

EDUCATIONAL ENDOWMENTS (IRELAND) ACT, 1885

**BELFAST LIBRARY AND SOCIETY FOR
PROMOTING KNOWLEDGE
(LINEN HALL LIBRARY)**



SCHEME

dated 4th May, 1891

*framed under the Educational Endowments (Ireland) Act,
1885, for the future government and management of the
Educational Endowments of and belonging to The Belfast
Library and Society for Promoting Knowledge.*

And

A M E N D I N G S C H E M E

dated 17th September, 1953

framed by the Ministry of Finance for Northern Ireland

and

A M E N D I N G S C H E M E

dated 8th March, 1957

framed by the Ministry of Finance for Northern Ireland.

and

A M E N D I N G S C H E M E

dated 16th October, 2006

framed by the Department for Social Development.

EDUCATIONAL ENDOWMENTS (IRELAND) ACT, 1885

No. 92.

City of Belfast.

Date of Scheme—4th May, 1891.

FINAL APPROVAL BY ORDER IN COUNCIL.

Endowment—The Belfast Library and Society for Promoting Knowledge.

By the Lord Lieutenant and Privy Council in Ireland.

ZETLAND.

Whereas the Right Honorable Gerald FitzGibbon and the Right Honorable William O'Brien, the Judicial Commissioners constituted under the Educational Endowments (Ireland) Act, 1885, have, in virtue of the powers conferred upon them by the said Act, and of every other power enabling them in that behalf, framed and signed under their hands a Scheme relating to the Educational Endowments of and belonging to the Belfast Library and Society for Promoting Knowledge, which Scheme is annexed to this Order:

And whereas all the conditions in regard to the said Scheme, which are required to be fulfilled by the said Act to enable the said Scheme to be finally approved, have been fulfilled:

Now therefore, We, the Lord Lieutenant-General and General Governor of Ireland, by and with the advice and consent of Her Majesty's Privy Council in Ireland, do, by this Order, pursuant to the 27th section of the said Act, declare our approbation of the aforesaid Scheme, and the same is hereby finally approved.

Given at the Council Chamber, Dublin Castle, this
4th day of May, 1891.

**WOLSELEY.
ION T. HAMILTON.
WEST RIDGEWAY**

SCHEME REFERRED TO IN THE FOREGOING ORDER

*No. 92.**City of BELFAST***EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION**

SCHEME framed under the Educational Endowments (Ireland) Act, 1885, for the future government and management of the Educational Endowments of and belonging to "The Belfast Library and Society for Promoting Knowledge."

Whereas in May, 1788, a Society was established at Belfast, known as "The Belfast Reading Society", which name was in 1792 changed to "The Belfast Society for Promoting Knowledge," and subsequently in 1836 to "The Belfast Library and Society for Promoting Knowledge"; and the said Society has, since the year 1802, been managed and carried on for the purposes hereinafter mentioned, in certain portions of the buildings and premises in the City of Belfast known as the "White Linen Hall"; and the said Society claimed to be entitled as of right to the portions of the said buildings and premises occupied by the Society as aforesaid:

And whereas the Society was originally established for the collection of an extensive library, philosophical apparatus, and such productions of nature and art as tend to improve the mind, and to excite a spirit of general inquiry, and has acquired a valuable collection of books and other things, which have hitherto been preserved in the buildings and premises aforesaid; and the Society has, by the means aforesaid and otherwise, promoted education in Belfast and its neighbourhood; and the present object of the Society is to promote knowledge by the maintenance of a library, and by such other means as the Society shall from time to time deem it advisable to adopt:

And whereas, under its existing laws, the Society consists of persons qualified, as in the said laws provided, to be Proprietors, having the right of transferring or bequeathing their privileges, and of persons qualified, as the said laws provided, to be Members, not having such right; and the business of the Society is managed and carried on under the said laws by a Committee consisting of the President, Vice-President, Treasurer, and Secretary of the Society, with eleven other persons annually elected at a General Meeting of the Society:

And whereas by the Belfast Corporation (Various Powers) Act, 1890 (53 & 54 Vice., cap. cv.. Local), it is provided that, upon payment by the Corporation of Belfast of certain sums therein mentioned, by way of compensation to the proprietors and occupiers of the buildings and premises of the White Linen Hall, the said buildings and premises should vest in and be transferred to the said Corporation as a site for a Town Hall; and that the moneys paid as aforesaid, should be apportioned, as in the said Act directed, among the proprietors and occupiers aforesaid, including the Belfast Library and Society for Promoting Knowledge, and that any sum apportioned to the said Library and Society should be paid to the Treasurer thereof for the time being:

And whereas all the property of the said Society is now represented by the moneys, funds, securities, and other property described in the Schedule hereto:

And whereas all the estate and interest of the said Society in the above-mentioned buildings and premises, and in the moneys to be apportioned and paid as aforesaid, and all the other property aforesaid, now constitute Educational Endowments within the meaning of the Educational Endowments (Ireland) Act, 1885, and the said Act applies to the same:

And whereas it has appeared to the Commissioners appointed under the said Act, after due inquiry, that in order to secure the property aforesaid, and to extend the usefulness of the said Endowments, provision should be made for the future government and management thereof, in manner hereinafter appearing:

Therefore, from and after the date of this Scheme, being the day upon which the Lord Lieutenant shall by Order in Council declare his approbation thereof, the said Endowments shall be held, governed, managed, and applied for the purposes, with the powers, under the conditions and provisions, and in the manner hereinafter set forth, and not otherwise, any previous Act of Parliament, Letters Patent, Statute, Charter, Deed, Will, Instrument, Scheme, Order, Trust, or Direction, relating to the subject-matter of this Scheme, to the contrary notwithstanding.

