

**GILBERDYKE AND DISTRICT
WAR MEMORIAL HALL AND PLAYING FIELD**

DEED OF APPOINTMENT AND TRUST DEED

Version: 9 December 1971

Transcription of Original Document in
Modern Text and Formatting

NOTE

A replacement Constitution, dated 26 January 2001, was subsequently drafted. The contains significant changes to composition and procedures of the Committee. It does not appear to have been formally adopted and is not the document cited on the Charity Commission website as per attached abstract, current at May 2008.

SEAL

DEED OF APPOINTMENT AND TRUST DEED is made the 9 December 1971 between Charles Seaman of Clementhorpe House, Gilberdyke in the East Riding of York (hereinafter called "The Appointer") of the one part and Roddick Bell Jardine of Station House, Staddlethorpe in the said East Riding, and Harry Stather of 25 Jefferson Drive, Brough in the said East Riding; Harold Tooby Webb of Mandylea, Clementhorpe, Gilberdyke aforesaid; and Thomas Ernest Winn of 7 Clementhorpe Road aforesaid (hereinafter called "the Trustees") which expression shall where the context so admits include their successors in title of the other part.

WHEREAS

1. This Deed is supplemental to a Conveyance (hereinafter called "the Conveyance" dated the 16 February 1929 and made between David Bristow of the one part and John Richard Prybus, George Henry Cockin, Albert Oldfield and the Appointer on the other part the property specified in the first schedule hereto was conveyed to the said John Richard Prybus, George Henry Cockin, Albert Oldfield and the Appointer upon trust to sell the same and to hold the net proceeds of sale and the net rents and profits until sale upon the trusts of a Deed to be executed by the said John Richard Prybus, George Henry Cockin, Albert Oldfield and the Appointer;
2. The said John Richard Prybus died on 5 August 1938 at 96 Westbourne Avenue in the City and County of Kingston upon Hull;
3. The said George Henry Cockin died 22 August 1937 at the Post Office, Gilberdyke, aforesaid;
4. The said Albert Oldfield died on 15 August 1939 at Alfred Bean Hospital, Driffield in the said East Riding;
5. No person was nominated for the purpose of appointing new trustees of the Conveyance;
6. The Appointer is desirous of being discharged from the trusts of Conveyance and is desirous of appointing Trustees to be Trustees of the Conveyance in place of the Appointer;
7. No Trust Deed was executed by the said John Richard Prybus, George Henry Cockin, Albert Oldfield and the Appointer and it is now the intention of the Trustees to hold the said property upon the trusts hereinafter appearing.

NOW THIS DEED WITNESSETH as follows:

1. The Interpretation Act 1889 applies to the interpretation of this Deed as it applies for the interpretation of an Act of Parliament
2. The Trustees are the Trustees of the Gilberdyke War Memorial Hall Committee (hereinafter called "the Charity")
3. In exercise of the power conferred in him by the Trustee act 1925 and every other power enabling him the Appointer hereby appoints the Trustees to be Trustees of the Conveyance in place of the Appointer
4. The Trustees hereby declare that they shall hold the said property upon the Trusts and subject to the powers and provisions set forth in the second schedule hereto.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first before written.

THE FIRST SCHEDULE hereinbefore referred to

ALL THAT close of land situate at Gilberdyke in the East Riding of the County of York containing four acres, one rood and sixteen perches approximately and being for the purpose of identification only more particularly delineated on the plan annexed hereto and thereon edged round with red.

THE SECOND SCHEDULE hereinbefore referred to

1. (1) The property hereby conveyed (hereinafter called "the Trust Property") shall be held upon Trust for the use of the inhabitants in the Parish of Gilberdyke (hereinafter called "the area of benefit") without distinction of political, religious or other opinions and including the use for meetings, lectures and classes and for other forms of recreation and leisure-time occupation with the object of improving the conditions of life for the said inhabitants.

(2) The Charity shall have the title The Gilberdyke War Memorial Hall and Playing Field and shall be administered in conformity with provisions of this Deed by the Committee of Gilberdyke and District War Memorial Hall and Playing Field - Deed of Appointment and Trust Deed 1971

Management hereinafter constituted (and hereinafter called "the Committee") who shall be the Charity Trustees of the Charity 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 after the date of this Deed the Charity shall be administered by the existing Committee.

2. The Trustees and all persons holding any property of the Charity shall take such steps as may be necessary for the purpose of vesting in the Official Custodian for Charities all freehold and leasehold lands and other property at any time belonging to the Charity.
3. (1) Except as hereinafter in this Clause provided the Committee shall consist of not more than 18 Elected Members and 22 Representative Members, and may not include more than 6 Co- Opted Members.

