPIT.

Foundation—The George and Sarah Beresford Memorial Hall.

Scheme.

SCHEME MADE BY THE MINISTER OF EDUCATION UNDER THE CHARITABLE TRUSTS ACTS, 1853 TO 1925.

The Foundation.

1. In this Scheme the expression "the Foundation" means the George and Sarah Beresford Memorial Hall, at Sparrowpit, in the Parishes of Peak Forest and Chapel-en-le-Frith, in the County of Derby, founded by the First Codicil to the Will of George Beresford, deceased, which Codicil and Will were dated 27 March 1929, and, together with a second codicil, were proved on 6 May 1947.

Administration and Title.

2. The Foundation and its endowment (including the particulars specified in the Schedule to this Scheme) shall be administered in conformity with the provisions of this Scheme under the title of THE GEORGE AND SARAH BERESFORD MEMORIAL FOUNDATION by the Committee of Management hereinafter constituted, who shall be the trustees thereof.

Provided that until the first Annual General Meeting to be held after the date of this Scheme the Foundation shall be administered in accordance with the provisions of this Scheme by the existing trustees thereof.

Committee of Management.

3.—(1) The Committee of Management (hereinafter in this Scheme called "the Committee") shall, except as in this Scheme provided, when complete, consist of seventeen persons, that is to say:—

SIX Elected Members to be appointed (except in the case of such Members appointed to fill casual vacancies) at the Annual General Meeting to be held as in this Scheme provided;

SEVEN Representative Members, to be appointed:—

Four by the Sparrowpit Institute and Recreation Society,

Two by the Parish Council of Chapel-en-le-Frith; and

One by the Parish Council of Peak Forest; and

FOUR Co-optative Members, to be appointed by the Committee, if they think fit, at a duly constituted meeting.

(2) The Elected Members of the Committee, other than those appointed to fill casual vacancies, shall be appointed for a term of office commencing at the end of the Annual General Meeting at which they are appointed and expiring at the end of the Annual General Meeting in the following year.

(3) The Representative Members of the Committee shall be appointed at a meeting convened and held according to the ordinary practice of the appointing organisation and their names shall be notified by each appointing organisation to the Secretary of the Committee. They shall, except in the case of such Members appointed to fill casual vacancies, be appointed for a term of office commencing at the end of the Annual General Meeting next after their appointment and expiring at the end of the Annual General Meeting in the following year.

(4) The Co-optative Members of the Committee shall be appointed for the purpose of representing interests in Sparrowpit and the surrounding district not represented by other Members of the Committee. They may be appointed at any time for a term of office expiring at the end of the Annual General Meeting next after their appointment.

(5) Any competent Member of the Committee may be reappointed.

Additional Representative Members.

4. In the event of any application for representation on the Committee being received from any existing or newly formed organisation in Sparrowpit or the surrounding district having aims not inconsistent with the purposes specified in this Scheme, the Committee may, upon a resolution passed at a duly constituted meeting of the Committee by a majority of not less than two-thirds of all the Members of the Committee, allow such organisation to appoint an additional Representative Member of the Committee in the same manner as if such organisation had been specified in clause 3 (1) of this Scheme, and for this purpose the total number of Members of the Committee shall be increased accordingly.

Provided that no such resolution of the Committee shall be effective until it has been approved in writing by the Minister of Education.

Failure to Appoint.

5. The proceedings of the Committee shall not be invalidated by any failure to appoint or any defect in the appointment or qualification of any Member.

Declaration by Members.

6. No person shall be entitled to act as a Member of the Committee, whether on a first or any subsequent entry into office, until he has signed in the Minute Book of the Committee a declaration of acceptance and of willingness to act in the trusts of this Scheme.

Members not to be personally interested in the Foundation.

7. Except in special circumstances, with the approval in writing of the Minister of Education, no Member of the Committee shall take or hold any interest in any property belonging to the Foundation, 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 Foundation.

Determination of Membership.

8. Any Member of the Committee who is adjudicated a bankrupt, 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.

Casual Vacancies.

9. 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, if in the office of Representative Member, it shall be notified as soon as possible to the proper appointing organisation. A casual vacancy in the office of Elected Member may be filled by the Committee and in the office of Representative Member by the proper appointing organisation.

A Member appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the Member in whose place he is appointed.

Meetings of Committee.

10. 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 seven clear days' notice being given to the other Members of the matters to be discussed.

Chairman.

11. The Committee at their first meeting in each year after the Annual General Meeting 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.

If the Chairman is absent from any meeting of the Committee, the Members present shall, before any other business is transacted, choose one of their number to preside at that meeting.

Voting.

12. Every matter shall (except as in this Scheme provided) be determined by the majority of the Members present and voting on the question. In case of equality of votes, the Chairman of the meeting shall have a second or casting vote.

Annual General Meeting.

13.—(1) There shall be an Annual General Meeting in connection with the Foundation which shall be held in the month of March each year or as soon as practicable thereafter.

