

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

**8<sup>TH</sup> NOVEMBER 1999**

the following

**SCHEME**

will govern the charity

known as

**TARN MOOR ESTATE**

at

Skipton, North Yorkshire

This Scheme has been adjudged as not liable to stamp duty.

Commissioners' References:

Sealing: N186(s)

99

Case No: 111395

**1. Definitions**

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the area of benefit” means the parish of Skipton.

“the trustees” means the trustees of the charity acting under this scheme and “trustee” means one of the trustees.

**ADMINISTRATION**

**2. Administration**

The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.

**3. Name of the charity**

The name of the charity is The Tarn Moor Estate.

**OBJECT**

**4. Object of the charity**

The object of the charity is the general benefit of the inhabitants of the area of benefit in such charitable ways as the trustees think fit.

**POWERS OF THE TRUSTEES**

**5. Powers of the trustees**

In addition to any other powers which they have, the trustees may exercise the following powers in furtherance of the objects of the charity:

- (1) Power to sell, lease or otherwise dispose of all or any part of the charity's property. (The trustees must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale, lease or disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)
- (2) Power to delegate the performance of any act, including the exercise of any power or discretion, to a committee consisting of any two or more of the trustees. (The trustees must exercise reasonable supervision over the committee and the committee must promptly report their acts and proceedings to the trustees.)
- (3) Power to make rules and regulations consistent with this scheme for the management of the charity.

## TRUSTEES

### 6. Custodian trustee

Skipton Town Council will be the custodian trustee of the charity

### 7. Trustees

(1) There should be:

2 nominated trustees and  
3 co-opted trustees, who shall not be members of Skipton Town council,

appointed in accordance with clauses 8 and 9.

(2) The first nominated and co-opted trustees are the persons listed in the schedule to this scheme. Subject to clause 13 (termination of trusteeship) they will hold office for the periods shown in the schedule.

### 8. Nominated trustees

(1) The nominated trustees must be appointed by Skipton Town Council.

(2) Any appointment must be made at a meeting held according to the ordinary practice of the Council.

(3) Each appointment must be made for:

(a) 4 years; or

(b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.

(4) The appointment will be effective from the later of:

(a) the date of the vacancy; and

(b) the date on which the trustees or their secretary or clerk are informed of the appointment.

(5) The person appointed need not be a member of the Council.

### 9. Co-opted trustees

(1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 17.

(2) An appointment may, but need not, be made before the date on which the term of office of an existing co-opted trustee comes to an end, to take effect on that date. In these circumstances:

- (a) the appointment may not be made more than 3 months before the date on which the existing co-opted trustee's term of office is due to end; and
  - (b) any co-opted trustee whose term of office is about to come to an end must not vote in favour of their own re-appointment.
- (3) Each appointment must be for a term of 4 years.

#### **10. New trustees**

The trustees must give each new trustee, on their first appointment:

- (1) a copy of this scheme and any amendments made to it;
- (2) a copy of the charity's latest report and statement of accounts.

#### **11. Register of trustees**

- (1) The trustees must keep a register of the name and address of every trustee and the dates on which their terms of office begin and end. Every trustee must sign the register before acting as a trustee, whether on their first appointment or on any later re-appointment.
- (2) The trustees must promptly report any vacancy in the office of nominated trustee to the Council.

#### **12. Trustees not to have a personal interest**

Except with the prior written approval of the Commissioners no trustee may:

- (1) receive any benefit in money or in kind from the charity; or
- (2) have a financial interest in the supply of goods or services to the charity; or
- (3) acquire or hold any interest in property of the charity (except in order to hold it as a trustee of the charity).

#### **13. Termination of trusteeship**

A trustee will cease to be a trustee if he or she:

- (1) is disqualified from acting as a trustee by section 72 of the Charities Act 1993; or
- (2) is absent without the permission of the trustees from all their meetings held within a period of 6 months and the trustees resolve that his or her office be vacated; or
- (3) gives not less than one month's notice in writing of his or her intention to resign (but only if at least 3 trustees will remain in office when the notice of resignation is to take effect).