Preliminary

1. For the purposes of this Scheme, unless the context otherwise requires, the following terms shall be interpreted as follows:— Interpretation
of Terms

"The Act" shall mean the Educational Endowments (Ireland) Act, 1885.

"The Society" shall mean the Belfast Library and Society for Promoting Knowledge, as hereby constituted.

"The Governors" shall mean the Governing Body of the Society, hereby incorporated.

"The Library" shall mean the Library heretofore kept by the Society in the buildings of the White Linen Hall, in the City of Belfast, and known as the Linen Hall Library, and shall include the same Library when transferred elsewhere, and any other Library for the time being maintained, managed, or aided by the Governors under this Scheme, with all buildings and premises occupied thereby, and all other goods, chattels, and property used therewith or for the purposes thereof.

"The Endowments" shall mean and include all the books, moneys, chattels and effects, and all other property, real and personal, at the date of this Scheme held or possessed by the Society, or by any other person or persons in trust for or applicable to the purposes of the Society, or of the Library, and all or any other property which may hereby or hereafter at any time become or be vested in the Governors for the purposes of this Scheme, and shall also include all moneys to which the Society, or the Treasurer thereof for the time being, may become or be entitled under the hereinbefore mentioned Act of Parliament, with all rights, powers, and remedies relating thereto.

Constitution of the Society

2. From and after the date of this Scheme the Society shall be constituted as follows. The Members of the Society shall consist of two classes, namely:— Members of
the Society.

Class I—Members who shall have the privilege of transferring or bequeathing their rights, as hereinafter provided.

Class II—Members who shall not have the privilege of transferring or bequeathing their rights.

Provided that no person shall, after the date of this Scheme, be eligible to become a Member in his own right, or by transfer or bequest, unless he shall be approved by the Governors.

To Class I shall belong:—

- (a) All persons who, at the date of this Scheme, shall, under the existing laws of the Society, be qualified as Proprietors by election, or as Proprietors by transfer or bequest.
- (b) All persons to whom the rights of membership shall, after the date of this Scheme, be transferred or bequeathed as hereinafter provided.
- (c) All persons who, after the date of this Scheme, shall, under the by-laws of the Society for the time being, be admitted as Members belonging to Class I.

To Class II shall belong:—

- (a) All persons who, at the date of this Scheme, shall, under the existing laws of the Society, be qualified as Members.
- (b) All persons who, after the date of this Scheme, shall, under the by-laws of the Society for the time being, be admitted as Members belonging to Class II.

Transfer of
Membership.

3. Any Member belonging to Class I who may wish, during his life, to transfer the rights which he enjoys as a Member, shall notify his wish in writing under his hand to the Governors, specifying the name, residence, and situation in life of the person to whom he desires to make such transfer. If the Governors approve the person so nominated, they shall order his name, with a memorandum of the transfer, to be entered in the Register of Members to be kept as hereinafter directed; and the person so nominated and approved shall thenceforward enjoy all the rights of Membership in the place of the person who shall have made the transfer. If the Governors shall not approve the person so nominated, the Member who wishes to transfer his rights may proceed to nominate another person in the same manner; and so on until some person nominated by him shall be approved by the Governors; whereupon the name of the person so nominated and approved shall be entered in the Register of Members belonging to Class I, and he shall thenceforward enjoy all the rights of Membership as above provided.

Bequest of
Membership.

4. Any Member belonging to Class I may bequeath by Will the rights which he enjoys as a Member, and his executors or other personal representatives shall, within three months after the Probate of the Will, notify such bequest to the Governors in writing, specifying the name, residence, and situation in life of the person to whom the rights of Membership are bequeathed. If the Governors approve such person, they shall order his name, with a memorandum of the transfer, to be entered in the Register of Members to be kept as hereinafter directed; and such person so approved shall thenceforward enjoy all the rights of Membership in the place of the Member by whom those rights shall have been so bequeathed. If the Governors shall not approve such person, or if any Member belonging to Class I shall die without having bequeathed his rights as a Member to any person, the executors or other personal representatives of the deceased Member may, within one year from the death of such Member, but not afterwards, nominate a person, subject to the approval of the Governors, to enjoy the rights theretofore enjoyed by such Member; and when the person so nominated shall be approved by the Governors, his name shall be entered in the Register of Members belonging to Class I, and he shall thenceforward enjoy all the rights of Membership in the place of such deceased Member.

The Governing Body

5. From and after the date of this Scheme a Governing Body shall be formed in manner following for the government and management of the Endowments and of the Library. The Governors shall be fifteen in number and shall be elected by the Society as hereinafter provided. The first Governors shall be such and so many of the following persons as at the date of this Scheme shall be qualified able and willing to act as Governors:—

The Governors

1. Joseph John Murphy, Osborne Park, Belfast, President of the Society.
2. John Swanwick Drennan, M.D., Prospect Terrace, Belfast, Vice-President of the Society.
3. John Anderson, J.P., Hillbrook, Holywood, Honorary Secretary and Treasurer of the Society.
4. David Graham Barkley, LL.D., Annadale, Belfast.
5. John Brown, Belair. Windsor, Belfast.
6. John Frederick Hodges, M.D., Windsor, Belfast.
7. James O'Neil, M.A., College Square East, Belfast.
8. Arthur William Hutton. Chichester Street, Belfast.
9. Lavens Mathewson Ewart, J.P., Bedford Street, Belfast.
10. William Swanston. Cliftonville, Belfast.
11. Dolway Bell Walkington, Thornhill, Belfast.
12. James Wilson, M.E., Dunmurry, Belfast.
13. John Workman, J.P., Windsor, Belfast.
14. Robert Young, C.E., Donegall Square East, Belfast.
15. John Park, D.Lit., Queen's College, Belfast.

