

DATED

1996

CONSTITUTION

of

BRINGSTY COMMON MANORIAL COURT

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CONSTITUTION OF BRINGSTY COMMON MANORIAL COURT

1. NAME

The Bringsty Common Manorial Court

2. GEOGRAPHICAL POSITION OF BRINGSTY COMMON

Bringsty Common ("the Common") is made up of land within the Parish Council areas of Brockhampton Group Parish and Whitbourne Parish Council in the County of Hereford and Worcester and is shown for the purpose of identification only edged red on the plan annexed to this Constitution.

3. OBJECTIVES

- 3.1 In its capacity as supervised manager of the Common to represent the views and interests of the Commoners, Residents and Licensees of the Common to Malvern Hills District Council and other elected statutory bodies.
- 3.2 To provide a forum for discussion of issues affecting the Common and for hearing the views of Commoners, Residents and Licensees regarding the management of the Common.

4. MEMBERSHIP OF BRINGSTY COMMON MANORIAL COURT

- 4.1 The maximum number of members of the Manorial Court shall be ten (10), all shall be proposed and seconded at the Annual General Meeting. In order to qualify as a member an individual must either:
 - (i) Be a householder resident in a property, wherever situated, in respect of which Common Rights applicable to Bringsty Common were registered under the 1965 Commons Registration Act ("the 1965 Act").
 - (ii) Be a householder resident in a property situated on Bringsty Common in respect of which Common Rights were not registered under the 1965 Act.
- 4.2 Two of the Members of the Malvern Hills District Council or such body as shall have taken over the management of Bringsty Common shall be entitled to serve on the Manorial Court whether or not they satisfy the requirements of Clause 4.1 (i) or (ii) above.
- 4.3 Representatives of the Whitbourne and Brockhampton Group Parish Councils shall be entitled to attend all meetings of the Manorial Court in equal numbers. Representatives of the said Parish Councils shall not be entitled to vote on any issue raised by the Manorial Court.
- 4.4 If more than ten members are proposed and seconded at any one time there will be a secret ballot at the relevant Annual General Meeting to determine the membership.

4.5 The Manorial Court shall have the right by a majority vote to fill any casual vacancies to ensure that at all times the Manorial Court has its full complement of members.

4.6 The Manorial Court shall have the right by a majority vote to co-opt a maximum of two people who do not satisfy the requirements of clauses 4.1 or 4.2 above but who may be able to make a special contribution to the Manorial Court as a result of their specialised knowledge of a particular matter affecting the Manorial Court or for any other reason. Any such co-opted members shall be liable to re-election at the next Annual General Meeting provided that the number of external members shall not exceed two and the number of members of the Manorial Court including external co-opted members shall not exceed twelve.

5. VOTING

5.1 Each member of the Manorial Court including the District Council Representatives and any co-opted members shall be entitled to one vote each on any issue raised.

5.2 In the event of an equality of votes the Chairman shall have a second or casting vote.

5.3 Any member having a financial interest in any issue or matter before the Manorial Court shall declare that interest and may be required to abstain from voting on that issue.

6. OFFICERS

The Manorial Court shall appoint a Chairman, a Vice Chairman and a Treasurer from among the Manorial Court members, each to require re-election annually. The Manorial Court may appoint a Secretary from among its members and/or appoint a suitably qualified person to act as Clerk.

7. BUSINESS

7.1 No business shall be transacted by the Manorial Court when there are fewer than three (3) members present.

7.2 No member shall be entitled to incur any debt whatsoever in the name of or on behalf of the Manorial Court without the prior written authority of the Court.

7.3 The Manorial Court shall meet a minimum of three (3) times per year.

7.4 Any members of the Manorial Court who fails to attend three consecutive meetings of which they have received proper notification, may be deemed at the discretion of the Manorial Court, to have ceased to be a member. Compulsory resignation in accordance with this section shall be confirmed by an ordinary vote of the Manorial Court at a properly convened meeting, when this matter shall appear on the agenda.

7.5 Any member may resign at any time within their period of membership upon serving written notice on the Manorial Court at any properly convened meeting.

8. ACCOUNTS

8.1 Proper books of Accounts shall be kept on behalf of the Manorial Court and audited annually.

8.2 The Auditors shall be appointed annually at the Annual General Meeting.

9. BANKERS

9.1 All funds held by or on behalf of the Manorial Court shall be lodged with Bankers to be appointed by the Manorial Court in an account specifically established for the purpose.

9.2 All cheques issued by or on behalf of the Manorial Court shall be signed by the Chairman (or the Vice-Chairman) and the Treasurer.

10. MINUTES

10.1 A minute book shall be kept and all proceedings of the Manorial Court shall be entered therein. The minutes of each meeting shall be proposed for approval to the next meeting of the Court and when so approved signed by the Chairman.

10.2 Copies of all minutes of meetings of the Manorial Court should be sent to the Solicitor to the District Council or a designate official in any successor authority.

11. ANNUAL GENERAL MEETING

11.1 An Annual General Meeting of Commoners, License Holders and Residents shall be called not later than the 31st December in each year for the following purposes:

(i) To approve the Audited Accounts of the Manorial Court for the preceding financial year.

(ii) To receive the Annual Report of the Manorial Court's activities.

(iii) To elect members of the Manorial Court.

11.2 Voting at an Annual General Meeting shall be restricted to one vote per agenda item for each household situate on Bringsty Common or one vote for each household in respect of which common rights applicable to Bringsty Common are registered whether or not that household is situate on Bringsty Common; License Holders who do not have registered common rights shall not be entitled to vote.

12. DISSOLUTION

- 12.1 Any decision to dissolve the Manorial Court must be made at a special meeting of those entitled to attend the Annual General Meeting and shall require a majority vote of two-thirds of those present and entitled to vote.
- 12.2 The assets of the Manorial Court shall thereupon be applied to the benefit of the Common.

13. AMENDMENT OF THE CONSTITUTION

- 13.1 Prior to any amendment of this Constitution the written consent of the Malvern Hills District Council or such body as shall have taken over the management of Bringsty Common, shall be obtained.
- 13.2 This constitution may be amended at any Annual General Meeting or at a special meeting called for the purpose by a resolution passed by a majority of two-thirds of those present and entitled to vote.

14. NOTICE OF MEETINGS

- 14.1 Annual General Meetings and Special Meetings shall require fourteen (14) days notice in writing to every member of the Court and by local public advertisement specifying the date, time and venue for such meeting.
- 14.2 All members of the Manorial Court shall be notified in writing a minimum of seven (7) days prior to the meeting. Agendas for all meeting of the Manorial Court must be displayed on public notice boards on Bringsty Common and such Agendas must also contain provision for "Public Questions".
- 14.3 An extraordinary General Meeting of the Manorial Court shall be called by written request, giving the reason for such request, to the Chairman by a minimum of ten (10) persons who are Residents Commoners or Licence Holders. The timing of such a meeting shall be decided by the Officers and shall be as soon as is practicable in the circumstances prevailing at the time, and upon giving the period of notice set out in clause 14.2 above.

We the undersigned being Members of Bringsty Common Manorial Court agree to be bound by the terms and conditions of this Constitution dated the
day of 1996.