1973. No. 249 [NC]

VAUGHAN'S CHARITY

ORDER, DATED 20TH JULY 1973, MADE BY THE MINISTRY OF FINANCE WITH THE APPROVAL OF THE ATTORNEY GENERAL UNDER THE VAUGHAN'S CHARITY (ADMINISTRATION) ACT (NORTHERN IRELAND) 1954.

WHEREAS under the Vaughan's Charity (Administration) Act (Northern Ireland 1954(**a**) it is provided that, as from the commencement of that Act, the Charity known as the Vaughan Agricultural Institute shall be administered in accordance with and subject to the provisions of the Scheme set out in the Schedule to that Act (hereinafter referred to as "the 1954 Scheme"):

AND WHEREAS Article 32 of the 1954 Scheme provides that upon the application of the Trustees (they being defined in the 1954 Scheme and being hereinafter called "the Trustees") made with the approval of the Ministry of Agriculture the 1954 Scheme may be altered or amended by the Ministry of Finance for Northern Ireland (hereinafter called "the Ministry") in such form and to such extent as may be approved by Her Majesty's Attorney General for Northern Ireland:

AND WHEREAS the Trustees with the approval of the Ministry of Agriculture have applied to the Ministry to amend the 1954 Scheme in manner hereinafter appearing:

AND WHEREAS the Attorney General has approved of such amendment being effected by an Order of the Ministry:

NOW, THEREFORE, the Ministry on behalf of the Secretary of State and with the approval of the Attorney General hereby makes the following Order:—

The 1954 Scheme is hereby revoked and the Scheme set out in the Schedule is hereby substituted therefor:—

SCHEDULE

Vaughan's Charity

SCHEME

1. For the purposes of this Scheme the following terms shall be interpreted as follows:—

"the Act of 1936" shall mean the Vaughan's Charity (Administration) Act (Northern Ireland) 1936(**b**);

"the Act of 1954" shall mean the Vaughan's Charity (Administration) Act (Northern Ireland) 1954;

(**a**) 1954 c. 28

(**b**) 26 Geo. 5 & 1 Edw. 8. c. 24 (N.I.).

"agriculture" shall include horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where the use is ancillary to the farming of land for other purposes and "agricultural" shall be construed accordingly;

"the County" shall mean the County of Fermanagh;

"the 1954 Scheme" shall mean the Scheme set out in the Schedule to the Act of 1954;

"the Ministry" shall mean the Ministry of Finance;

"the new trustees" shall mean the body of trustees for the time being constituted under Article 7(1);

"the present trustees" shall mean the trustees for the time being constituted under the provisions of the 1954 Scheme;

"the Institute" shall mean the Vaughan Agricultural Institute as constituted by the 1954 Scheme and shall include the farm attached thereto;

"the Institute Fund" shall mean the Institute Fund established by the 1954 Scheme;

"the Trust Fund" shall have the meaning assigned to it by Article 3.

Powers and duties of the Ministry

2.—(1) The lands and premises which are vested in the Ministry in pursuance of the Act of 1936 or are otherwise held by the Ministry for the purposes of this Scheme particulars whereof are set forth in Schedule 1 the areas thereof therein stated having been estimated by recent survey shall be sold by the Ministry at such time or times as the Ministry thinks proper. The proceeds thereof after deduction of all expenses incurred by the Ministry in connection with the sale shall be invested by the Ministry and the investments shall be added to and form part of the Trust Fund hereinafter referred to and be held upon the trusts and with the powers applicable thereto.

(2) Without prejudice to paragraph (1) the Ministry may dispose of any lands and premises vested in or held as therein mentioned.

3. The investments and cash which at the date of this Scheme are held by the Ministry on behalf of the Institute particulars of which are set out in Schedule 2 and in this Scheme and the 1954 Scheme are referred to as "the Trust Fund" shall be held by the Ministry for the purposes hereinafter set out.

4. The Ministry may invest the Trust Fund in such manner as it may think fit and may at any time call in and vary the investments thereof or add to the Trust Fund from accumulations of income paid over to the Ministry by the present trustees or the new trustees and shall apply the income thereof as is hereinafter provided.

5. The Ministry may accept grants or bequests subject to any trusts attaching thereto and may apply the same for the purposes of this Scheme.

6.—(1) Until the sale referred to in Article 2(1) has been effected the income of the Trust Fund shall continue to be applied by the Ministry in making payments to the present trustees in the manner and for the purposes provided by the 1954 Scheme.

(2) When the sale referred to in Article 2(1) has been effected the income of the Trust Fund shall after providing for any other payments to be made therefrom under this Scheme be paid by the Ministry to the new trustees to be applied by them subject to and in accordance with the provisions of this Scheme first in paying all expenses properly incurred by them in the administration of the trusts of this Scheme and secondly in making payments in such manner of such amounts and subject to such conditions as the trustees think proper for all or any of the following purposes, provided that no part of the said income shall be applied for any purpose which is not in law charitable.

