

Published Draft Scheme

Sealed County - SALOP.

No. Parish - ERCALL MAGNA.

Foundations - (i) The E.L. Payton Playing Field.  
(ii) The High Ercall Village Institute.

Stamp 10s.

Scheme (including Appointment of Trustees)

SCHEME MADE BY THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE  
UNDER SECTION 18 OF THE CHARITIES ACT 1960.

Foundations to which Scheme relates.

1. This Scheme relates to the following Foundations, in the Parish of Ercall Magna, in the County of Salop, whereof at the date of this Scheme the Ercall Magna Parish Council is the Trustee:-

- (i) The Foundation now known as the E.L. Payton Playing Field, comprised in a Deed of Gift executed by Ernest Leopold Payton, Esq., on 2nd June 1938 and now regulated by a Deed of Declaration of Trusts dated 3rd June 1938, as affected by an Order of the Minister of Education dated 7th July 1954 removing and appointing Trustees; and
- (ii) The Foundation comprising the endowment of the former Village Institute at High Ercall, consisting of a plot of land also donated by the said Ernest Leopold Payton, Esq., now regulated by a Deed of Conveyance and Declaration of Trusts dated 12th December 1940, as affected by an Order of the Charity Commissioners dated 15th October 1954 removing and appointing Trustees.

Administration and Title.

2. The two above-mentioned Foundations and their respective endowments (including the particulars specified in the Schedule hereto) shall be amalgamated so as to form one Foundation (hereinafter in this Scheme called "the Foundation") which shall be administered in conformity with the provisions of this Scheme under the title of the ERCALL MAGNA, PAYTON RECREATION GROUND AND VILLAGE HALL.

Custodian Trustee.

3. The Ercall Magna Parish Council is hereby appointed to be the custodian trustee of the Foundation and the provisions of section 4 (2) of the Public Trustee Act 1906 shall apply to the said Council and to the Committee of Management hereinafter constituted, respectively, in like manner as they apply to the Public, Trustee and managing trustees.

Managing Trustees

4. Subject as aforesaid, the trustees of the Foundation shall be the Members for the time being of the Committee of Management hereinafter constituted:

Provided that until the first Annual General Meeting of the Foundation to be held after the date of this Scheme the Foundation shall be administered in accordance with the provisions of this Scheme by the Ercall Magna Parish Council.

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

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

FIFTEEN Representative Members, to be appointed –

- Two by the Ercall Magna Parish Council,
- One by the Parochial Church Council of the Ecclesiastical Parish of High Ercall,
- One by the Trustees of the High Ercall Methodist Chapel,
- One by the Committee of the High Ercall Branch of the British Legion,
- One by the Committee of the High Ercall Women’s Institute,
- One by the Committee of the High Ercall Branch of the Mothers’ Union,
- One by the Committee of the High Ercall Ladies Club,
- One by the Committee of the High Ercall Social Club,
- One by the Committee of the High Ercall Darby and Joan Club,
- One by the Committee of the High Ercall School Parent - Teachers Association,
- One by the Committee of the High Ercall Group of Boy Scouts,
- One by the Committee of the St. Michaels’ Players,
- One by the Committee Of the High Ercall Cricket Club, and
- One by the Committee of the High Ercall Football Club; and

Not more than THREE Co-optative Members to be appointed by the Committee, if they think fit, at a duly constituted meeting of the Committee.

- (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 a meeting convened and held according to the ordinary practice of the appointing organisations and their names shall be notified by each appointing organisation to the Secretary of the Committee, and they shall, except in the case of such Members appointed to fill casual vacancies, each to be appointed for a term of office of one year.
- (4) Co-optative Members of the Committee shall be appointed for a term of one year.

Alteration of Committee and Additional Representative Members.

6. The constitution of the Committee as specified in the last foregoing clause may, on the application of the Committee, be altered from time to time by Order of the Secretary of State for Education and Science (hereinafter in this Scheme referred to as “the Secretary of State”):

Provided that in the event of any application for representation on the Committee being received from any existing or newly-formed organisation in the Parish of Ercall Magna having aims not inconsistent with the purposes specified in this Scheme, the Committee may, with the consent of the Secretary of State, and 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 5(1) of this Scheme, and for this purpose the total number of Members of the Committee may be increased accordingly.

Failure to Appoint.

