CHAPTER v

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Chipping Sodbury Town Trust. [2nd June 1960.]

WHEREAS the Charity Commissioners in their Report to Her Majesty of their proceedings during the year one thousand nine hundred and fifty-nine reported that they had approved and certified a Scheme for the application or management of the Charity called the Chipping Sodbury Town Trust, in the Ancient Parish of Chipping Sodbury, in the County of Gloucester:

And whereas it is expedient that the Scheme as the same is fully set out and defined in the Schedule to this Act should be confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of Scheme.

1. The said Scheme is hereby confirmed: Provided always that nothing in this Act or in the said Scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exercisable by the High Court of Justice and the Charity Commissioners.

Short title.

2. This Act may be cited as the Chipping Sodbury Town Trust Scheme Confirmation Act, 1960.

SCHEDULE

SCHEME FOR THE APPLICATION OR MANAGEMENT OF THE FOLLOWING CHARITY:—

The Charity called the Chipping Sodbury Town Trust, in the Ancient Parish of Chipping Sodbury, in the County of Gloucester, regulated by a Scheme of the Charity Commissioners of the 27th January 1899 as varied by Schemes of the said Commissioners of the 13th December 1910 and the 27th October 1922 and as affected by an Order made by the said Commissioners on the 23rd June 1950 under the County of Gloucester (Parish of Sodbury) Order, 1945, as confirmed by the County of Gloucester (Sodbury Parish) Confirmation Order, 1945.

1. *Administration of Charity.*—The above-mentioned Charity and the endowments thereof specified in the schedule hereto and all other the endowments of the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme by the body of Trustees hereinafter constituted.

2. *Repeal of Schemes.*—The above-mentioned Schemes of the 27th January 1899, the 13th December 1910 and the 27th October 1922 shall cease to have effect.

3. *Inhabitants.*—In this Scheme the expression "the inhabitants" shall mean the inhabitants for the time being of the area of the Ancient Parish of Chipping Sodbury.

4. *Investment of cash.*—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 Official Trustees of Charitable Funds unless the Charity Commissioners otherwise direct.

TRUSTEES

5. *Trustees.*—The body of Trustees shall consist when complete of thirteen competent persons being—

Nine Representative Trustees ; and

Four Co-optative Trustees.

6. *Representative Trustees.*—The Representative Trustees shall be appointed as follows:—

Six by the Parish Council of Sodbury on the nomination of the councillors for the time being representing the Chipping Sodbury Ward of the Parish of Sodbury ;

One by the County Council of Gloucester ;

One by the Council of Cirencester Royal Agriculture College ;

One by the Committee of the Bristol and Gloucestershire Archaeological Society.

Each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the appointing body. The chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Trustees or their clerk. The person appointed may be but need not be a member of the appointing body.

7. *First Representative Trustees.*—The first Representative Trustees shall be appointed as soon as possible after the date of this Scheme and their names shall be notified to Lawrence Montague Harris hereinafter named on behalf of the Trustees. At the end of two years from the date of the appointment of the first Representative Trustees appointed by the said Parish Council if more than three remain Trustees two of them to be determined by lot if necessary shall go out of office but shall be eligible for re-appointment.

8. *Co-optative Trustees.*—The Co-optative Trustees shall be persons residing or carrying on business in or near the area of the Ancient Parish of Chipping Sodbury.

9. *First Co-optative Trustees.*— The following persons shall be the first Co-optative Trustees and subject to the provisions hereinafter contained for determination of trusteeship shall be entitled to hold office for the following periods respectively:—

Richard Bertram Arnold, of 60 Broad Street, Grocer and Provision Merchant, and

Bertram Horne, of Red Lodge, Retired Road Surveyor, both in Chipping Sodbury, both for five years from the date of this Scheme;

David Brown, of Firgrove, Yate, in the County of Gloucester, Land Agent, and

Arthur Victor Cox, of Runnymede, Chipping Sodbury, Retired Bank Manager, both for three years from the date of this Scheme.

10. *Future Co-optative Trustees.*—Every future Co-optative Trustee shall be appointed for a term of five years by a resolution of the Trustees passed at a special meeting.

11. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee whether on a first or on any subsequent entry into office until after signing in the minute book of the Trustees a declaration of acceptance and of willingness to act in the trusts of this Scheme.