The said Governors shall be a Body Corporate, by the name of "The Governors of the Belfast Library and Society for Promoting Knowledge," with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this Scheme.

6. At the first Annual Meeting of the Society held after the date of this Scheme, the five Governors first above-named, or such of them as shall be then still in office, shall retire from office; at the second Annual Meeting of the Society held after the date of this Scheme, the five Governors next above-named, or such of them as shall be then still in office, shall retire from office, and at the third Annual Meeting of the Society held after the date of this Scheme, the five Governors last above-named, or such of them as shall be then still in office, shall retire from office.

Election of
Governors.

At the first Annual Meeting of the Society held after the date of this Scheme, and at every Annual Meeting held thereafter, the Members present shall, in such manner as shall be prescribed by the by-laws of the Society for the time being, elect from among the Members five persons to be Governors. Each Governor so elected shall hold office for three years, or until he shall vacate his office as hereinafter provided. Each retiring Governor shall be eligible for re-election, provided he shall have attended not less than one-fourth of the meetings of Governors held during his term of office.

7. Whenever any Governor shall die, or resign by writing under his hand or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to be a Member of the Society, or shall for the space of one year fail to attend any meeting of the Governors, his office shall thereupon become vacant, and the fact of the vacancy, with the cause thereof, shall be recorded in the minutes of the Governors. If at the date of this Scheme any of the first Governors above-named shall have ceased to be qualified, or shall be unable or unwilling to act as a Governor, and whenever thereafter any Governor shall vacate office, the remaining Governors shall co-opt a duly qualified person to fill the vacancy, and every Governor so co-opted shall hold office only so long as the person in whose place he shall have been co-opted might have held the same.

Casual Vacancies

Alteration of Governing Body

Alteration of
Governing Body.

8. Subject to the approval of the Commissioners of Charitable Donations and Bequests for Ireland, the Society, at any time, and from time to time after the date of this Scheme, by resolution of an Annual Meeting, passed after due notice upon the recommendation of the Governors for the time being, may alter the number of Governors, and may arrange for such alteration by varying the provisions as to the annual election of Governors hereinbefore contained. Provided always that the number of Governors shall not be less than ten nor more than eighteen, and that no Governor shall, during his tenure of office, be removed from his office of Governor without his own consent, and that any resolution passed as aforesaid may be rescinded or modified at any time in the like manner and on the like recommendation, subject to the like approval.

Additional Governors

Additional
Governors.

9. If and whenever the Governors shall think fit, they may, with the approval of the Society, co-opt additional Governors, not exceeding at any time three in all, who shall be Members of the Society, or persons of experience in education, or persons otherwise specially qualified to assist the Governors in the discharge of their functions under this Scheme; and they may, from time to time, define the qualifications and regulate the time and mode of election of the additional Governors, and the terms upon which they shall hold office; the Governors may, with the like approval, at any time revoke the appointment of any additional Governor for such cause as they shall deem sufficient.

Vesting and Transfer of Endowments

Vesting and
Transfer of
Endowments.

10. From and after the date of this Scheme the Endowments shall, without any new conveyance or instrument, be transferred to and vested in the Governors hereby constituted, and shall be thenceforth held by them and their successors for ever upon and for the trusts and purposes of this Scheme, and subject to the conditions and provisions herein contained, and to all such rents, charges, rights, easements, and liabilities as at the date of this Scheme may lawfully affect the same. From and after the date of this Scheme, all property, securities, goods, chattels, and moneys held by any person or persons in trust for, or applicable to the purposes of the Society, shall be delivered, transferred, and paid by the person or persons possessed thereof, or bound to pay the same, to the Governors, and the receipt of the Governors, duly executed as hereinafter provided, for any delivery, transfer, or payment hereby directed, shall be a good discharge for the person or persons making the same, and he or they shall not thenceforth be answerable for the application thereof.

Trusts of the Endowments

Trusts of the
Endowments.

11. From and after the date of this Scheme, and subject to the conditions and provisions herein contained, the Endowments and all other property of or belonging to the Governors, or available for the purposes of this Scheme, shall be held by them upon trust for the promotion of knowledge in the City of Belfast and its neighbourhood, by the maintenance of a library, and by such other means as the Society may from time to time deem it advisable to adopt.

Application of the Endowments

Application of
the Endowments.

12. All moneys received by the Governors under or for the purposes of this Scheme shall, subject to the other provisions of this Scheme, and to any special trusts or conditions upon which any part thereof may be received, be expended and applied by them for the following purposes, or for such and so many of them as to the Governors shall from time to time seem expedient:—

- (a) To acquire and maintain buildings and other premises, furniture, books, and appliances for the Library, to keep them in good order and condition, and to make such additions thereto and such improvements therein as may be required from time to time.

- (b) To pay all rents, taxes, cost of insurance, and other charges. necessarily or properly payable out of or for the premises occupied by the Library, and to defray the necessary working expenses of the Library, and the cost of management.
- (c) If and whenever the funds at the disposal of the Governors shall suffice, to make grants in aid of institutions established in the City of Belfast or its neighbourhood, for the purpose of giving Intermediate or Technical education, or to make grants in aid of literary or scientific research.
- (d) To provide free admission to the Library for students or pupils receiving education at any School or College in or near the City of Belfast, to be selected by the Governors, in accordance with the by-laws for the time being, in such mode and subject to such conditions as the Society may from time to time determine.
- (e) To defray any other expenses incurred in carrying out the purposes of this Scheme.