(2) The Elected Members (other than those appointed under sub-Claus 8 of this Clause to fill casual vacancies) shall be elected at the Annual General Meeting to be held as in this Deed provided.

(3) Two Representative Members shall be appointed by each of the following organisations:

Gilberdyke Senior Youth Club

Gilberdyke Junior Youth Club

Gilberdyke Women's Institute

Gilberdyke Football Club

Gilberdyke Good Companions

Gilberdyke St Stephen's Cubs

Gilberdyke Whist Club

Gilberdyke Women's Institute Country Dancing Club

A Representative Member shall ordinarily be appointed not more than one month before the Annual General Meeting provided that than an organisation which fails to appoint a Representative Member before such meeting shall make the appointment as soon as practical thereafter. Each organisation shall notify to the Secretary of the Committee the name of the Representative.

- (4) Co-Opted Members shall be appointed at a duly constituted meeting of the Committee
 - (5) Subject to the provisions of sub-Clause 6 and 8 of this Clause the period of office of Members shall commence
 - (a) In the case of Elected Members at the end of the Annual General Meeting at which they were elected
 - (b) In the case of Representative Members appointed before the Annual General Meeting in any year at the end of that meeting or in the case of a Representative Member appointed after such Annual General Meeting or to fill a casual vacancy on the day on which notification of his appointment is received by the Secretary
 - (c) In the case of Co-Opted Members from the date of their co-option.
 - (6) All Members of the Committee 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.
 - (7) In the event of any application for representation on the Committee being received from any existing or newly-formed organisation operating in the area of benefit the Committee may upon a resolution supported at a duly constituted meeting of the Committee by the voted of a majority of not less than two-thirds of all the Members of the Committee allow such organisation to appoint a Representative Member of the Committee in the same manner as if such organisation had been named in sub-Clause 3 of this Clause.
 - (8) Upon the occurrence of a casual vacancy the Committee shall cause a note thereof to be entered into their Minute Book at their next meeting and if in the office of Representative Member it shall be notified as soon as possible to the proper appointing organisation a casual vacancy in the office of Elected Member may be filled by the Committee and the period of office Gilberdyke and District War Memorial Hall and Playing Field - Deed of Appointment and Trust Deed 1971 of an Elected Member elected to fill a casual vacancy shall commence at the end of the meeting of the Committee at which he was so elected.
 - (9) The constitution of the Committee as hereinafter provided may on the application of the Committee be altered from time to time by order of the Charity Commissioners or the Secretary of State for Education and Science (hereinafter called "the Secretary of State").
4. The proceedings of the Committee shall not be invalidated by any failure to appoint or any defect in the appointment, election or qualification of any Member.
 5. No person shall be entitled to act as a Member of the Committee 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 Deed.
 6. Except in special circumstances with the approval in writing of the Charity Commissioners or the Secretary of State no Member of the Committee 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 invested in the supply of work or goods at the cost of the Charity.
 7. Any Member who is adjudged bankrupt or who 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.
 8. 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 any two members upon seven clear day's notice being given to all the other members discussed.

9. The Committee at their first meeting in each year after the Annual General Meeting shall elect one of their number to be Chairman of their meetings and may elect one of their number to be Vice-Chairman. The Chairman and Vice-Chairman shall continue in office until their respective successors are elected.
If the Chairman is absent from any meeting the Vice-Chairman (if any) shall preside otherwise the Members present shall before any other business is transacted choose one of their number to preside at the meeting.
10. Every matter shall (except as in this Deed provided) be determined by the majority of the Members of the Committee present and voting on the question. In case of equality of votes the Chairman of the meeting shall have a second or casting vote.
11. (1) There shall be an Annual General Meeting in connection with the Charity which shall be held in the month of May in each year or as soon as practicable thereafter.

(2) All inhabitants of the area of benefit of eighteen years of age and upwards shall be entitled to attend and vote at the Annual General Meeting.

(3) The first Annual General Meeting after the date of this Deed shall be convened by the Secretary for the time being hereof and subsequent Annual General Meetings by the Committee.

Public notice of every Annual General Meeting shall be given in the area of benefit at least fourteen days before the date thereof by affixing a notice to some conspicuous part of the trust property or other conspicuous place in the area of benefit and by such other means as the conveners think fit.

