

Sealed 12th May 1950

Amended at Meeting
held on 26th November 2004
Clause 5

County - SUSSEX
Parish - FOREST ROW
Place - HAMMERWOOD
Charity - HAMMERWOOD AND HOLTYE HALL
E. 126,856

Schemes including appointment of
Trustees and vesting in Official
Trustee of Charity Lands.

CHARITY COMMISSION

In the matter of the Charity known the HAMMERWOOD AND HOLTYE HALL, at HAMMERWOOD, in the Parish of FOREST ROW, in the County of SUSSEX; and

In the matter of the Charitable Trusts Acts, 1853 to 1939.

The Board of Charity Commissioners for England and Wales, upon an application duly made to them, in writing, signed by

NOEL EDWARD BEHRENS, of Bailey Hill, Denham, in the County of Buckingham, Retired Civil Servant, being the person seised in trust for the above-mentioned Charity of the real estate belonging thereto and as such the Trustee of the Charity, and also signed by

FRANK LISTER HULTON-HARROP, of Winslow, Farmer, and

EDWARD GRAY BRISTOW, of Cansiron Wood, Poultry Farmer, both in Holtye,

CHARLES CYRIL MOORE POTTS, then of Holtye Croft, Cowden, but now of care of Standard Bank of South Africa Limited, Adderley Street, Cape Town, South Africa, Retired Tea Planter,

The Reverend HENRY FREDERICK BURROUGHS, of The Vicarage, Hammerwood, Clerk in Holy Orders, and

Dame HELEN GREEN, Widow of Sir Frederick Daniel Green, Knight, deceased,

a majority of the persons acting in the administration of the Charity at the date of the said application:

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 Holtye and of the hall belonging to the Charity on the 9th December 1949; and also sent through the post (in each case more than one calendar month before the date hereof) to the following persons who were not privy to the said application, at their respective last known places of abode in Great Britain or Ireland, as follows:

On the 9th December 1949 to

Lieutenant Colonel GEORGE EVELYN LUCAS PARDINGTON, M.B.E., T.D., of Bear Wood, Holtye, Barrister at-Law,

being a person possessed of personal estate in trust for the Charity; and to

HELEN FRANCES BRUCE PARDINGTON, of Bear Wood aforesaid, wife of the said George Evelyn Lucas Pardington,

LILIAN FULLER, of Furnace House, Cowden, in the County of Sussex, Married Woman,

and

GEORGE CHARLES WILLIAM PALMER, of Holmsley Cottage, Holtye, Gardener, being persons now acting in the administration of the Charity;

On the 30th March 1950 to

FREDERICK THOMAS MITCHELL, of 3 Pixton Villas, Forest Row, Retired Printer, being the remaining person now acting in the administration of the Charity:

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 Forest Row:

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 endowments thereof specified in the first schedule hereto and all other the endowments (if any) of the Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme under the title of the Hammerwood and Holtye Hall by the Committee of Management hereinafter constituted who shall be the Trustees of the Charity.
2. *Vesting* - The land specified in the said first schedule is hereby vested in the Official Trustee of Charity Lands for all the estate and interest therein belonging to or held in trust for the Charity.
3. *Investment and cash* - The investment specified in the said first schedule shall be transferred into the name of The Official Trustees of Charitable Funds under the authority of a further Order of the Charity Commissioners and all sums of cash now or at any time belonging to the Charity and not needed for immediate working purposes shall be invested (unless otherwise ordered) as soon as possible in the name of the said Official Trustees under the like authority.

OBJECT

4. *User of property* - The land with the building thereon specified in the said first schedule shall be appropriated and used as the site of and as a village hall 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 Hammerwood and Holtye and the immediate vicinity without distinction of sex or of political or other opinions.