See
Amending Scheme
(p. 13 post)

General Provisions as to the Society

13. All meetings of the Society shall be held at such place in or near the. City of Belfast as the Governors may from time to time appoint. The President shall take the chair at all meetings of the Society at which he is present; in the absence of the President, the Vice-President shall take the chair; in the absence of both, the Members present shall elect one of their own number to act as Chairman. Sixteen Members shall constitute a quorum, and all matters and questions shall be determined by a majority of the Members present. In every case of equality of votes the Chairman of the Meeting shall have a second or casting vote. Minute books shall be kept in which minutes of all the proceedings of the Society shall be duly entered. An Annual Meeting of the Society shall be held in the month of January or February, or so soon thereafter as conveniently may be, in each year commencing after the date of this Scheme, upon such day as the Governors shall fix. At every Annual Meeting the Governors shall submit to the Society a report upon the working of the Society for the preceding year, with the latest reports of the Auditor, and such other information regarding the affairs of the Society as the Society may from time to time direct, or as the Governors shall think fit. Before every Annual Meeting a list of the Members of the Society qualified to vote at such meeting, and to serve as Governors, shall be prepared by the Governors, who shall at the same time submit a list of attendances of the Governors during the preceding year. The Governors may, at their discretion, and they shall, upon the written requisition of at least thirty Members, call a special meeting of the Society whenever required for any specified purpose.

Meetings

14. The Governors shall, by circular posted to each Member of the Society Notice of at his registered address, and by advertisement in at least two newspapers published in the City of Belfast, give seven clear days notice of every meeting of the Society, whether Annual or Special, and shall in such notice specify the place the day and the hour of meeting, and the special business (if any) to be transacted. Whenever a meeting of the Society shall be convened for the transaction of any special business, no other business, save as herein is otherwise provided, shall be transacted at such meeting. Every meeting may adjourn for the completion of its business to such time and place as the majority of the Members present may appoint.

Notice of
Meetings

15. A Register of Members of the Society, according to their classes, shall be kept by the Secretary, under the direction of the Governors, in a book to be provided for the purpose. Their name and last known residence and the qualification of each member, and the date and particulars of transfer in the case of each Member who holds by transfer, shall be duly entered in the Register in such form as the Governors shall prescribe. The Register of Members may be corrected from time to time by the Governors, or by direction of any meeting of the Society, and subject to such correction, shall be conclusive evidence that those named therein and none others are entitled to the rights of membership.

Register of
Members

Election of
Honorary
Officers.

16. The Society at each Annual Meeting shall, from among the Governors, elect or re-elect the President, Vice-President, Honorary Secretary, and Honorary Treasurer, and such other Honorary Officers of the Society as they shall think fit. The several persons at the date of this Scheme holding office as President, Vice-President, and Honorary Secretary and Treasurer, respectively, shall continue in office until the first election of Honorary Officers to be held under this Scheme.

General Provisions as to the Governors

Chairman.
Quorum.
Honorary
Officers
and Secretary.

17. The President of the Society shall be ex-officio the Chairman, and the Vice-President shall be ex-officio the Vice-Chairman of the Governors. The President shall take the chair at all meetings of the Governors at which he is present; in the absence of the President, the Vice-President shall take the chair; in the absence of both, the Governors present shall elect one of their own number to act as Chairman. Five Governors shall constitute a quorum, and all matters and questions shall be determined by the majority of the Governors present; in every case of equality of votes the Chairman of the meeting shall have a second or casting vote. The Honorary Secretary of the Society shall be the Honorary Secretary of the Governors. The Governors may appoint a competent person to act as their paid or Assistant Secretary, with such reasonable salary as they may fix, and they may define the duties of his office as they may, from time to time, think fit.

Meetings

18. Within one calendar month after the date of this Scheme, and once at the least in every month afterwards, on such day as they shall fix, the Governors shall meet, and they may also meet at such other times as they may from time to time appoint. Notice of every meeting shall be given to each Governor two clear days, or such other time as the Governors may direct, before the meeting. The President or the Honorary Secretary, or any five other Governors may, at any time, summon a special meeting of the Governors, giving notice to each Governor six clear days, or such other time as the Governors may direct, before the meeting, specifying in such notice the object for which the meeting is summoned, and the time and place of meeting. Every meeting may be adjourned for the completion of its business to such time or place as the Governors present may appoint.

Minutes, Books
and Documents.

19. Every Governor shall, at or before the first meeting which he attends, sign a declaration in a book to be kept for that purpose, of his acceptance of the office of Governor, and until he has signed such declaration he shall not be entitled to act as a Governor. Minute Books shall be kept by the Governors, in which minutes of all their proceedings shall be duly entered. All deeds and other writings sealed with the common seal, and signed at any meeting by the Chairman of the meeting and two other Governors, shall be held to be validly executed on behalf of the Governors.

Committees.

20. The Governors may, from time to time, appoint a Committee or Committees, each consisting of two or more Governors, to carry into execution any orders rules or directions of the Governors with respect to the purposes of this Scheme, to visit the Library, or to manage such of the business of the Society as the Governors may deem it expedient to depute to a Committee. The Governors may fix the quorum, define the duties, and regulate the proceedings of every Committee, as they shall think fit.

By-laws and
Regulations.