## OFFICERS

### 14. Chairman

- (1) At their first ordinary meeting in each year the trustees must elect one of their number to be chairman of their meetings.
- (2) The trustees present at a meeting must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

### 15. Secretary or clerk

The trustees may appoint a secretary or clerk. The office may be held by:

- (1) a trustee (who must not receive any reward for acting and who may be dismissed as secretary or clerk at any time); or
- (2) some other suitable person (who may be employed upon such reasonable terms, including terms as to notice, as the trustees think fit).

## MEETINGS OF TRUSTEES

### 16. Ordinary meetings

- (1) The first meeting after the date of this scheme must be called by Mrs J Phillip or, if she does not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least 3 ordinary meetings in each 12 month period.
- (3) Ordinary meetings require at least 10 days' notice.
- (4) The chairman, or any 2 trustees, may call an ordinary meeting at any time.

### 17. Special meetings

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except those meetings to consider:
  - (a) the appointment of a co-opted trustee, or
  - (b) the amendment of this scheme under clause 24, which will require at least 21 days' notice.
- (3) The notice calling a special meeting must include details of:
  - (a) the business to be transacted at the meeting; and
  - (b) any amendment to be made to this scheme (under clause 24).

- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

**18. Quorum**

No business may be transacted at a meeting unless at least 3 trustees are present.

**19. Voting**

- (1) Subject to the power contained in clause 5(2) of this scheme, every matter must be decided by majority decision of the trustees present and voting at a duly convened meeting of the trustees.
- (2) The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

**20. Recording of meetings**

The trustees must keep a proper record of their meetings.

**21. Trustees to act jointly**

- (1) Subject to the exception stated in sub-clause (2) of this clause, the trustees must exercise their powers jointly, at properly convened meetings.
- (2) The trustees may appoint a committee of not less than two of their number to deal with applications for assistance from the charity which cannot await the trustees' next meeting. The decisions of such a committee must be reported to the trustees at their next meeting.

## **CHARITY PROPERTY**

**22. Transfer of property**

The title to the land belonging to the charity is transferred by this scheme to the custodian trustee in trust for the charity.

**23. Use of income and capital**

- (1) The trustees must firstly apply:
  - (a) the charity's income; and
  - (b) if the trustees think fit, expendable endowment; and
  - (c) when the expenditure can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the charity and of managing its property (including the repair and insurance of its buildings).

- (2) After payment of these costs, the trustees must apply the remaining income in furthering the object of the charity.
- (3) The trustees may also apply for the object of the charity:
  - (a) expendable endowment; and
  - (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

## AMENDMENT OF SCHEME

### 24. Amendment of scheme

- (1) Subject to the provisions of clause 24 as set out below, the trustees may amend the provisions of this scheme.
- (2) Any amendment must be made by a resolution passed at a special meeting of the trustees. The notice of the special meeting must include notice of the resolution, setting out the terms of the amendment proposed.
- (3) The trustees must not make any amendment which would:
  - (a) vary this clause;
  - (b) vary the definitions clause and clause 4 of this scheme (the objects clause).
  - (c) confer a power to dissolve the charity;
  - (d) enable them to spend permanent endowment of the charity.
- (4) The trustees must obtain the prior written approval of the Commissioners before making any amendment which would:
  - (a) vary clause 12 of this scheme (Trustees not to have a personal interest);
  - (b) vary the name of the charity;
  - (c) vary the trustees' powers of investment.
- (5) The trustees must:
  - (a) promptly send to the Commissioners a copy of any amendment made under this clause; and
  - (b) keep a copy of any such amendment with this scheme.

## GENERAL PROVISIONS

### 25. Questions relating to the Scheme

The Commissioners may decide any question put to them concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

## SCHEDULE

### Nominated trustees

Name	Address	Term of office
Paul Whitaker	59 Grassington Road Skipton	4 years
Paul Greaves	63 Moor View Way Skipton	2 years

### Co-opted trustees

Name	Address	Term of office
Brian Phillip	15 Duckett Street Skipton	4 years
Claire Brookes	Flat1 The Mains Giggleswick Settle	3 years
Fred Armitage	48 The Green Overdale Park Skipton	2 years