

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

9 October 2009

this

SCHEME

will govern the charity

known as

THE YORKSHIRE MUSEUM AND GARDENS (529710)

at

York, North Yorkshire



Authorised Officer

1. Definitions

In this scheme:

“the charity” means The Yorkshire Museum and Gardens (529710).

“the society” means The Yorkshire Philosophical Society (529709).

“the company” means the charitable company York Museum & Gallery Trust (1092466).

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

ADMINISTRATION

2. Administration

- (1) The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.
- (2) Subject to any further direction, the Commission directs that the charity as at the date of this scheme shall be treated as forming part of the company for the purposes of Part II (registration) and Part IV (accounting) of the Charities Act 1993.

3. Heads of terms agreement

- (1) For the purpose of implementing the provisions of this scheme, the managing trustee, the custodian trustee and the society shall enter into a heads of terms agreement.
- (2) The heads of terms agreement may from time to time be varied by the parties provided that nothing within the agreement shall conflict with the provisions of this scheme.

4. Name of the charity

The name of the charity is The Yorkshire Museum and Gardens.

OBJECT

5. Object of the charity

- (1) The object of the charity is to establish, manage and maintain a museum and permanent open space as a public amenity for the benefit of the inhabitants of and visitors to the City of York.
- (2) Subject to clause 6(1) below, the land identified in the schedule to this scheme must be retained by the managing trustee for use for the object of the charity.

POWERS OF THE MANAGING TRUSTEE

6. Powers of the managing trustee

In addition to any other powers which it has, the managing trustee may exercise the following powers in furtherance of the object of the charity:

- (1) Power to lease any part of the property described in the schedule to this scheme which is not required for the object of the charity. (The managing trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the lease is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)
- (2) Power to sell, lease or otherwise dispose of all or any part of the charity's other property which is not required by clause 5(2) above to be retained for use for the object of the charity. (The managing trustee 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.)
- (3) Power to make rules and regulations consistent with this scheme for the management of the charity.

TRUSTEES

7. Custodian trustee

York City Council will be the custodian trustee of the charity.

8. Managing trustee

The company is the managing trustee of the charity.

CHARITY PROPERTY

9. Use of income and capital

- (1) The managing trustee must firstly apply:
 - (a) the charity's income; and
 - (b) if the managing trustee thinks 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 assets.
- (2) After payment of these costs, the managing trustee must apply the remaining income in furthering the object of the charity.
- (3) The managing trustee 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.

GENERAL PROVISIONS

10. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

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

SCHEDULE

The following land and buildings in the City of York:

1. The Yorkshire Museum and Gardens;
2. Tempest Anderson Hall;
3. The Hospitium;
4. The ruins of St Mary's Abbey;
5. The Lodge (also known as the Gatehouse);
6. St Mary's Lodge;
7. The site of Bath Cottage, Marygate (demolished);
8. The Boathouse and Shed, subject to a lease for a term of 99 years from 1 January 1956;
9. The Observatory;
10. Manor Cottage.

The land and buildings are together shown outlined in red on a plan deposited at the Commission's offices on 8 July 2009.

Note

The land described in this schedule and the collections held within the buildings situated on the land and at Unit 5, Birch Park, York are vested in the custodian trustee by a scheme of 13 December 1960 (as affected by the provisions of the Charities Act 1960).

THE YORKSHIRE MUSEUM AND GARDENS (529710)

HEADS OF TERMS AGREEMENT

BETWEEN CITY OF YORK COUNCIL,

YORK MUSEUMS AND GALLERY TRUST AND

YORK PHILOSOPHICAL SOCIETY

Composition of Board of Trustees of Managing Trustee

1. The Board of Trustees of the Managing Trustee shall at all times comprise of at least one individual nominated to the Board by the Yorkshire Philosophical Society.

Labelling

2. The Managing Trustee shall use reasonable endeavours to ensure that the collections of the Charity are clearly labelled identifying that they are vested in the City Council as Custodian Trustee.

Cataloguing

3. The Managing Trustee shall comply with best practice in terms of cataloguing the collections of the Charity as recommended by Resource, the Council for Museums, Archives and Librarians or its successor body and the Museum Documentation Association and such other similar body established to set minimum standards for museums.

The Display of the Collections

4. The Managing Trustee shall use reasonable endeavours to ensure that the collections of the Charity shall be so managed to ensure the continuous

improvement in the display of the collections in accordance with best practice as recommended by Resource, the Council for Museums, Archives and Libraries its successor body or such other similar body established to set minimum standards for museums.

Meetings of the Society

- 5.1 In any calendar year, the managing Trustee shall allow the Society to hold up to 24 meetings of the Society (including joint meetings with other societies) and its Council in the Tempest Anderson Hall or, with the agreement of the Society (such agreement not to be unreasonably withheld) such other appropriate museum building with suitable meeting facilities. Such facilities shall be provided by the managing Trustee at no hire charge to that Society provided that:
- (i) The Managing Trustee does not require such accommodation for its own use;
 - (ii) Subject to clause 5.2 below, the Society notifies the Managing Trustee of its programme of events and preferred dates for use of the facilities at least three months before the commencement of each programme year.
- 5.2 The Managing Trustee and the Society shall use reasonable endeavours to agree any proposed variation to the programmed dates and/or to accommodate any additional meetings. The Managing Trustee reserves its right to charge for any such additional usage.
- 5.3 The Managing Trustee shall allow officers of the Society to occupy, at no charge to the Society, accommodation within the Museum Buildings or Garden or such other appropriate museum building with suitable administrative facilities for the purpose of carrying out their activities during normal operating hours of the Museum or otherwise by arrangement.

Annual Contribution by the Society

- 6.1 The Society shall use reasonable endeavours, having regard to the Society's objects to contribute annually towards projects agreed between the Society and the Managing Trustee.

- 6.2 The Society shall pay the Managing Trustee an annual contribution which shall represent the whole or greater part of the annual declared surplus of the Society to be expended by the Managing Trustee at its discretion for the benefit of the Yorkshire Museum and Gardens.

- 6.3 The Society and Managing Trustee shall at all times act in good faith in accordance with the provisions of this clause.