7. The proceedings of the Committee shall not be invalidated by any failure to appoint or any defect in the appointment, election 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 Secretary of State, 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. (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 such a vacancy in the office of Representative or Co-optative Member shall be notified as soon as possible to the proper appointing body or filled by the Committee, as the case requires.

(2) A casual vacancy in the office of Elected Member may be filled by the Committee, and a Member appointed to fill such a casual vacancy shall hold office only for the unexpired term of office of the Member in whose place he is appointed.

(3) Any competent Member may be re-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 and may also elect one of their number to be Vice-Chairman. The Chairman and Vice-Chairman, if any, shall always be eligible for re-election.

(2) If the Chairman and Vice-Chairman, if any, are 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 of the Committee 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 April in each year or as soon as practicable thereafter.

(2) All inhabitants of the area of benefit of eighteen years of age and upwards shall be entitled to attend and vote at the Annual General Meeting.

(3) The first Annual General Meeting of the Foundation shall be convened by the Ercall Magna Parish Council and subsequent Annual General Meetings by the Committee. Public notice of such Meetings shall be given in the Parish of Ercall Magna 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.

### Object of Foundation.

16. The object of the Foundation shall be the provision and maintenance of a public recreation ground and of a village hall (to be conducted in a suitable building to be erected on part of the land belonging to the Foundation referred to as the first item in the Schedule hereto) for the use of the inhabitants of the Parish of Ercall Magna and in particular (but not exclusively) those resident in the village of High Ercall without distinction of sex, race or of political, religious or other opinions, with particular reference to 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.

### Use by other Bodies or Persons.

17. (1) Subject and without prejudice to any use by the Committee for the purposes specified in this Scheme, the Recreation Ground and 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 Recreation Ground or Hall, as the case may be, and otherwise upon such terms as may be agreed.

(2) The Committee may from time to time permit the Recreation Ground or 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 Recreation Ground and 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 and insurance of the Recreation Ground and Village Hall and the payment of rates, taxes and other expenses in connexion with their 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 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, 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 Recreation Ground and Hall of the Foundation 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 Secretary of State;
- (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.

### Minutes and Accounts.

20. The Committee shall provide and keep a minute book and books of account and all proper accounts in relation to the Foundation shall in each year be made out and certified in such form as the Secretary of State may require, and copies shall be sent to the Department of Education and Science and to the Ercall Magna Parish Council.

### Management of Property.

21. (1) The Ercall Magna Parish Council as custodian trustee may, with the concurrence of the Committee and under the authority of a further Order of the Secretary of State, sell the land belonging to the Foundation specified as the second item in the Schedule hereto, and subject to such conditions as the Secretary of State may by further Order prescribe, the net proceeds of any such sale may be applied in or towards meeting expenditure incurred by the Committee in the provision, maintenance or improvement of the new Village Hall of the Foundation.

(2) Subject as aforesaid, any property of the Foundation not occupied or used for the purposes thereof shall be let or otherwise managed according to the general law applicable to the management of property by trustees of Charitable Foundations.

### Further Endowments.

22. The Committee may accept any donations or endowments for the general purposes of the Foundation and they may also accept 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.

Surplus Cash.

23. 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 Secretary of State) be treated as capital and invested.

Questions under Scheme.

24. If any question arises 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, it shall be determined by the Secretary of State, upon such application made to him for the purpose as he thinks sufficient, and such determination shall be binding on the custodian trustee and the Committee and all persons claiming under the Foundation.

Interpretation.

25. 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.

26. The date of this Scheme shall be the day on which it is established by an Order of the Secretary of State.

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SCHEDULE OF PROPERTY.

Description	Extent or Amount	Tenant or Person in whose name invested or held	Gross Yearly Income
(i) <u>E.L. Payton Playing Field</u>  Land known as the E.L. Payton Playing Field (formerly known as High Ercall Cricket Field), situate with a frontage to Park Road, High Ercall, in the Parish of Ercall Magna, in the County of Salop, and comprised in a Deed of Gift dated 2nd June 1938.	a.    v.    p.  4    3    25	In hand	
(ii) <u>High Ercall Village Institute</u>  Plot of Land situate at High Ercall, in the Parish of Ercall Magna, in the County of Salop, being the site on which formerly stood the buildings known as the High Ercall Village Institute together with a right of way over the roadway leading to the main road.	0    0    12		

The Secretary of State for Education and Science orders that the foregoing Scheme be established.

Given under the Official Seal of the Secretary of State for Education and Science on

(L.S.)

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