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Healy
(2)

County—DEVON.

Parish—KINGSTON.

Charity—READING ROOM.

E.
121,627.

Stamp £1.

*Scheme, including
Appointment of Trustees, and
Vesting in them.*

CHARITY COMMISSION.

In the Matter of the Charity known as the READING ROOM, in the Parish of KINGSTON, in the County of DEVON, founded by Conveyance dated 10th February 1912; and

In the Matter of "The Charitable Trusts Acts, 1853 to 1939."

The Board of Charity Commissioners for England and Wales, upon an application made to them on the 24th January 1939, in writing, signed by ERNEST REGINALD TRIGGS, of Avondale, Rocky Park Road, Plymstock, Plymouth, in the County of Devon; Builder; and FREDERICK CHARLES TORR, of The Post Office, Kingston, Sub-Postmaster;

the Trustees of the above-mentioned Charity; and

FREDERICK CHARLES LUGGER, of Bay Cottage, District Council Roadman;

ALFRED JOHN LAVERS, of Great Torr, Farm Labourer;

ALFRED HENRY EDWARDS, of Vicarage Road, Farm Labourer;

WILLIAM ALLEN LAVERS, of Great Torr, Groundsman;

WALLACE SYDNEY FREEMAN, of Britannia Cottage, District Council Roadman;

WILLIAM SEARLE KING, of Chapel Row, Farmer;

GEORGE BEACONSFIELD BURN, of No. 3 Rock Cottage, Farm Labourer; and

JOHN TERRY, of Orchard View, Fisherman; all in Kingston;

a majority of the Members of the Committee of Management of the Charity:

And after due notice of the intention to make this Order published according to the direction of the Board by being affixed to or near a principal outer door of the Parish Church of Kingston and to the Parish Notice Board, Kingston, on the 25th November 1939; and also sent through the post to

THOMAS KINGDOM, of Great Torr Farm, Kingston, Farmer;

the only Member of the Committee of Management of the Charity who was not privy to the said application, at his last known place of abode in Great Britain or Ireland, on the 20th November 1939 (being in each case more than one calendar month before the date hereof):

And having received no notice of any objection to the proposed Order or suggestion for the variation thereof :

And after due communication of the draft of the subjoined Scheme to the Parish Council of Kingston :

Do hereby Order as follows :—

The subjoined Scheme is approved and established as the Scheme for the regulation of the Charity.

SCHEME.

1. *Administration of Charity.*—The above-mentioned Charity and the endowment thereof specified in the Schedule hereto, and all other the endowments (if any) of the said Charity, shall be administered and managed subject to and in conformity with the provisions of this Scheme, by the body of Trustees hereinafter constituted, as the Trustees of the Charity.

2. *Trustees.*—The body of Trustees shall, when complete, consist of—

THE PARISH COUNCIL OF KINGSTON ; and

FREDERICK CHARLES TORR, of The Post Office, Kingston, Sub-Postmaster ; and

ERNEST REGINALD TRIGGS, of Avondale, Rocky Park Road, Plymstock, Plymouth, in the County of Devon, Builder.

3. *Vesting.*—Any lands and hereditaments comprised in this Scheme are hereby vested in the said Council and the said persons for all the estate and interest therein belonging to or held in trust for the Charity.

4. *Reading Room.*—The Trustees shall permit the land and hereditaments for the time being belonging to the Charity to be administered and managed by the Committee of Management hereinafter constituted as a Reading Room for the purposes of the Charity.

5. *Object.*—The object of the Charity shall be the maintenance of the Reading Room of the Charity 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 Kingston, without distinction of sex or of political or other opinions.

6. *Committee.*—The Committee of Management (hereinafter referred to as the Committee) shall (subject as hereinafter provided with respect to Additional Representative Members and Coöptative Members) consist of ten competent persons, being—

Seven Representative Members, and
Three Elected Members.

7. *Representative Members.*—The Representative Members shall be appointed by the following organisations :—

The Parish Council of Kingston ;
The Parochial Church Council of Kingston ;
The Trustees of the Methodist Chapel, Kingston ;
The Managers of the Public Elementary School, Kingston ;
The Committee of the Kingston Nursing Association ;
The Executive Committee of the Agricultural Workers' Union ;
The Committee of the Kingston Men's Club.

Each of the said organisations shall be entitled to appoint one Member of the Committee. Each appointment shall be made for a term of one year at a meeting convened and held according to the ordinary practice of the organisation. The Chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Committee or their Clerk. The first Representative Members shall be appointed as soon as possible after the date hereof.

In this Scheme " Member " means a member of the Committee.

8. *Additional Representative Members.*—In the event of any other organisation being formed in the Parish of Kingston with aims of a social, recreational or educational character, not inconsistent with those upon which the property of the Charity is held under this Scheme, the Committee shall have power to allow such organisation to use the property of the Charity or any part thereof, and shall also have power, by 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 provisionally the appointment of an Additional Representative Member by such organisation. No such resolution shall, however, be effective until it has been approved by an Order of the Charity Commissioners.