21. The Governors may, from time to time, make such by-laws and regulations as they shall consider convenient and needful for the good government and management of the Society; for fixing the qualifications for Membership of each Class; for the management of the Library and the use of the books; for the admission to the Library of Subscribers and other persons; and for effectuating the purposes of this Scheme; provided that no such by-law or regulation shall be inconsistent with the provisions of this Scheme, and that the same, and all or any by-laws and regulations in force in the Society at the date of this Scheme, may be repealed, altered, and amended by the Governors, from time to time, as they shall deem expedient; provided also that every such by-law and regulation shall be submitted by the Governors to the Annual

Meeting of the Members held next after the making thereof, and that such meeting shall have power to approve, disallow, alter, or amend the same. Unless and until the Governors shall make other by-laws and regulations as aforesaid, the by-laws and regulations of the Society in force at the date of this Scheme shall, so far as the same are consistent with the provisions of this Scheme, remain in force and be observed in the Society.

22. The Governors shall cause to be kept regular accounts of all their receipts and disbursements, in such manner and form as may, from time to time, be prescribed or approved by the Local Government Board; and the accounts for each year ending the Thirty-first day of December, or such other day as the Board may direct, or an abstract thereof, in such form as the said Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Board may direct, to an Auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the said Board. The Local Government Board may fix, and the Governors shall pay, such reasonable sum as shall be necessary to defray the cost of audit. The Governors shall keep an account with such bank as they may from time to time select, and all moneys receivable or payable by them (except petty cash) shall be lodged to or drawn from such account, and every cheque shall be signed by two Governors, at the least, thereto authorised.

Accounts and
Audit.

23. If and whenever any School or Schools shall share in the Endowments, the Inspector to be appointed by the Lord Lieutenant, in pursuance of the Act, section 17, shall inspect each School in aid of which any portion of the Endowments shall be applied, once at the least in each year, and as much oftener as the Lord Lieutenant may direct, and shall present his reports thereon to the Lord Lieutenant; and the remuneration of the Inspector, as fixed by the Lord Lieutenant, shall be defrayed by the Governors out of the Endowments.

Inspection.

24. Subject to the provisions of this Scheme, the Governors shall have and exercise general supervision and control over the Library, they shall purchase or procure on loan books, maps, and other requisites for the Library, they shall fix, from time to time, the salaries and emoluments of the Librarian, Sub-Librarian, and other members of the staff employed in or about the Library, and define their several and respective duties, and shall also appoint and fix the wages and salaries of such other officers and servants as they shall from time to time deem it advisable to engage for the Library, or for the transaction of the business of the Society. Subject to the provisions hereinafter contained as to the vested interests of individuals holding office at the date of the passing of the Act, every Librarian and other officer and person in the employment of the Governors, shall be removable by them for such cause as they shall deem adequate, or upon reasonable notice, or upon payment of a reasonable sum, not exceeding six months salary, in lieu of notice. No person appointed after the date of this Scheme to any paid office or employment under the Governors, or becoming entitled to any salary or emolument out of the Endowments under any such appointment, shall be capable of becoming, or shall continue to be a Governor.

Powers of
Governors.

See
Amending Scheme
(p.13 post)
and
Amending Scheme
(p. 14 post)

Management of Property

25. The Governors shall, from time to time, make such arrangements as they may deem expedient for the custody of their common seal, and of all deeds and documents belonging to the Endowments, for the management of the estates and property vested in them, for the appointment of an agent or agents, and for the employment of a solicitor or solicitors, and of such other officers as they shall find it expedient to employ to assist in such management. Every agent enabled to receive money for the Governors shall be required to give sufficient security for the faithful discharge of his duties, and to furnish an account to the Governors, once at least in each year, and in each account to include all rents and other income due or payable up to the day next preceding the date of furnishing the account.

Management.

Lettings, Sale
and Exchange.

26. The Governors may make occupation leases and lettings of land from year to year, or for any term of years not exceeding forty years, and leases of buildings from year to year, or for any term not exceeding ninety-nine years, and leases for building or improvement for any term not exceeding two hundred years, so that the demised premises be not required for the purposes of the Library, and that every such lease and letting shall take effect in possession upon or within three years after the making thereof, and shall be made at the highest rent that may fairly and reasonably be obtained, and without fine. The Governors, with the consent of the Society, may sell, exchange, let upon fine in fee-farm or for any term, mortgage, or otherwise dispose of, all or any part or parts of the lands or buildings which may be vested in them, so that every such dealing shall be carried out to the best advantage, and that all money obtained thereon, other than current rents, shall be treated as part of the capital of the Endowments, and shall be invested or otherwise disposed of in accordance with the provisions hereof.

Sale or Exchange
of Books.

27. The Governors may sell or exchange any of the books belonging to the Library which they may from time to time consider useless for the purposes of the Library, or of which there shall be duplicates or other editions in the Library; but they shall not, without the concurrence of three-fourths in number of the Governors present at a meeting specially convened for the purpose, sell any other books belonging to the Library.

Investments

28. The Governors may, from time to time, sell any of the property (other than lands or buildings or books), funds, and securities vested in them, and may invest the moneys arising therefrom, or other the capital of the Endowments, and may also invest and accumulate any surplus or residue of income not required in any year for the purposes of the Society, in any of the public stocks, funds, or securities of the United Kingdom, or of India, or in the Stock of the Bank of England or of the Bank of Ireland, or upon freehold or leasehold securities in the United Kingdom, or in the Bonds of the Harbour Board of Belfast, or in any securities sanctioned by law or by the practice of the High Court of Justice for the investment of trust funds, or in any other securities sanctioned by resolution of the Society. The Governors may, from time to time, for the purposes of this Scheme, issue debentures for such amount, and redeemable at such time as the Society shall determine, to be secured by mortgage of or charge upon all or any of the property vested in them. The Governors may, from time to time, vary such investments, and they may, from time to time, resort to the accumulations of income from any previous year, and may apply the same for the purposes of this Scheme. So long as they shall think fit, the Governors may retain in their present state of investment all or any part of the Endowments hereby vested in them, and may retain any securities which may hereafter be transferred to them, in the state of investment in which they shall be received; provided the retention of such securities does not involve any pecuniary liability to the other funds or property of the Society.