(*a*) to enable any person to develop any new or improved method or technique of farming or farm management or the processing or marketing of agricultural products which in the opinion of the new trustees could be advantageously adopted and applied in the County. It shall be a condition of any payment under this sub-paragraph that the person receiving it will to such extent as the new trustees shall reasonably require demonstrate the operation of any such new or improved method or technique to persons engaged in agriculture in Northern Ireland and publish or permit to be published particulars thereof and report to the new trustees on the results of the application of such method or technique;

(*b*) to enable or assist persons residing in the County to pursue courses of training in agriculture and in particular to supplement grants by government departments or public or local authorities or other bodies for such purposes where the new trustees consider it necessary or desirable to do so to enable any person to take advantage of such grants;

(*c*) to enable or assist young persons residing in the County who are engaged in farming or any other young person attending or who has attended full time courses in agriculture in the County to travel to other countries to study or obtain practical experience of new techniques of farming and farm management or the processing or marketing of agricultural products;

(*d*) with the approval of the Ministry of Agriculture any other purpose which the new trustees consider will promote research into techniques or methods of farming or farm management or the processing or marketing of agricultural products and the dissemination of the knowledge thereof by publication, practical demonstration or otherwise, or the instruction of persons engaged or intending to be engaged in farming in the County in the practice of farming or farm management or the processing or marketing of agricultural products;

(*e*) with the consent of the Ministry of Agriculture any other purpose which will assist or further any of the purposes of this Scheme.

Appointment, etc., of the new trustees

7.—(1) As soon as practicable after the sale referred to in Article 2(1) has been effected there shall be established a new body of administrative trustees to administer the trusts of this Scheme, to be known as the Trustees of the Vaughan Charity, consisting of three nominated trustees of whom one shall be appointed by the Ministry, one by the Ministry of Agriculture, and one by the Ministry of Education and two representative trustees to be appointed by the nominated trustees. One of the representative trustees shall represent the farmers in the County and the other shall represent the young farmers in the County.

(2) A nominated trustee may be removed from office at any time by the Ministry which appointed him but otherwise shall, subject to the provisions of this Scheme, hold office in accordance with the terms of his appointment. Subject to the provisions of this Scheme a representative trustee shall hold office for three years from the date of his appointment. A nominated trustee or a representative trustee whose term of office has expired shall be eligible for re-appointment.

(3) The trustees shall at their first meeting and thereafter at their first meeting in each year commencing 1st January elect a chairman from among their members.

8. There shall be kept by the new trustees a book in which shall be entered the names of the trustees, the date of appointment, being the date of the letter from the appointing body, and the name of the appointing body, and any extract from the book duly certified by the chairman and the clerk to the trustees shall be evidence of the appointment.

9. A trustee who communicates in writing to the trustees his wish to resign, or who shall not attend a meeting of the new trustees during a consecutive period of one year, or who ceases to reside in Northern Ireland, or who is adjudicated a bankrupt or becomes incapable of acting shall cease to be a trustee.

10. A trustee shall not be entitled to any salary or emolument out of the Trust Fund, and if appointed to any paid office or employment under this Scheme, shall be deemed to have resigned; provided, however, that the new trustees may up to such amount as may be approved by the Ministry be paid from the income of the Trust Fund for any reasonable expenses to which they may be put in respect of travelling and subsistence.

Management of Institute

11. Until the sale referred to in Article 2(1) is effected the present trustees shall, so far as practicable, continue to manage the Institute in accordance with the 1954 Scheme and until the present trustees are discharged in accordance with Article 14 the provisions of the 1954 Scheme (including those relating to the appointment of trustees) shall apply to enable those trustees to perform the functions conferred upon them by this Scheme.

12. The present trustees shall, at such time or times as they shall think proper, sell all livestock, farm machinery or implements and all other chattels held by them for the purposes of the Institute. The proceeds thereof after deduction of all expenses incurred by the present trustees in connection with the sale shall be added to and form part of the Institute Fund and be applied accordingly.

Transfer of Institute fund

13. When the sale referred to in Article 2(1) has been effected and all monies required to be transferred to the Institute Fund under Article 12 have been so transferred, the Institute Fund, after payment thereout of all monies due by the present trustees in respect of the Institute shall be transferred by the present trustees to the Ministry and shall be added to and form part of the Trust Fund and be held upon the trusts and with the powers applicable thereto.

Discharge of present trustees

14. The present trustees shall prepare an account of all their receipts and disbursements arising since the last audited account up to the date of the transfer of the Institute Fund under Article 13 and shall submit the accounts for audit by the Comptroller and Auditor General in accordance with the 1954 Scheme. The present trustees shall thereupon be discharged but without prejudice to their liability for any antecedent breach of trust.