9. *Elected Members.*—The Elected Members shall (subject as hereinafter provided with respect to casual vacancies) be appointed at the Annual General Meeting of the inhabitants of the Parish of Kingston, held as hereinafter provided, and shall be entitled (subject to the provisions hereinafter contained with respect to determination of Membership) to hold office until the commencement of the Annual General Meeting in the following year. The first Elected Members shall be appointed at the Annual General Meeting in the year 1940.

10. *Coöptative Members.*—The Committee may, if they think fit, appoint not more than three Coöptative Members to represent interests in Kingston not represented by any organisation. Each appointment of a Coöptative Member shall be made for a term of one year at a meeting of the Committee.

11. *Failure to Appoint, etc.*—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 any 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 this Scheme.

13. *Determination of Membership.*—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, at their next meeting, cause a note thereof to be entered in their minute book, and in the case of a vacancy in the office of Representative Member or Additional 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. Any casual vacancy in the office of Elected Member may be filled by the Committee, but the person appointed to fill the vacancy shall retain office so long only as the vacating Elected Member would have retained office if no vacancy had occurred.

MEETINGS AND PROCEEDINGS OF COMMITTEE.

15. *Meetings of Committee.*—The Committee shall hold ordinary meetings at least twice in each year. A special meeting may at any time be summoned by any two Members upon four days' notice being given to all the other Members of the matters to be discussed.

16. *First Meeting.*—The first meeting of the Committee shall be summoned by John Terry, the Honorary Secretary to the Trustees, or, if he fails for two calendar months after the date of this Scheme to summon a meeting, by any two of the Members.

17. *Chairman.*—The Committee shall at their first ordinary meeting in each year elect one of their number to be Chairman of the meetings of the Committee until the commencement of the first ordinary meeting in the following year. The Chairman shall always be eligible for re-election. If at any meeting 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.

18. *Voting.*—Every matter 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 of the meeting shall have a casting vote, whether he has or has not previously voted on the same question, but no Member shall in any other circumstances give more than one vote.

19. *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 in each year be made out and certified in such manner as the Charity Commissioners require, and copies thereof shall be transmitted to the said Commissioners.

20. *Regulations, etc.*—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 Room may be used for entertainments, meetings, social gatherings and other purposes and the sum (if any) to be paid for such use.
- (b) 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.
- (c) The engagement and dismissal of such paid officers and servants for the said Room as the Committee may consider necessary.
- (d) 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 a third of the total number of the Members for the time being.

APPLICATION OF INCOME, ETC.

21. *Receipts and Expenditure.*—All payments in respect of the use of the said Room 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 shall decide, in repairing and insuring the said Room 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 Room.

ANNUAL GENERAL MEETING.

22. *Annual General Meeting.*—There shall be an Annual General Meeting of the inhabitants of the Parish of Kingston in connexion with the Charity to be held in the month of February in each year. The first Annual General Meeting shall be held in the year 1940. The Committee shall cause notice of the Annual General Meeting to be published in the Parish at least seven days before the date of the meeting and shall present to the meeting the Report and Accounts of the Charity for the preceding year. All inhabitants of the Parish of Kingston of 18 years of age or upwards shall be entitled to attend and vote at the Annual General Meeting.

SALE, ETC.

23. *Sale or Letting.*—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 Reading Room under the trusts of this Scheme, a meeting of the inhabitants of the Parish of Kingston of 18 years of age or upwards to consider the decision of the Committee shall be

led by the Committee. At least 14 days before such meeting notice of the meeting and the purpose thereof shall be posted in a conspicuous place on the said Room and advertised in a newspaper circulating in Kingston. In the event of the decision of the Committee being confirmed by a majority of the inhabitants present and voting at the meeting, the Trustees may, subject to the approval of the Charity Commissioners, let or sell the said land and buildings or any part thereof.

24. *Proceeds.*—The clear proceeds of any such letting or sale as aforesaid shall be applied by the Trustees either—

- (a) In the acquisition, subject to the approval of the Charity Commissioners, of other land and buildings to be held upon the trusts of this Scheme, or
- (b) Towards such other charitable purposes or objects for the benefit of the inhabitants of the Parish of Kingston as may be approved by the said Commissioners.

Pending such application as aforesaid the said clear proceeds shall be paid by the Trustees to "The 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.

25. *Trustees and Members not to be personally interested.*—No Trustee or Member shall receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

26. *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 conclusively by the Charity Commissioners, upon such application made to them for the purpose as they think sufficient.

SCHEDULE.

Land containing .041 acre or thereabouts situate in the Parish of Kingston and measuring 74 feet or thereabouts on or towards the North-west and 24 feet or thereabouts on or towards the South-west, together with the building erected thereon known as the Kingston Reading Room.

Sealed by Order of the Board this 30th day of January 1940.