(2) The first Annual General Meeting after the date of this Scheme shall be convened by the existing Trustees of the Foundation and subsequent meetings by the Committee.

(3) Public Notice of every Annual General Meeting shall be given in Sparrowpit and the surrounding district at least seven days before the date thereof.

(4) All inhabitants of Sparrowpit and the surrounding district of eighteen years of age and upward shall be entitled to attend and vote at the Annual General Meeting.

(5) The persons who are present at the first Annual General Meeting after the date of this Scheme shall, before any other business is transacted, 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 is not present, the persons present shall, before any other business is transacted, appoint a Chairman of the meeting.

(6) The Committee shall present to each Annual General Meeting the Report and Accounts of the Foundation for the preceding year.

Village Hall and Playing Field.

14. With the object of improving the conditions of life for the inhabitants of Sparrowpit and the surrounding district, the property belonging to the Foundation shall, subject to the provisions of this Scheme, be used by the Committee for the following purposes for the benefit of the said inhabitants without distinction of sex or of political, religious or other opinions:—

(a) The provision and maintenance of a village hall which shall, in particular, be used for meetings, lectures and classes and other forms of education, recreation and leisure-time occupation.

(b) The provision and maintenance of a playing field.

Use by other Bodies or Persons.

15. (1) Subject and without prejudice to any use by the Committee for the purposes specified in this Scheme, the property belonging to the Foundation may be used for the said purposes by such other bodies or persons as the Committee shall determine, free of rent, but subject to a payment in respect of the expenses of and incidental to the maintenance and use of the property, and otherwise upon such terms as may be agreed.

(2) The Committee may from time to time permit the property belonging to the Foundation, or any part of it, to be used otherwise than for purposes specified in this Scheme, subject to a payment sufficient at least to defray the expenses incidental to the use in each case, but so as not substantially to interfere with its use for the said purposes.

Application of Income.

16. After payment of any expenses of administration, the net income of the Foundation, whether arising under the preceding clause of this Scheme or otherwise, shall be applied by the Committee in one or other or both of the following ways:—

- (a) The maintenance, upkeep and insurance of the property belonging to the Foundation, and the payment of rates, taxes and other expenses in connection therewith and its use for the purposes specified in this Scheme.
- (b) Otherwise promoting the purposes specified in this Scheme.

Rules.

17. 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, the deposit of money at a proper bank, the custody of documents and, in particular, with reference to:—

- (a) The terms and conditions upon which the property belonging to the Foundation may be used in accordance with the provisions of this Scheme and the sum (if any) to be paid for such use.
- (b) The appointment as Secretary (to hold office at their pleasure) of one of themselves without salary, or some other fit person at such salary, if any, as may be approved by the Minister of Education.
- (c) The appointment of an Auditor, Treasurer and such other unpaid officers as they may consider necessary and the fixing of their respective terms of office.
- (d) The engagement and dismissal of such paid officers and servants as the Committee may consider necessary.
- (e) The number of Members, being not less than one-third of the total number of the Members for the time being, who shall form a quorum at meetings of the Committee.

Minutes and Accounts.

18. The Committee shall provide and keep a Minute Book and Books of Account. All proper accounts in relation to the Foundation shall in each year be made out and certified in such form as the Minister of Education may require and copies sent to the Ministry.

Vesting Property.

19. The Committee and all other persons capable of being bound by this Scheme shall, unless the Minister of Education in writing otherwise directs, do all such acts as may be necessary in order to vest in the Official Trustee of Charity Lands and to transfer to the Official Trustees of Charitable Funds, respectively, all freehold and leasehold lands and hereditaments, and all stocks, shares, funds and securities, respectively, at any time belonging to the Foundation.

Surplus Cash.

20. Any sum of cash at any time belonging to the Foundation and not needed as a balance for working purposes shall, unless otherwise directed by the Minister of Education, be treated as capital and invested.

Management of Property.

21. The Committee shall manage and may let or sell any part of the property of the Foundation not required for the purposes thereof according to the general law applicable to the management of property held upon trust for charitable purposes.

Questions under Scheme.

22. 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 conclusively by the Minister of Education upon such application made to him for the purpose as he thinks sufficient.

Interpretation.

23. The Interpretation Act, 1889, shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

Date of Scheme.

24. The date of this Scheme shall be the day on which it is established by an Order of the Minister of Education.

SCHEDULE OF PROPERTY.

Land containing 5.978 acres, or thereabouts, situate at Sparrowpit and being part of a field formerly called Gautrice, together with the Institute building erected thereon.

£254 0s. 1d. 3½ per cent. War Stock.

£181 11s. 3d. cash.

— To O.T.C.F. 9.9.60.

This Schedule is made up to 20 January 1958.

The Minister of Education orders that the foregoing Scheme be established.

Given under the Official Seal of the Minister of Education this 15th day of September, 1959.

L. S.