12. *Determination of trusteeship.*—Any Co-optative Trustee who ceases to be qualified as aforesaid and any Trustee who is absent from all meetings of the Trustees during a period of two consecutive years or 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 Trustees a wish to resign shall cease thereupon to be a Trustee.

13. *Vacancies.*—Upon the occurrence of a vacancy the Trustees 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 Trustee shall cause notice thereof to be given as soon as possible to the proper appointing body. Any competent Trustee may be re-appointed. No vacancy in the office of Co-optative Trustee shall be filled until after the lapse of one calendar month from its occurrence.

MEETINGS AND PROCEEDINGS OF TRUSTEES

14. *Ordinary meetings.*—The Trustees shall hold at least two ordinary meetings in each year.

15. *First meeting.*—The first meeting of the Trustees shall be summoned by the said Lawrence Montague Harris, of Old Bank House, Broad Street, Chipping Sodbury, or if he fails for three calendar months after the date of this Scheme to summon a meeting by any two of the Trustees.

16. *Chairman.*—The Trustees at their first ordinary meeting in each year shall elect one of their number to be chairman of their meetings 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 Trustees present shall choose one of their number to be chairman of the meeting.

17. *Special meetings.*—A special meeting may be summoned at any time by the chairman or any two Trustees upon four days' notice being given to all other Trustees of the matters to be discussed. A special meeting may be summoned to take place immediately after an ordinary meeting.

18. *Quorum.*—There shall be a quorum when five Trustees are present at a meeting.

19. *Voting.*—Every matter shall be determined by the majority of votes of the Trustees 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 voted previously on the same question but no Trustee in any other circumstances shall give more than one vote.

20. *Minutes and accounts.*—A minute book and books of account shall be provided and kept by the Trustees. All proper accounts in relation to the Charity shall be made out in each year and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners in compliance with the provisions of the Charitable Trusts Acts.

21. *General power to make regulations.*—Within the limits prescribed by this Scheme the Trustees shall have full power from time to time to make regulations for the management of the Charity and for the conduct of their business including the summoning of meetings, the deposit of money at a proper bank and the custody of the documents and chattels belonging to the Charity and in particular the custody of the silver maces specified in the schedule hereto.

22. *Clerk.*—The Trustees may appoint some fit person to be their clerk and to hold office during their pleasure and may pay to him (not being a Trustee) such reasonable salary as they think fit.

MANAGEMENT OF LANDS

23. *Playing fields and sports grounds.*—The land numbered 4 in the schedule hereto and comprising the playing fields and sports grounds shall be appropriated and used for the benefit of the inhabitants either free of charge or upon the payment of such charge as the Trustees think fit.

24. *Town Hall.*—The land numbered 5 in the said schedule with the building thereon known as the Town Hall and the land numbered 6 and 7 in the said schedule with the buildings thereon shall be appropriated and used for the benefit of the inhabitants upon such terms as the Trustees think fit.

25. *Purchase of freeholds.*—Subject to the approval of the Charity Commissioners the Trustees may purchase the respective freehold reversions in the said land numbered 6 and 7 and may apply endowments of the Charity to defray the cost of such purchase or purchases.

26. *Appropriation of land.*—Subject as aforesaid the Trustees may appropriate any part of the land belonging to the Charity for either or both of the following purposes:—

(1) For the benefit of the inhabitants either free of charge or upon the payment of such charge as the Trustees think fit;

(2) For the agistment of cattle belonging to any of the inhabitants upon such terms as the Trustees think fit.

27. *Management and letting of lands.*—Subject as aforesaid the Trustees shall let and otherwise manage all the lands belonging to the Charity not required to be retained or occupied for the purposes thereof. Except with the approval of the Charity Commissioners the Trustees shall give public notice of the intention to let any land in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than three years of any existing term or for more than 21 years certain or for less than the best rent obtainable without the sanction of the Charity Commissioners or a competent court.

28. *Leases.*—The Trustees shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof. Every lease shall contain covenants on the part of the lessee for the payment of rent, where necessary the proper cultivation of the land and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

29. *Repair and insurance.*—The Trustees shall keep in repair and insure for full value against fire all the buildings of the Charity not required to be kept in repair and insured by the lessees or tenants thereof.

APPLICATION OF INCOME

30. *Expenses of management.*—The Trustees shall first defray out of the income of the Charity the cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the Charity.

31. *Extraordinary Repair Fund.*—(1) Subject to any further Order or Orders of the Charity Commissioners a fund for the extraordinary repair, improvement or rebuilding of the property belonging to the Charity shall be provided and maintained as follows.