Payment of Expenses

Payment of
Expenses.

29. The Governors shall, subject to the other provisions of this Scheme, pay out of the Endowments all charges which under the provisions of the Act shall be properly and necessarily payable by the Governors or out of the Endowments, for the taxed costs and expenses of this Scheme, or for audit and inspection, or for other purposes.

Provision for Vested Interests

Provision for
Vested Interests.

30. Every individual who at the date of the passing of the Act held, and at the date of this Scheme shall continue to hold, any office, place, employment pension, compensation, allowance or emolument under or arising out of the Endowments, shall continue to hold and be entitled to receive the same from the Governors, upon the same terms and in the same manner in every respect as he or she held and was entitled to receive the same at the date of the passing of the Act, and every such

individual shall remain bound to perform the same and all like duties for the Governors, so long as his or her employment shall continue as he or she would have been bound to perform for his or her existing employers if this Scheme had not passed; and his or her employment may be determined by the Governors at any time after the date of this Scheme by dismissal for the like cause, or on the same notice, or payment in lieu of notice by the Governors, for or on which such existing employers might have determined such employment if this Scheme had not passed.

Discharge of Existing Committee

31. Immediately after the date of this Scheme the existing Committee of the Society shall proceed to pay and discharge out of the moneys in their hands all the salaries, outgoings, and liabilities due or payable by them respectively up to the date of this Scheme, including their costs of and incidental to the preparation of this Scheme (such costs to be taxed and certified by the proper officer of the High Court of Justice in Ireland), and shall prepare a final account of all their receipts and disbursements, commencing from the last audited annual account, and shall submit the same for audit to the Local Government Board, or to some other competent authority to be appointed or approved by the said Board. Upon such audit the net cash balances remaining in the hands of the said Committee, or of their treasurer or bankers, or of any other person on their account, shall be ascertained and certified, and thereupon the same and all securities held by the said Committee respectively, shall be forthwith transferred or paid to the Governors, to be by them held and applied for the purposes of this Scheme, and accounted for accordingly. The said existing Committee, and any other person or persons having custody thereof for them, shall, at the same time, deliver to the Governors all books, documents, and other chattels and effects belonging to or held by them as such, and thereupon the said Committee shall be discharged. All debts and other sums then accruing payable to or recoverable by the said Committee shall thereupon and thenceforth accrue and become payable to or recoverable by the Governors, and all sums then payable by and recoverable from, and all contracts and liabilities then binding upon the said Committee shall thereupon and thenceforth, to the same extent and out of the same funds, be payable by and recoverable from and binding upon the Governors.

Discharge of existing Committee.

Printing of Scheme

32. The Governors shall cause this Scheme to be printed, or shall procure printed copies thereof, and shall keep the same for sale at a reasonable price.

Printing of Scheme.

Alteration of Scheme

33. This Scheme may be altered from time to time by the Commissioners of Charitable Donations and Bequests for Ireland, in any matter whatsoever, upon the application of the Governors, but except upon such application no alteration shall be so made, and no alteration shall be made contrary to anything contained in the Act, provided that no such application shall be made except the same shall be approved by a resolution passed at two successive meetings of the Society specially convened for the purpose of considering such alteration.

Alteration of Scheme.

SCHEDULE REFERRED TO IN THE FOREGOING SCHEME

Moneys, Funds, Securities, and other Property comprised in the Endowments

1. All the right, title, interest, claim, or demand of the Proprietors of the Belfast Library and Society for Promoting Knowledge in or upon the buildings and premises of the " White Linen Hall," Belfast; and all or any sum of money which may become or be payable, by way of compensation, to the said Proprietors or to the Treasurer of the Society, under the provisions of the Belfast Corporation (Various Powers) Act, 1890, hereinbefore recited, for the loss of the accommodation hitherto afforded to the Society in the said Linen Hall.

2. The books, furniture, scientific apparatus, appliances, and all other effects and property of the Society, which may be upon the premises of the White Linen Hall, Belfast, or elsewhere, at the date of this Scheme.

We, the Judicial Commissioners constituted under the Educational Endowments (Ireland) Act, 1885, having duly considered the foregoing Scheme, hereby submit the same for the approval of the Lord Lieutenant in Council under the said Act, duly signed by both of us under our hands, this Eighth day of December, 1890.

GERALD FITZGIBBON } Judicial
WILLIAM O'BRIEN } Commissioners

Witness:

WM. EDWARD ELLIS.

Secretary.

MINISTRY OF FINANCE FOR NORTHERN IRELAND

Educational Endowments (Ireland) Act, 1885

The Belfast Library and Society for Promoting Knowledge

AMENDING SCHEME dated the 17th day of September, 1953, framed by the Ministry of Finance for Northern Ireland (hereinafter called "the Ministry") under the Educational Endowments (Ireland) Act, 1885, in connection with the future government and management of the Endowments of the Belfast Library and Society for Promoting Knowledge (hereinafter called "the Society"):

WHEREAS the Society is governed and managed under a Scheme No. 92 (hereinafter referred to as the "Original Scheme") framed under the Educational Endowments (Ireland) Act, 1885:

NOW the Ministry (the statutory successor in Northern Ireland to the Commissioners of Charitable Donations and Bequests for Ireland) having considered an application from the Governors of the Society for alteration of the Original Scheme and having consulted with the Ministry of Education for Northern Ireland DOTH under and by virtue of Clause 33 of the Original Scheme hereby ORDER AND DIRECT as follows:—

1. There shall be inserted after Clause 24 of the Original Scheme the following new clauses:

"24A. The Governors shall, for the purpose of providing superannuation benefits for the Society's employees, have power to consent to the Society becoming a "designated body" within the meaning and for the purposes of the Local Government (Superannuation) Act (Northern Ireland) 1950, and the regulations made thereunder."