Investment of surplus monies

15. Any monies in the hands of the new trustees for the purposes of this Scheme and not immediately required may until required be placed on deposit with a bank or the Post Office or a trustee savings bank or invested in any other suitable manner but so as to be readily available to the new trustees. The new trustees may also pay over to the Ministry for investment any monies in their hands.

16. The new trustees shall not use any monies held by them for the purposes of this Scheme for purposes which would relieve the Ministry of Agriculture or any other government department or local or public authority of expenditure on services the provision of which is mandatory on that Ministry or any such department or authority.

Meetings and proceedings of new trustees

17. The new trustees shall hold general meetings at least twice in every year. If the chairman is absent from any meeting the new trustees present shall elect one of them to be chairman of that meeting.

18. The chairman or any two trustees may at any time summon a special meeting for any cause that seems to him or them sufficient.

19. Notice in writing of every meeting of the new trustees whether general or adjourned, shall be delivered or sent through the post to each trustee by the Clerk, or by some other person acting under the direction of the new trustees, or, in the case of a special meeting, by or under the direction of the person or persons summoning the meeting, seven clear days at least before the date of the meeting, so far as in the case of an adjourned meeting the interval between the original and adjourned meetings will permit. Every notice of meeting shall state the place, day and hour of the meeting, and every notice of a special meeting shall further state the matters to be discussed thereat.

20. Three of the new trustees shall form a quorum and if a quorum shall not have assembled within half an hour after the time appointed for any meeting the trustees or trustee present, or the clerk, if no trustee be present, may adjourn the meeting. Any meeting may be adjourned by the chairman upon the adoption of a resolution for its adjournment.

21. Every matter shall be determined by the majority of the new trustees present and voting on the question. In the event of equality of voting the chairman of the meeting shall have a casting view.

22. The new trustees may, at any meeting, appoint two or more members of their body to be a committee for making any inquiry or for superintending or transacting any business, subject to regulations to be imposed by the Trustees.

Officers and general management

23. The new trustees shall appoint some fit person to be their clerk and may pay him such annual salary or other remuneration as they may from time to time with the approval of the Ministry of Agriculture determine. Subject as herein provided, the new trustees shall from time to time prescribe and appoint the duties to be performed by the clerk.

24. A minute book shall be provided and kept by the new trustees. Minutes of the entry into office of every new trustee, and of all proceedings of the new trustees shall be entered in the minute book and shall be signed by the chairman of the next ensuing meeting, after they have been duly confirmed as a true and correct record.

25. Full accounts shall be kept by the new trustees in proper books of account provided for the purpose in such form as may be approved by the Ministry. The accounts shall be audited by auditors appointed by the new trustees with the approval of the Ministry and copies thereof certified by such auditors shall on such date in each year as the Ministry may direct be transmitted for examination to the Comptroller and Auditor General who shall furnish a copy of the accounts and his report thereon to the Ministry and the Ministry of Agriculture. Such fee, if any, as may be determined by the Ministry shall be paid in respect of the examination by the Comptroller and Auditor General.

26. A banking account for the purposes of the Charity shall be kept at some bank to be from time to time selected by the new trustees, having its head office in the United Kingdom. Every sum of money received by the new trustees or their officers shall be forthwith paid into the credit of that account, unless otherwise expressly ordered by the trustees.

27. All cheques and orders for the payment of money shall be signed by one of the new trustees, and countersigned by the clerk.

28. Within the limits prescribed by this Scheme, and with the approval of the Ministry, the new trustees shall have full power from time to time to make regulations for the conduct of their business, and their administration of the trusts of this Scheme and such regulations shall be binding on all persons affected thereby.

General

29. The new trustees shall cause a printed copy of this Scheme to be supplied to everybody, trustees or persons concerned in the provisions of the Scheme. Any expenses incurred in printing copies of the Scheme shall be a charge against the Trust Fund.

30. Upon the application of the new trustees made with the approval of the Ministry of Agriculture this Scheme may be altered or amended by the Ministry in such form and to such extent as may be approved by the Attorney General.

SCHEDULE I

Townland	*Area in acres*
Tubrid	82.36
Cloncah Rock	41.29
Feddens	13.15
Drumcurren	16.00
Derry More	15.75
Portinode Upper Portinode Lower	74.31
Drumrush	2.66

SCHEDULE 2

Investments and Cash	*Amount*
Northern Ireland Central Investment Fund for Charities	10592 Shares
Exchequer	£1100.00
Deposit Receipt	£34.00
Cash	£0.58
Rent	
Annual Fee Farm Rent of £1.05 payable by the Humphrey Estate	

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 20th day of July 1973.

(L.S.)

W. H. Hamill,
Assistant Secretary.

I hereby approve of the foregoing Order.

Peter Rawlinson,
Attorney General for Northern Ireland.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes the Vaughan's Charity Scheme set out in the Schedule to the Vaughan's Charity (Administration) Act (Northern Ireland) 1954 and replaces it with the Scheme set out in the Schedule to the Order.