COMMITTEE OF MANAGEMENT

5. *Constitution* - The Committee of Management (hereinafter referred to as the Committee) shall consist of competent persons of full age appointed from time to time as hereinafter provided (hereinafter referred to as Members) all of whom shall go out of office at the end of each annual general meeting. Subject as hereinafter provided for additional Representative Members and Co-optative Members the full number of Members shall be eight, being
Eight Elected Members and
Three Representative Members
6. *Elected Members* - Subject as hereinafter provided for casual vacancies the Elected Members shall be appointed at the annual general meeting of the Charity to be held as hereinafter provided. The Elected Members shall be entitled to hold office from the end of the annual general meeting at which they are appointed until the end of the annual general meeting in the following year. The first Elected Members shall be elected at the first annual general meeting.
7. *Representative Members* - Subject as hereinafter provided for the first Representative Members and for additional Representative Members, the Representative Members shall be appointed by the organisations named in the second column of the second schedule hereto. Each of the said organisations shall be entitled to appoint one Representative Member. Each appointment shall be made at a meeting convened and held according to the ordinary practice of the organisation concerned and shall be made either during the month next before the annual general meeting to take effect from the end of that annual general meeting or as soon as practicable after the annual general meeting to take effect from the date of appointment. The chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Committee or their clerk.
8. *First Representative Members* - The persons named in the third column of the second schedule hereto shall be the first Representative Members and each of them shall be deemed to have been appointed by the organisation set opposite his name to hold office until the end of the first annual general meeting.

9. *Additional Representative Members* -The Committee shall have power pursuant to 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 the appointment of an additional Representative Member by any organisation in Hammerwood and Holtye not otherwise entitled under the provisions of this Scheme to appoint 1 Representative Member but having aims of a social, recreational or educational character not inconsistent with those upon which the property of the Charity is held under this Scheme but no such resolution shall be effective until it has been approved in writing by the Minister of Education.
10. *Co-optative Members* - The Committee may appoint, if they think fit, not more than three Co-optative Members. Each appointment of a Co-optative Members shall be made at a meeting of the Committee to take effect from the date of appointment.
11. *Failures to appoint* - 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 a 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 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 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. A casual vacancy in the office of Elected Member may be filled by the Committee but a person so appointed shall retain office so long only as the vacating Elected Member would have retained office if no vacancy had occurred.
15. *Temporary provisions* - Until the conclusion of the first annual general meeting of the Charity the administration of the Charity shall be vested in the first Representative Members and Frank Lister Hulton-Harrop, of Winslow, Holtye, Farmer, who shall have such powers as will enable them to administer the Charity as nearly as may be in conformity with the provisions of this Scheme but on the conclusion of the said meeting the administration of the Charity shall pass to the Committee constituted as provided by this Scheme.

MEETINGS AND PROCEEDINGS OF COMMITTEE.

16. *Meetings of the Committee* -The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by any two Members upon four days' notice being given to all the other Members of the matters to be discussed.
17. *First meeting* -The first meeting of the Committee shall be summoned by the said Frank Lister Hulton-Harrop or if he fails for two calendar months after the date of this Scheme to summon a meeting by any two of the Members.
18. *Chairman* - At the first meeting in each year after the annual general meeting of the Charity the Committee shall elect one of their number to be chairman of the meetings of the Committee until the commencement of the first meeting after the annual general meeting in the following year. The chairman shall always be eligible for re-election. If at any meeting of the Committee 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.
19. *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.
20. *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 be made out in each year and certified in such manner as the Minister of Education requires and copies thereof shall be transmitted to the said Minister and published in conformity with the provisions of the Charitable Trusts Acts.

21. *Rules and regulations* - 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 hall may be used as a recreation room and 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 hall as the Committee may consider necessary; and
 - 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

22. *Receipts and expenditure* - All payments for the use of the said hall and all donations and other receipts for the benefit thereof including income from investments for the time being comprised in this Scheme 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 hall 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 hall.

ANNUAL GENERAL MEETING

23. *Annual general meeting* - There shall be an annual general meeting of the Charity. The Committee shall cause notice of the meeting to be published in Hammerwood and Holtye at least seven days before the date thereof and shall present to the meeting the report and accounts of the Charity for the preceding year. All inhabitants of Hammerwood and Holtye of 18 years of age and upwards shall be entitled to attend and vote at the annual general meeting. The first annual general meeting shall be held as soon as conveniently may be after the date of this Scheme and every subsequent annual general meeting shall be held in the month of November in each year. The persons who are present at the first annual general meeting shall elect a chairman of that meeting, and the chairman for the time being of the Committee shall be the chairman of every subsequent annual general meeting, but if he is not present at the meeting the persons who are present shall elect a chairman of that meeting. If in any year the annual general meeting is not convened and held in the month of November such meeting shall be convened and held as soon as practicable after the month of November in that year and shall be convened by such persons as the Minister of Education shall nominate for the purpose.

GENERAL PROVISIONS

24. *Members not to be personally interested* - No Member shall receive remuneration or be interested in the supply of work or goods at the cost of the Charity.
25. *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 Minister of Education upon such application made to him for the purpose as he thinks sufficient.

FIRST SCHEDULE.

