

Sealed 5th March 1976.



N72(S)
76.

County - Greater Manchester.
Former)
Borough) - Hyde.
Charity - Hyde War Memorial Trust.

L3.
228,670 A/3.

Stamp £1

Scheme including appointment of
Trustees and vesting in Official
Custodian for Charities.

CHARITY COMMISSION.

In the matter of the Charity known as the Hyde War Memorial Trust, in the former Borough of Hyde, in the County of Greater Manchester, regulated by a declaration of trust dated the 11th February 1924; and
In the matter of the Charities Act, 1960.

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

S C H E M E.

1. Administration of Charity. - The above-mentioned Charity and the property thereof specified in the schedule hereto and all other the property (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of the above-mentioned declaration of trust dated 11th February 1924 as varied by this Scheme by the Committee of Management hereinafter constituted as the charity trustees thereof within the meaning of section 46 of the Charities Act, 1960:

Provided that until the end of the first annual general meeting to be held as hereinafter provided after the date of this Scheme the Charity shall be administered by the existing Trustee of the Charity.

2. Vesting. - The land specified in the said schedule is hereby vested in the Official Custodian for Charities for all the estate and interest therein belonging to or held in trust for the Charity.

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3. Investments and cash. - The investments specified in the said schedule shall be transferred into the name of the said Official Custodian. Sums of cash at any time belonging to the Charity and not needed for immediate working purposes shall be invested in the name of the said Official Custodian unless the Charity Commissioners otherwise direct.

COMMITTEE OF MANAGEMENT.

4. Constitution. - Subject as hereinafter provided, the Committee of Management (hereinafter referred to as the Committee) shall consist when complete of eleven persons (hereinafter referred to as Members) being

Three Elected Members and
Eight Representative Members.

5. Elected Members. - Subject as hereinafter provided for casual vacancies, the Elected Members shall be appointed at the annual general meeting to be held as hereinafter provided and shall hold office from the end of the annual general meeting at which they are appointed.

6. Representative Members. - (1) Three Representative Members shall be appointed by Tameside Borough Council and one Representative Member shall be appointed by each of the following organisations:

Hyde Civic Society.
Hyde Council of Churches.
Tameside Local Committee of the Duke
of Edinburgh's Award Scheme.
Hyde Branch of the Royal British Legion.
Hyde Townswomen's Guild.

(2) Each appointing body shall notify the name of the person appointed by it to the secretary of the Committee.

(3) The appointment of a Representative Member may be made not more than one month before the annual general meeting and the term of office of a Representative Member so appointed shall commence at the end of that meeting.

(4) If a body entitled to appoint a Representative Member fails to do so within the said period of one month before the annual general meeting the appointment shall be made as soon as practicable after that meeting. The term of office of a Representative Member so appointed and of a Representative Member appointed to fill a casual vacancy shall commence on the day on which notification is received by the said secretary.

7. Co-optative Members. - The Committee may appoint if they think fit not more than three 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 that meeting.

8. Termination of membership. - (1) 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.

(2) All the Members shall retire from office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed.

9. Additional Representative Members. - The Committee shall have power by a resolution passed at a duly constituted meeting by the votes of not less than **two-thirds** of the Members for the time being to allow the appointment of an additional Representative Member by any organisation in the area of benefit not already named in this Scheme.

10. Casual vacancies. - (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 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 body entitled to fill the vacancy.

(2) A casual vacancy in the office of Elected Member may be filled at a meeting of the Committee to take effect from the date of that meeting.

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 of willingness to act in the trusts of the Charity.

13. Members not to be personally interested. - Except in special circumstances with the approval in writing of the Commissioners no Member shall take or hold any interest in any property belonging to the Charity 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 Charity.

MEETINGS AND PROCEEDINGS OF THE COMMITTEE.

14. 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 the chairman or by any two Members upon seven clear days' notice being given to all the other Members of the matters to be discussed.

15. Chairman. - (1) At the first meeting in each year after the annual general meeting the Committee 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 shall always be eligible for re-election.

(2) If the chairman and vice-chairman (if any) are absent from any meeting of the Committee the Members shall choose one of their number to be chairman of the meeting before any other business is transacted.

16. Voting. - Except as hereinbefore provided every matter shall be determined by the majority of votes of the Members present and voting on the question but in case of equality of votes the chairman of the meeting shall have a second or casting vote.

17. Minutes and accounts. - A minute book and books of account shall be provided and kept by the Committee.

18. Rules. - Within the limits prescribed by the trusts of the Charity 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 and in particular with reference to -

- (1) the appointment of an auditor, treasurer and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office;
- (2) the engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and
- (3) 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 Members for the time being.

ANNUAL GENERAL MEETING.

19. Annual general meeting. - (1) There shall be an annual general meeting in connexion with the Charity 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 the former Borough of Hyde of 18 years of age and upward shall be entitled to attend and vote at the annual general meeting.

(3) The first annual general meeting shall be convened by the existing Trustee of the Charity and every subsequent annual general meeting shall be convened by the Committee.

(4) Public notice of every annual general meeting shall be given in the area of benefit at least 14 days before the date thereof.

(5) Before any other business is transacted at the first annual general meeting after the date of this Scheme, the persons present thereat shall 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, before any other business is transacted, the persons present shall appoint a chairman of the meeting.

(6) The Committee shall present to each annual general meeting the report and accounts of the Charity for the preceding year.

GENERAL PROVISION.

20. Questions under Scheme. - 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 by the Commissioners upon such application made to them for the purpose as they think sufficient.

S C H E D U L E.

Land situate at Hyde in the County of Greater Manchester shown edged in red on the plan identified with the official seal of the Charity Commissioners and by the number 941 and deposited in the office of the Commissioners.

A perpetual yearly rentcharge of £4.63 charged upon or issuing out of land known as 19 Spring Avenue, Hyde, now in the occupation of Lawrence Harwood.

A perpetual yearly rentcharge of £4.43 charged upon or issuing out of land known as 23 Spring Avenue, Hyde, now in the occupation of Ethel Dance.

A perpetual yearly rentcharge of £5.42 charged upon or issuing out of land known as 25 Spring Avenue, Hyde, now in the occupation of Martha Lucas.

A perpetual yearly rentcharge of £4.26 charged upon or issuing out of land known as 7 Aspland Road, Hyde, now in the occupation of John Phillips.

£415.98 $3\frac{1}{2}\%$ War Stock standing in the name of Tameside Borough Council.

£14,738.50 cash on temporary loan at interest to Tameside Borough Council.

This schedule is made up to the 22nd August 1975.

Sealed by Order of the Commissioners this 5th day of March 1976.



ASSISTANT COMMISSIONER