(4) The persons who are present at the first Annual General Meeting after the date of this Deed shall before any other business is transacted appoint a Chairman of the meeting.

The Chairman of subsequent Annual General Meetings shall be the Chairman for the time being of the Committee. In his absence the Vice-Chairman (if any) shall take the chair but if neither is present, the persons present shall before any other business is transacted appoint a Chairman of the meeting. In case of equality of votes the Chairman of the meeting shall have a second or casting vote.

(5) The Committee shall present to each Annual General Meeting the report and accounts of the Charity for the preceding year. Gilberdyke and District War Memorial Hall and Playing Field - Deed of Appointment and Trust Deed 1971

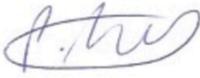
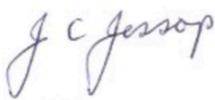
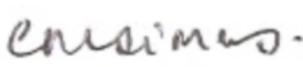
12. The Committee shall cause all the buildings and other property of the Charity at all times to be kept in repair and sufficiently insured against fire, theft, public liability and other insurable risks.
13. After satisfying its obligations under Clause 12 hereof the Committee shall as and when it thinks fit apply the net yearly income for the purpose of the Charity.
14. Any sum of cash at any time belonging to the Charity and not needed as a balance for working purposes shall (unless otherwise directed by the Charity Commissioners or the Secretary of State) be invested.
15. The Committee may receive any additional donations or endowments for the general purposes of the Charity and it may also accept donations or endowments for any special objects connected with the Charity not inconsistent with the provisions of this Deed.
16. The Committee shall provide and keep a Minute Book and books of account. All proper statements of account in relation to the Charity shall in each year be prepared as prescribed by Section 32 of the Charities Act 1960 and copies thereof shall be sent to the Parish Council of Gilberdyke.

17. The Committee may with the consent of the Charity Commissioners or the Secretary of State from time to time by mortgage or otherwise obtain such advances on the security of the trust property or any part thereof as may be required for maintaining, extending or improving the same or any part thereof, or erecting any building thereon, or for the work carried on therein and may continue or may repay in whole or in part and from time to time any existing mortgage or charge on the trust property.
18. If the Committee decides at any time that on the ground of expense or otherwise it is necessary or advisable to discontinue the use of the trust property in whole or in part for the purposes staged in Clause 1 it shall call a meeting of the inhabitants of the age of eighteen years or upwards in the area of benefit of which meeting not less than fourteen day's notice (starting the terms of the resolution that will be proposed thereat) shall be posted in a conspicuous place or places on the trust property and advertised in a newspaper circulating in the area of benefit and if such decision shall be confirmed by three-quarters of such inhabitants present and voting at such meeting the Committee may with the consent of the Charity Commissioners or the Secretary of State let or sell the trust property or any part thereof.

All moneys arising from such letting or sale (after satisfaction of any liabilities properly payable thereof) shall with such consent as aforesaid be applied either in the purchase of other property approved by the Committee and to be held upon the trusts for the purposes and subject to the provisions hereinbefore set forth (including this power) or as near thereto as circumstances shall permit or towards such other charitable purposes or objects for the benefit of the inhabitants of the area of benefit as may be approved by the Charity Commissioners or the Secretary of State and meanwhile such moneys shall be invested and any income arising therefrom shall either be accumulated (for such time as may be allowed by law) by investing the same and the resulting income thereof, in like manner as an addition to and to be applied as the capital of such investments or shall be used in furthering the purposes specified in this Deed.

19. Within the limits prescribed by this Deed the Committee may from time to time make and alter rules for the management of the Charity and in particular with reference to
 - (a) The terms and conditions upon which the trust property may be used by persons or bodies other than the Committee for the purposes specified in this Deed and the sum (if any) to be paid for such use
 - (b) The deposit of money at a proper Bank and the safe custody of documents
 - (c) The appointment of an Auditor
 - (d) The engagement and dismissal of such officers, servants and agents as the Committee may consider necessary and the payment of such persons (not being Members of the Committee)
 - (e) The summoning and conduct of meetings including the number of members who shall form a quorum PROVIDED that at meetings of the Committee shall not be less than one-third of the total number of the members for the time being.

List of Trustees as of November 6th 2017

Paul Bryan	
Karena Buck	
Paul Buck	
Debbie Colwell	
Jodie Colwell	
John Jessop	
Rik Pearce	
Jeff Pinkerton	
Sue Pinkerton	
Paul Reynolds	
Sue Reynolds	
Mary Simms	
Roy Simms	
Barry Underwood	