Land situate at Hammerwood in the Parish of Forest Row in the County of Sussex having a frontage of 60 feet or thereabouts to the road leading to Hammerwood House from the main road (East Grinstead to Tunbridge Wells) and a depth of 100 feet or thereabouts with the building thereon used as a hall.

SECOND SCHEDULE.

1 No.	2 Organisation	3 First Representative Member
1	The Committee of the Hammerwood and Holtye Men's Club	George Charles William Palmer
2	The Committee of the Hammerwood and Holtye Women Institute	Lilian Fuller.
3	The Committee of the Hammerwood Cricket Club	Frederick Thomas Mitchell

Sealed by Order of the Board this 12th day of May 1950.

Signed M Richard
Secretary

**ORDER OF
THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

To authorise the amendment of the governing document under the powers given in section 26
of the Charities Act 1993

dated the

28th November 2003

for the charity known as

HAMMERWOOD AND HOLTYE HALL (305224)

at

East Sussex

Commission References:

1

Case No: 360315 14/11/03

Sealing No: N643
03

Version: 2.0

5. An amendment may be made only by a resolution passed at a meeting of the trustees of which not less than 21 days notice has been given. The notice must set out the terms of the proposed amendment.
6. The trustees must:
 - (1) prepare a written memorandum of each amendment that they make, which must be signed at the meeting at which the amendment is made by the person chairing the meeting;
 - (2) send to the Commissioners a certified copy of the memorandum within three months of the date of the meeting; and
 - (3) memorandum as part of the governing retain the document.

Commission References:
Case No: 360315 14/11/03
Scaling No: N643
03
Version: 2.0

ORDER

1. In this Order:

“the charity” means the charity identified at the beginning of the Order.

“the trusts” means the provisions which at any given time regulate the purposes and administration of the charity.

“the governing document” means the document or documents setting out the trusts.

“the trustees” means the trustees of the charity.

“the Commissioners” means the Charity Commissioners for England and Wales.

2. The trustees (subject to the provisions of this Order) may from time to time amend the trusts if they are satisfied that it is expedient in the interests of the charity to do so.

3. The trustees must not make any amendment which would have the effect directly or indirectly of:

- (1) altering or extending the purposes of the charity;
- (2) authorising the trustees to do anything which is expressly prohibited by the trusts of the charity;
- (3) causing the charity to cease to be a charity at law;
- (4) altering or extending the power of amendment that is conferred by this Order.

4. The trustees must obtain the prior written approval of the Commissioners before making any amendment which would have the effect directly or indirectly of:

- (1) enabling them to spend permanent endowment or capitalise income of the charity;
- (2) conferring a benefit of any kind on all or any of the current trustees or their successors;
- (3) restricting the existing right of any person (other than the trustees) to appoint or remove a charity trustee, or trustee for the charity, or to intervene in the administration of the charity, without the consent of that person;
- (4) varying the name of the charity.

Commission References: 2
Case No: 360315 14/11/03
Sealing No: N643
03
Version: 2.0

Hammerwood & Holtze Hall

Minutes of a special meeting of the Committee held on 26th November 2004
at 8 pm in the Hall prior to the AGM

Present: Betty Abbott, Sara Beare, Lisa Gomez, Derek Reeves
(Chairman) and Don Scougall
Guest: Phil Lake

1. **Apologies for absence:** Apologies were received from Hilary Harper.
2. **Minutes of previous meeting** held 5th December 2003 were agreed. There were no matters arising.
3. **Implementation of Order from Charity Commissioners dated 28th November 2003.**

The motion put before the Committee was:

It is proposed that the number of elected trustees be increased from the current five to eight. Paragraph 5 of the Governing Document shall be amended to allow the election of eight Members to the Committee. The revised clause in the document to read:

"5. *Constitution* – The Committee of Management (hereinafter referred to as the Committee) shall consist of competent persons of full age appointed from time to time as hereinafter provided (hereinafter referred to as Members) all of whom shall go out of office at the end of each annual general meeting. Subject as hereinafter provided for additional Representative Members and Co-optative Members the full number of Members shall be *eleven*, being

*Eight Elected Members and
Three Representative Members"*

The meeting considered the motion and agreed that the constitution should be amended to allow for 8 elected members. This would become effective for the AGM to follow.

4. **Any Other Business.**
None.
5. **Date of next Meeting.** The next meeting of the new Committee was due to take place following the AGM.

Certified copy of minutes of meeting held on 26/11/04
[Signature]
Chairman