"24B. Without prejudice to the powers conferred by Clause 24A hereof, the Governors shall have power, and as from the twenty-first day of April 1949, shall be deemed to have had power, to grant out of the Endowments a pension to any employee upon his or her retirement on grounds of age or ill-health, or a gratuity to or on behalf of the widow or minor child or minor children of any employee being a Librarian or Sub-Librarian dying whilst in the employment of the Governors.

"The Governors shall have power subject to the approval of the Ministry to make Rules prescribing the conditions upon which such Pensions and Gratuities may be granted and the Rules made by the Governors in this respect on the twenty-first day of April, 1949, as amended by the Governors on the eleventh day of December, 1952, are hereby approved by the Ministry and shall be deemed to have been so approved as from said first mentioned date."

2. Clause 12 of the Original Scheme shall be altered and amended as follows:

- (1) Paragraph (e) shall be re-lettered " (g)."

- (2) The following new paragraphs shall be inserted after paragraph (d):

"(e) To pay such contribution and other sums as the Governors may from time to time be required to pay under the provisions of the Local Government (Superannuation) Act (Northern Ireland), 1950, and the regulations made thereunder."

"(f) To pay such pensions or gratuities as the Governors may from time to time grant under the provisions of Clause 24B of this Scheme."

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of September, 1953, in the presence of:

T. McCREA,
Assistant Secretary.

MINISTRY OF FINANCE FOR NORTHERN IRELAND**Educational Endowments (Ireland) Act, 1885****The Belfast Library and Society for Promoting Knowledge**

AMENDING SCHEME dated the 8th day of March, 1957, framed by the Ministry of Finance for Northern Ireland (hereinafter called "the Ministry") under the Educational Endowments (Ireland) Act, 1885, in connection with the future government and management of the Endowments of the Belfast Library and Society for Promoting Knowledge (hereinafter called "the Society"):

Whereas the Society is governed and managed under a Scheme No. 92 (hereinafter referred to as the "Original Scheme") framed under the Educational Endowments (Ireland) Act, 1885;

AND WHEREAS Clause 33 of the Original Scheme empowered the Commissioners of Charitable Donations and Bequests for Ireland upon the application of the Governors of the Society to alter the said Scheme from time to time in the manner therein provided;

AND WHEREAS on the 17th day of September, 1953, the Ministry by which under and by virtue of the Government of Ireland Act, 1920, and Orders duly made thereunder, the said powers of alteration were then and are now exercisable, framed an Amending Scheme (hereinafter called "the Amending Scheme") amending the Original Scheme;

AND WHEREAS application has been made to the Ministry by the Governors of the Society under and pursuant to Clause 33 of the Original Scheme to amend the Original Scheme further in the manner hereinafter appearing;

AND WHEREAS the Ministry has enquired into the circumstances of the case and is satisfied, after consultation with the Ministry of Education for Northern Ireland, that it would be advantageous to the above-mentioned Society so to alter the Original Scheme;

NOW THEREFORE the Ministry in exercise of the powers conferred upon it by the Educational Endowments (Ireland) Act, 1885, and by Clause 33 of the Original Scheme DOETH HEREBY ORDER AND DIRECT as follows:—

From and after the date of this Scheme Clause 24 of the Original Scheme as amended by the Amending Scheme shall be further altered and amended by the insertion at the end of the Clause of the words "It shall not be lawful for the Society or for the Governors to make any dividend, gift, division or bonus in money unto or between any of the Society's members."

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 8th day of March, 1957, in the presence of:

C. J. BATEMAN,
Assistant Secretary.

DEPARTMENT FOR SOCIAL DEVELOPMENT

Educational Endowments (Ireland) Act, 1885

The Belfast Library and Society for Promoting Knowledge

AMENDING SCHEME dated 16th day of October 2006, framed by the Department for Social Development (hereinafter called “the Department”) under the Educational Endowments (Ireland) Act, 1885, in connection with the future government and management of the Endowments of the Belfast Library and Society for Promoting Knowledge (hereinafter called “the Society”):

WHEREAS the Society is governed and managed under a Scheme No. 92 (hereinafter referred to as the “Original Scheme”) framed under the Educational Endowments (Ireland) Act, 1885:

AND WHEREAS Clause 33 of the Original Scheme empowered the Commissioners of Charitable Donations and Bequests for Ireland upon the application of the Governors of the Society to alter the said Scheme from time to time in the manner therein provided:

AND WHEREAS on the 17th day of September 1953 and on the 8th day of March 1957, the Ministry of Finance for Northern Ireland by which under and by virtue of the Government of Ireland Act, 1920, and Orders duly made thereunder, the said powers of alteration were then exercisable, framed Amending Schemes amending the Original Scheme:

AND WHEREAS on the 19th day of February 1999 the Voluntary Activity Branch of the Department of Health and Social Services by which under and by virtue of the Departments (Transfer of Functions) (No.2) Order (Northern Ireland) 1993, the said powers of alteration were then exercisable, approved the alteration of Clause 8 of the Original Scheme:

