

Yew Tree Hall -1955 Charity Commission Scheme

Sealed 28th January 1955 $\frac{458}{55}$

County -Cumberland
Parish -Lorton
Charity -Yew Tree Hall
 C
127,236

Scheme including appointment of Trustees

CHARITY COMMISSION

Recitals

In the matter of the Charity known as YEW TREE HALL, in the Parish of LORTON, in the County of CUMBERLAND, comprised in a conveyance dated 29th December 1920 and a declaration of Trust 14th February 1921; and

In the matter of the Charitable Trusts Acts 1853 to 1939

The Board of Charity Commissioners for England and Wales do 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 by the Committee of Management hereinafter constituted who shall be the Trustees of the Charity.

2. **Cash** All sums of cash now or at any time belonging to the Charity and not needed for immediate working purposes shall be invested (unless otherwise ordered) as soon as possible in the name of The Official Trustees of Charitable Funds under the authority of a further Order of the Charity Commissioners

OBJECT

3. Use of property

The land with the buildings thereon specified in the first schedule shall be appropriated and used as a public or village hall for the purposes of physical and mental training and recreation and social, moral and intellectual development through the medium of reading and recreation rooms, library, lectures, classes, recreations and entertainments or otherwise as may be found expedient for the benefit of the inhabitants of the Parish of Lorton and the immediate vicinity thereof without distinction of sex or of political religious or other opinions.

COMMITTEE OF MANAGEMENT

4. Constitution

The Committee of Management (hereinafter referred to as the Committee) shall consist or competent persons of full age 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 fourteen, being

- Six Elected Members, and
- Eight Representative Members

5. 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.

6. 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:

MAURICE TELFORD, Schoolmaster, and

MARY HOPE, Spinster, both of Lorton

DOUGLAS ROBINSON WATTLEWORTH, of Fairfield, Works Manager,

JOHN EDWARD GELDERT, of Horse Shoe Inn, Salesman,

NORMAN THOMPSON BROWN, of Whingarth, Schoolmaster, and

THOMAS HENRY STODDARD, of White Ash, Joiner, all in Lorton.

7. Representative Members

(1) Subject as hereinafter provided for the first Representative Members and for additional Representative Members the Representative Members shall be appointed by the organisations named in the second column of the second schedule hereto

(2) The Representative Member appointed from time to time by the Parish Council of Buttermere shall be a person residing in the area of the former Civil Parish of Brackenthwaite and the Representative Member appointed from time to time by the Parish Council of Blindbothel shall be a person residing in the former Civil Parish of Whinfell.

(3) 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 appointed to be notified forthwith to the Committee or their clerk.

8. First Representative Members

The persons named in the third column of the said second schedule shall be the first Representative Members and each or them shall be deemed to have been appointed by the organisation set opposite his name to hold office until the end of the first annual general meeting.

9. Additional Representative Members

The Committee shall 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 said parish not otherwise entitled under the provisions of this Scheme to appoint a Representative Member but having aims not inconsistent with those of the Charity but no such resolution shall be effective until it has been approved by the Minister of Education.

10. Co-optative Members

The Committee if they think fit may appoint 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.

11 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

12. 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 willingness to act in the trusts of this Scheme.

13. Determination of membership

Any Representative Member appointed by the Parish Council of Buttermere or by the Parish Council of Blindbothel who ceases to be qualified as aforesaid and any Member who is adjudged bankrupt or makes a composition or arrangement with his 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.

14. 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.

15. Temporary provisions

Until the conclusion of the first annual general meeting of the Charity the administration of the Charity shall be vested in the first Elected and Representative Members who shall have such powers as will enable them to administer the Charity as nearly as may be in conformity with the provisions of this Scheme but on the conclusion of the said meeting the administration of the Charity shall pass to the Committee constituted as provided by this Scheme

MEETINGS AND PROCEEDINGS OF COMMITTEE.

16. 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.

17. First meeting The first meeting of the Committee shall be summoned by the said Norman Thompson Brown or if he fails for two calendar months after the date of this Scheme to summon a meeting by any two of the Members.

18. 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.

19. 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 shall have a casting vote whether he has or has not voted previously on the same question but no Member in any other circumstances shall give more than one vote.

20. Minutes and accounts

A minute book and books of account shall be provided and kept by the Committee. All proper accounts in relation to the Charity shall be made out in each year and certified in such manner as the Minister of Education requires and copies thereof shall be transmitted to the said Minister in compliance with the provisions of the Charitable Trusts Acts.

