

Sealed 17 May 1951.

County—LANCASTER.

No. 3540 L.

Place—HESKETH-with-BECCONSALL
and surrounding district.

Foundation—Hesketh Village Institute.

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 Foundation called the Hesketh Village Institute, for the benefit of the inhabitants of Hesketh-with-Becconsall and the surrounding district, in the County of Lancaster, founded by Deed dated 26 April 1944.

Administration and Title.

2. The Foundation and its endowment (including the particulars specified in the Schedule hereto) shall be administered under the title of the Hesketh Bank Village Hall in conformity with the provisions of this Scheme by the Committee of Management hereinafter constituted who shall be the Trustees of the Foundation.

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

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 twenty-three persons, that is to say:—

Eight Elected Members, to be appointed at the Annual General Meeting to be held as hereinafter in this Scheme provided;

Twelve Representative Members, to be appointed—

- One by the Hesketh-with-Becconsall Parish Council ; ✓
- One by the Hesketh-with-Becconsall Parochial Church Council ; ✓
- One by the Hesketh Bank Methodist Trustees ; ✓
- One by the Committee of the Hesketh-with-Becconsall Women's Institute ;
- One by the Committee of the Hesketh Bank Cricket Club ; ✓
- One by the Committee of the Hesketh Bank Football Club ; ✓
- One by the Committee of the Hesketh Bank Tennis Club ;
- One by the Committee of the Hesketh Bank Bowling Club ; ✓
- One by the Committee of the Hesketh Bank Billiards Club ;
- One by the Committee of the Hesketh Bank Agricultural and Horticultural Society ;
- One by the Committee of the Hesketh Bank Musical Festival Society ; and
- One by the Hesketh Bank Homing Society ; and

Three Coöptative Members, to be appointed by the Committee at a duly constituted meeting, if they think fit.

(2) The Elected Members of the Committee 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 any time within one month before the Annual General Meeting and their names shall be notified by each appointing organisation to the Secretary of the Committee. They shall 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 Coöptative Members of the Committee shall be appointed for the purpose of representing interests in the Parish of Hesketh-with-Becconsall 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.

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 the Parish of Hesketh-with-Becconsall and the surrounding district having aims of a social recreational or educational character 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 may 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 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.

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 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.

Vacancies.

9. Upon the occurrence of a vacancy the Committee shall cause a note thereof to be entered in their minute book at their next meeting. A vacancy in the office of Representative Member shall be notified as soon as possible to the proper appointing organisation and a casual vacancy in the office of Elected Member or Coöptative Member may be filled by the Committee. Any competent Member may be re-appointed.

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 all 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. The Chairman shall always be eligible for re-election.

If the Chairman is absent from any meeting, 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 connexion with the Foundation which shall be held in the month of October in each year or as soon as practicable thereafter.

(2) All inhabitants of the Parish of Hesketh-with-Beaconsall and the surrounding district of eighteen years of age and upward shall be entitled to attend and vote at the Annual General Meeting.

(3) The Annual General Meeting shall be convened by the Committee who shall cause public notice thereof to be given in the Parish of Hesketh-with-Beaconsall and the surrounding district at least seven days before the date thereof.

(4) 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.

(5) The Committee shall present to each Annual General Meeting the report and accounts of the Foundation for the preceding year.

Village Hall.

14—(1) The object of the Foundation shall be the provision and maintenance of a 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, clubrooms, library, lectures, classes or recreations, as may be found expedient, for the advantage or benefit of the inhabitants of the Parish of Hesketh-with-Beaconsall and of the surrounding district without distinction of sex or of political, religious or other opinions.

(2) The Village Hall shall be provided and maintained in or near the Parish of Hesketh-with-Beaconsall, either on the land conveyed by the said Deed of 26 April 1944 or on other land provided by the Committee.

(3) For the purpose of providing and equipping the Village Hall the Committee may use the funds belonging to the Foundation at the date of this Scheme and any further funds which may subsequently be received by them for that purpose.

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 Village Hall shall be used for the said purposes by such bodies or persons as the Committee determine, free of rent but subject to a payment in respect of the expenses of and incidental to the maintenance and use of the Hall, and otherwise upon such terms as may be agreed.

(2) The Committee may from time to time permit the Village Hall to be used otherwise than for the 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.

Sale of Village Hall.

16.—(1) If the Village Hall cannot be maintained or if it should cease to be used for the purposes specified in this Scheme the Committee may, in accordance with the general law applicable to the sale of property by trustees of charitable foundations, sell the site and premises thereof, or any part thereof.

(2) The net proceeds of any such sale remaining after payment of all expenses shall be applied by the Committee for such charitable purposes for the benefit of the inhabitants of the Parish of Hesketh-with-Beaconsall and the surrounding district and in such manner as they shall, with the approval of the Minister of Education, think fit.

Application of Income.

17. After payment of any expenses of administration, the net income of the Foundation, whether arising from the use of the Village Hall by other bodies or persons or otherwise, shall be applied by the Committee in one or other or both of the following ways :—

- (a) In the maintenance, upkeep and insurance of the Village Hall and the payment of rates, taxes and other expenses in connexion therewith and its use for the purposes specified in this Scheme.
- (b) In otherwise furthering the purposes specified in this Scheme.

Rules and Regulations.

18. Within the limits prescribed by this Scheme the Committee from time to time may make and alter rules and regulations 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 Village Hall may be used for any of the purposes specified in this Scheme and the sum (if any) to be paid for such use ;
- (b) The appointment as Clerk or 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 ; and
- (e) 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 one-third of the total number of the Members for the time being.

Minutes and Accounts.

19. 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.

20. 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.

Further Endowments.

21. The Committee may receive any additional donations or endowments for the general purposes of the Foundation. They may also receive donations or endowments for any special objects connected with the Foundation not inconsistent with or calculated to impede the due working of the provisions of this Scheme. Any question arising upon this last point shall be referred to the Minister of Education for decision.

Surplus Cash.

22. 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.

23. The Committee shall let and otherwise manage the property of the Foundation ~~not occupied~~ for the purposes thereof according to the general law applicable to the management of property by trustees of charitable foundations.

Repairs and Insurance.

24. The Committee shall keep in repair and insure against fire all the buildings of the Foundation not required to be kept in repair and insured by the lessees or tenants thereof.

Allotments Extension Act, 1882.

25. The Committee may set apart and let in allotments in the manner prescribed by and subject to the provisions of the Allotments Extension Act, 1882, any portion of the land belonging to the Foundation other than buildings and the appurtenances of buildings.

Questions under Scheme.

26. 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.

27. The Interpretation Act, 1889, applies to the interpretation of this Scheme as it applies to an Act of Parliament.

Date of Scheme.

28. 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.

Description.	Extent or Amount.	Tenant or Person Liable.	Gross Yearly Income.
	A. R. P.		£ s. d.
Land having a frontage of 90 feet. to Station Road, Hesketh-with-Becconsall, Lancs.	2 37	In hand	—
Cash on Deposit	£ 551 s. 9 d. 6	District Bank Ltd.	—

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

Given under the Official Seal of the Minister of Education this 17th day of May 1951.

