

Sealed 29 June 1960

County - **STAFFORD**

No 4322 L

Parish - **WHITMORE**

*Foundation - Allotment for Exercise and  
Recreation*

Scheme

SCHEME MADE BY THE MINISTER OF EDUCATION UNDER THE CHARITABLE TRUSTS ACTS,  
1853 TO 1925, AND UNDER THE COMMONS ACT, 1899

**I - GENERAL**

*To what Scheme relates*

1 This Scheme relates to the Allotment set out as a place of Exercise and Recreation for the inhabitants of the Parish of Whitmore and the neighbourhood thereof, in the County of Stafford, by an Inclosure Award dated 20 November 1846.

*Division of Allotment*

- 2 The said Allotment shall henceforth be administered as two separate foundations, namely:-
- (1) The Recreation Ground, comprising the endowment specified in Part I of the Schedule to this Scheme; and
  - (2) The Village Hall, comprising the endowment specified in Part II of the Schedule to this Scheme.

**II - THE RECREATION GROUND**

*Future Administration*

3 The Recreation Ground shall continue to be administered by the Whitmore Parish Council as Trustee in accordance with the subsisting trusts under the title of THE RECREATION GROUND.

**III - THE VILLAGE HALL**

*Future Administration*

4 The Village Hall, hereinafter called "the Foundation," shall be administered in conformity with the provisions of this part of this Scheme 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 by the Whitmore Parish Council in accordance with the provisions of this Scheme.

*Committee of Management*

5 (1) The Committee of Management (hereinafter called "the Committee") shall, when complete, and except as in this Scheme provided, consist of twenty-three members, that is to say:-

THIRTEEN Elected Members, to be appointed at the Annual General Meeting to be held as hereinafter provided;

SEVEN Representative Members to be appointed -

- Two by the Whitmore Parish Council;
- One by the Whitmore Parochial Church Council;
- One by the Staffordshire County Council as Local Education Authority;
- One by the Baldwins Gate Methodist Church Trustee;
- One by the Committee of the Whitmore Tennis Club; and

One by the Committee of the Whitmore Branch of the Manchester Unity Oddfellows Friendly Society; and

THREE Co-optative Members, to be appointed by the Committee at a duly constituted meeting, if the Committee 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 held in the year next following.

(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 at any time after the first day of October and before the Annual General Meeting in any year 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 the Parish of Whitmore 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*

6 In the event of any application for representation on the Committee being received from any existing or newly-formed organisation in the Parish of Whitmore and the surrounding district 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 a Representative Member of the Committee in the same manner as if such organisation had been specified in Clause 5 (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*

7 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*

8 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*

9 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*

10 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.

#### *Casual Vacancies*

11 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, such vacancy

shall be notified as soon as possible to the proper appointing organisation. A casual vacancy in the office of Elected Member or Co-optative 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*

12 The Committee shall hold at least two ordinary meetings in each year and 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*

13 (1) 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.

(2) 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*

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

#### *Annual General Meeting*

15 (1) There shall be an Annual General Meeting in connexion with the Foundation which shall be held in the month of November in each year or as soon as practicable thereafter.

(2) All inhabitants of the Parish of Whitmore and the surrounding district of eighteen year 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 Whitmore 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*

16 (1) The object of the Foundation shall be the provision and maintenance of a village hall for the use of the inhabitants of the Parish of Whitmore and the surrounding district without distinction of sex or of political, religious, or other opinion, and in particular for 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 Village Hall shall be provided and maintained in or near the Parish of Whitmore, either on the land specified in Part II of the Schedule to this Scheme or on other land to be provided.

#### *Use by other Bodies or Persons*

17 (1) Subject and without prejudice to any use by the Committee for the purposes specified in the foregoing clause, 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 said purposes, 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*

18 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 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 aforesaid purposes; and
- (b) In otherwise furthering the said purposes.

#### *Rules and Regulations*

19 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 aforesaid purposes 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 not be less than one-third of the total number of the Members for the time being.

#### *Further Endowments*

20 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*

21 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 in the name of the Official Trustees of Charitable Funds.

#### *Management of Property*

22 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*

23 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 Extensions Act, 1882*

24 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.

## IV – MISCELLANEOUS

*Questions under Scheme*

25 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*

26 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*

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

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SCHEDULE OF PROPERTY  
PART I

Description	Extent	Tenant	Gross Yearly Income
Land, situate in the Parish of Whitmore, in the County of Stafford	A R P 1 1 33	In hand	£ s d

## PART II

Description	Extent	Tenant	Gross Yearly Income
The premises of the Village Hall, Situate in the Parish of Whitmore aforesaid	A R P 2 9	In hand	£ s d