AND WHEREAS application has been made to the Department by which under and by virtue of the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999, the said powers of alteration are now exercisable, by the Governors of the Society under and pursuant to Clause 33 of the Original Scheme to amend the Original Scheme further in the manner hereinafter appearing:

AND WHEREAS the Department has enquired into the circumstances of the case and is satisfied, after consultation with the Department of Education, that it would be advantageous to the Society so to alter the Original Scheme:

NOW THEREFORE the Department in exercise of the powers conferred upon it by the Educational Endowments (Ireland) Act, 1885, and by Clause 33 of the Original Scheme **DOETH HEREBY ORDER AND DIRECT** as follows:

1. Clauses 2, 3 and 4 of the Original Scheme shall be deleted and shall be replaced with a new clause 2 to read as follows:

“2. From and after the date of this Amending Scheme the Society shall be constituted as follows:

The Members of the Society shall be:

- (a) All persons who, at the date of this Scheme, shall, under the existing laws of the Society, be qualified as Members.
- (b) All persons who, after the date of this Scheme, shall, under the by-laws of the Society for the time being, be admitted as Members.

No person shall, after the date of this Scheme, be eligible to become a Member, unless he shall be approved by the Governors.

The Members of the Society shall consist of Voting Members and Non-Voting Members. Non-Voting Members are those persons who are Members of the Society but are not entitled to vote.

Voting Members shall be adult subscribing Members (over the age of 18 years) and shall include Corporate Members.

Those Voting Members who shall be entitled to vote shall be those who hold a valid Membership card and who have paid their subscription.

Individual Members shall not have the right of transferring or bequeathing their rights of Membership which shall be personal to that individual Member.

2. In Clause 8 of the Original Scheme, the words “the Commissioners of Charitable Donations and Bequests for Ireland” shall be deleted and replaced with the words “the Department for Social Development.”
3. In Clause 11 of the Original Scheme, the words “the City of Belfast and its neighbourhood” shall be deleted and replaced with the words “Northern Ireland and for the benefit of international scholarship...”
4. Clause 12, parts (c) and (d) of the Original Scheme (as already amended) shall be deleted and there shall be inserted the following new parts (c) and (d) of the said Clause 12:
 - “(c) If and whenever the funds at the disposal of the Governors shall suffice, to make grants in aid of institutions or organisations engaged in educational, cultural or scientific purposes in line with the objective of the Society in promoting knowledge and the other charitable objectives of the Society.
 - (d) To provide free public access to the Library for reference purposes, in such mode and subject to such conditions as the Society may from time to time determine.”
5. In Clause 13 of the Original Scheme, the words “January or February, or so soon thereafter as conveniently may be” shall be deleted and replaced with the words “May or as soon thereafter as is convenient (but not later than June)”.
6. In Clause 14 of the Original Scheme, the words:- “at his registered address” shall be replaced with the words “at his last recorded postal address” and the words “by advertisement in at least two newspapers published in the City of Belfast” shall be deleted.
7. Clause 15 of the Original Scheme shall be deleted and replaced with the following clause:

“15. A Register of Members of the Society shall be kept by the Secretary, under the direction of the Governors. The name and last known address of each Member shall be duly entered in the Register in such form as the Governors shall prescribe and shall show whether a Member is a Voting member or a Non-Voting Member. The Register of Members may be corrected from time to time by the Governors, or by the direction of any meeting of the Society, and subject to such correction, shall be conclusive evidence that those named therein and none others are entitled to the rights of membership.”
8. In Clause 18 of the Original Scheme, the first sentence shall be deleted and replaced with the following words:

“The Governors shall meet at least four times a year, on such days as they shall fix, and at such other additional times as they may from time to time appoint.”
9. In Clause 21 of the Original Scheme, the word “class” shall be deleted and replaced with the word “category”.

10. In Clause 22 of the Original Scheme the last sentence shall be deleted and replaced with the following clause:

“22. The Governors shall keep such banking account(s) with such bank or banks as they may from time to time determine, and all moneys receivable or payable by them (except petty cash) shall be lodged to or drawn from such account(s).

Staff as approved by the Governors from time to time may sign cheques drawn on any such banking accounts up to a specified limit (which limit the Governors shall from time to time determine) provided always that any cheque for an amount exceeding this limit shall be signed by at least one authorised Governor.”

11. Clause 23 of the Original Scheme shall be deleted.
12. Clause 24 of the Original Scheme shall be amended as follows:

The first sentence shall be deleted and shall be replaced with the words:

“Subject to the provisions of this Scheme, the Governors shall have and exercise general oversight over the Library. They shall oversee the purchase or procurement on loan of books, maps, and other requisites for the Library. They shall fix, from time to time, the salaries and emoluments of the Librarian and other members of the staff employed in or about the Library, and define their several and respective duties, and shall also appoint and fix the wages and salaries of such other officers and servants as they shall from time to time deem it advisable to engage for the Library, or for the transaction of the business of the Society.”

The last sentence shall be deleted and shall be replaced with the words:

“No person holding any paid office or employed by the Governors, or entitled to any salary or emolument out of the Endowments under any such appointment, shall be capable of being a Governor during the continuance of such office, employment or appointment. Any ex-employee shall be eligible for nomination as a Governor two years after ceasing to hold such office employment or appointment in the Library.”

13. In Clause 33 of the Original Scheme:

the words “the Commissioners of Charitable Donations and Bequests for Ireland” shall be deleted and replaced with the words “the Department for Social Development”.

14. The Clauses of the Original Scheme shall be renumbered in accordance with the above amendments.

Sealed with the Official Seal of the Department for Social Development on 16th October 2006, in the presence of:

DAVID WALL,
Senior Office of the Department for Social Development