(2) The Trustees shall pay to The Official Trustees of Charitable Funds a yearly sum of not less than £100 out of the income of the Charity and the said Official Trustees shall invest the yearly sum so paid at compound interest in the purchase in their name to the credit of an account to be entitled Extraordinary Repair Fund of any of the securities authorised by law for the investment of trust funds.

32. *Application of income.*—Subject to the payments aforesaid the Trustees shall apply the income of the Charity for the upkeep of the property belonging to the Charity and subject thereto for such charitable purposes for the general benefit of the inhabitants as the Trustees think fit.

33. *Appropriation of benefits.*—The appropriation of the benefits of the Charity shall be made by the Trustees at meetings of their body and not separately by any individual Trustee or Trustees; provided that the Trustees from time to time may appoint two or more members of their body to be a committee for dealing with any cases of emergency but all acts and proceedings of committees shall be reported in due course to the Trustees.

34. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in property belonging to the Charity otherwise than as a Trustee for the purposes thereof and no Trustee shall receive remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

35. *Charity not to relieve public funds.*—The funds or income of the Charity shall not be applied in relief of rates, taxes or other public funds.

36. *Alteration of Scheme.*—The Charity Commissioners in the exercise of their ordinary jurisdiction may establish from time to time Schemes for the alteration of any of the provisions of this Scheme as if those provisions had been made by the founder in the case of a Charity having a founder.

37. *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 Charity Commissioners upon such application made to them for the purpose as they think sufficient.

38. *Date of Scheme.*—The date of this Scheme shall be the date of the Act of Parliament confirming the same.

SCHEDULE

The following adjoining land situate at Chipping Sodbury in the County of Gloucester:—

1. Land known as the Stub Riding and the Mead Riding the grazing rights over which were granted in 1958 for £1,108 4s.
2. Land with the Hayward's cottage thereon.
3. Land with the cottage thereon now let to Frank Shipp at the yearly rent of £15 8s. 8d.
4. Land used as playing fields and sports grounds in respect of which £45 14s. 6d. cash was received in 1958 for the use of pitches and tennis courts.

The following adjoining land situate at Chipping Sodbury aforesaid and having a frontage to Broad Street:—

5. Land subject to a yearly rentcharge of £100 with the building thereon known as the Town Hall being the land comprised in a conveyance made the 30th September 1957 between The Official Trustee of the Charity Lands of the first part Sidney Herbert Hobbs and seven others of the second part and the said Sidney Herbert Hobbs and eight others of the third part.
6. Land with the building thereon known as 57 Broad Street held for the unexpired residue of the term of 21 years from the 29th September 1957 at the yearly rent of £20 created and reserved by a lease made the 30th September 1957 between Sidney Herbert Hobbs and seven others of the one part and the said Sidney Herbert Hobbs and eight others of the other part.
7. Land with the building thereon known as 61 Broad Street held for the unexpired residue of the term of 21 years from the 29th September 1957 at the yearly rent of £15 created and reserved by a lease made the 30th September 1957 between the parties last mentioned above and now let to Henry Lewis at the yearly rent of £12 15s.

1,085 stints or rights of pasture over common land situate in the Parish of Sodbury and known as Sodbury Commons, Harwood Gate Common, King Grove Common, Buckett's Hill Common, Colt's Green Common and Coomb's End Green Common awarded to the Trustees of the Charity by an Award dated the 1st April 1908 and confirmed by the Board of Agriculture and Fisheries on the 8th April 1908.

The following investments standing in the name of The Official Trustees of Charitable Funds :—

£1,141 4 per cent. Consolidated Stock.

£1,479 10s. 3d. 3 per cent. Savings Bonds, 1960-70.

£4,445 6s. 1d. cash on deposit account at the Chipping Sodbury Branch of National Provincial Bank Limited.

£2,005 1s. 9d. cash on current account at the said branch of the said bank.

The following chattels deposited at the said branch of the said bank :—

1. Large silver mace inscribed "William Higgs, bailiff 1705".
2. Small silver mace 11½ inches long bearing on the shield the arms of Beauchamp.

Notes.—(1) The land numbered 1, 2, 3 and 4 above was vested in The Official Trustee of Charity Lands by the above-mentioned Scheme of the 27th January 1899 and is subject to existing rights of common.

(2) The land numbered 5 above was vested in the said Official Trustee by an Order of the Charity Commissioners of the 4th February 1958.

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