21. 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 parish hall may be used as a recreation room and for entertainments, meetings, social gatherings and other purposes and the

sum (if any) to be paid for such use;

(b) the appointment of a secretary, 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 parish hall as the committee may consider necessary; and

(d) the number of Members who shall form a quorum at meetings, 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

22. Receipts and expenditure

All payments for the use of the said public or village hall 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 decide in repairing and insuring the said public or village hall 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 public or village hall.

ANNUAL GENERAL MEETING

23. 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 February. The Committee shall cause notice of the meeting to be published in the area of the Parish of Lorton at least seven days before the date thereof and shall present to the meeting the report and accounts for the preceding year. All inhabitants of 18 years of age and upwards residing in the area of the Parish of Lorton shall be permitted 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 the meeting and the chairman for the time being of the Committee shall be the 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 described it shall be convened and held as soon as practicable thereafter in that year.

SALE.

24. Procedure

If the Committee by a majority decide at any time on the ground of expense or otherwise that It is necessary or advisable to discontinue the use of the land and buildings belonging to the Charity as a village hall under the provisions of this Scheme the Committee shall convene a meeting of the inhabitants of the Parish of Lorton of 18 years and upwards to consider the said decision. The Committee shall cause at least 14 days' notice of the meeting and the purpose thereof to be posted in a conspicuous place at the said hall and advertised in a newspaper circulating in the Parish of Lorton. If the decision of the Committee is confirmed by a majority of not less than two-thirds of the inhabitants present and voting at the meeting the Committee may sell the said land and buildings or any part thereof subject to the approval of the Minister of Education.

15. Proceeds

The Committee shall apply the clear proceeds of any such sale either

(a) in acquiring subject to the approval of the Minister of Education other land and buildings to be held under the provisions of this Scheme; or

(b) towards providing subject to the like approval a recreation ground or open space for the benefit of the inhabitants of Parish of Lorton.

Pending such application as aforesaid the Committee shall pay the clear proceeds to Official Trustees of Charitable Funds for investment by the said Official Trustees in their name at compound interest in trust for the Charity.

GENERAL PROVISIONS

26. **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.

27. **Questions under Scheme**

Any question as to the construction of the 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 Minister of Education upon such application as the Minister thinks sufficient.

FIRST SCHEDULE

Freehold property known as the Yew Tree Hall with the yard and garden ground thereto belonging and situated at Lorton in the County of Cumberland, which property is comprised in the above-mentioned conveyance dated the 29th December 1920 and made between the Brewery and Commercial Investment Trust Limited of the first part Jennings Brothers Limited of the second part and George Oglethorpe and six others of the third part.

Note – The above-mentioned property was vested in The Official Trustee of Charity Lands by an Order of the Charity Commissioners of the 9th December 1949.

SECOND SCHEDULE

1 No.	2 Organisation	3 First Representative Member
1	The Parish Council of Lorton	The Reverend Archibald Johnston
2	The Parish Council of Buttermere	Keith Milburn
3	The Parish Council of Blindbothel	Joseph William Hardisty
4	The Parochial Church Council of Lorton	Andrew Cecil Scott Thom-Postlethwaite
5	The Committee of the Lorton Branch of the Women's Institute	Marjorie Highton
6	The Committee of the Lorton Tennis Club	Kathleen Samson
7	The Committee of the Lorton Hunt	James Nicholson
8	The Committee of the Lorton Social Club	Percy lawn Hall

Sealed by Order of the Board this 28th day of January 1955.
L.S

(signature)
Secretary

Sealed 20th April 1998

N 157(S)
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County – Cumbria
Parish – Lorton
Charity – Yew Tree Hall
CS(Liv1)
223.937
Scheme

CHARITY COMMISSION

In the matter of the Charity known as Yew Tree Hall, in the Parish of Lorton, in the County of Cumbria regulated by a Scheme of the Charity Commissioners of the 28th January 1955; and
In the matter of the Charities Act 1993.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY
ORDER that the following Scheme be approved and established.

SCHEME

The provisions of Clause 9 of the above-mentioned Scheme for the appointment in accordance with the resolution passed by the Committee of Management of the above-mentioned Charity of an additional Representative Member by an organisation in the area of benefit not already named in the said Scheme shall cease to have effect in so far as such provisions require the said resolution to be approved by the Minister of Education.

Sealed by Order of the Commissioners this 20th day of April 1998.

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ASSISTANT COMMISSIONER