

***CHARITABLE TRUST COMMITTEE***  
***Committee***  
***Agenda***

Date Monday 23 June 2025

Time 6.00 pm

Venue Lees Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Alex Bougatef or Constitutional Services at least 24 hours in advance of the meeting.

2. CONTACT OFFICER for this agenda is Constitutional Services email [Constitutional.Services@oldham.gov.uk](mailto:Constitutional.Services@oldham.gov.uk)

3. PUBLIC QUESTIONS - Any Member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the contact officer by 12 noon on Wednesday, 18 June 2025.

4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

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Please also note the Public attendance Protocol on the Council's Website

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MEMBERSHIP OF THE CHARITABLE TRUST COMMITTEE  
Councillors Marland, Bashforth, Rustidge (Chair), Ball, Charters (Vice-Chair) and Sheldon

5 Minutes of Previous Meeting (Pages 3 - 6)

The Minutes of the meeting held on 17<sup>th</sup> March 2025 are attached for approval.

6 Clayton Playing Fields (Pages 7 - 12)

7 Land at Ladhill Lane (Pages 13 - 26)

**CHARITABLE TRUST COMMITTEE**  
**17/03/2025 at 6.00 pm**



**Present:** Councillor Rustidge (Chair)  
Councillors Byrne, Marland, Bashforth, Iqbal and Ball

Also in Attendance:

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no Public Questions for this meeting to consider.

5 **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting held on 19<sup>th</sup> December 2024 be approved as a correct record.

6 **THE HOLLIES TRUST**

The Committee heard that The Hollies was a former Day Care Centre and has a gross site area of some 3.20 acres. Since being vacated in 2005 the property has suffered extensive vandalism and a fire and the main building was demolished in 2021.

The premises are subject to a Trust (William Taylor Hague bequest) and OMBC is the Charitable Trustee. In June 2011 the Charity Commission approved the sale of The Hollies on the condition that the capital receipt should be distributed immediately to a charity or charities established for the relieving of the sick or of poverty.

An attempt to sell failed due to a Breach of Contract.

Following intervention and advice from Building Control it was recommended that demolition of existing buildings is required. This attributable to the length of time the building was empty, damage from vandalism and fire. In September 2024 costs were obtained.

The estimated total cost of the demolition is £34,000 and these funds will be taken from the £42,500 retained from contract breach during a previous attempt to sell.

**RESOLVED** that, the Committee approve the recommendation outlined in the report to proceed with demolishing the existing

buildings and prepare the site for housing delivery subject to further Council approval where applicable.

7 **EXCLUSION OF THE PRESS AND PUBLIC**

8 **ARCHIE BROWN CHARITABLE TRUST**

The Charitable Trust Committee heard a private report on the sale of property held by the Archie Brown Trust.

**RESOLVED** that,

1. notwithstanding that the sale terms are not yet agreed and may not be for some months or at all, the Charity continues to attempt to sell the garage building within the curtilage of the Charity's leasehold property at 439 Middleton road, Chadderton, Oldham OL1 1UL (HM Land Registry Title number MAN418555) to the owner for the time being of 437 Middleton Road, Chadderton, Oldham or to such person as such owner may direct, as recommended by Breakey Nuttall in their report dated 24 May 2024, for the sum indicated within the report subject to contract and the Committee hereby **AUTHORISES AND REQUESTS** Legal Services at Oldham Borough Council (supported by the Oldham Estates Team) to do all such things as may be reasonably required to progress such sale to completion.]
2. the remainder of the Charity's leasehold property at 439 Middleton Road, Chadderton, Oldham OL1 1UL (HM Land Registry Title number MAN418555) be sold at auction at a reserve price to be set in consultation with the auctioneer taking account of market conditions at that time and the Committee hereby **AUTHORISES AND REQUESTS** Oldham Council's Estates Team and Legal Services at Oldham Borough Council to do all such things as may be reasonably required to progress such sale to completion.

9 **SARAH ANNE LEES UPDATE**

The Committee received an update on Charity Commission authority regarding expenditure of capital money. The Charity Commission have issued an authority by letter on 11 March 2025 to confirm the resolution has become part of the trusts of the charity and the trustees can spend the capital subject to the resolution as if it were income. In this case the resolution applies to all of the permanent endowment

The Charitable Trust Committee must consider now how the capital monies (and accrued income) should be spent taking into account the revised objects of the Charity following the 2019 Scheme and provide instructions to the Finance Team of Oldham Borough Council in connection with decisions made.

Members will consider eligible organisations that meet the objectives of the Charity and have requested a public notification

about the Trust be published to remind residents of Oldham that funds are available for relevant organisations to access.



Members noted that due to the exceptionally specific nature of the Charity objectives, the Committee may need to apply for the Charity objectives to be further widened if suitable recipients of the funds cannot be identified.

**RESOLVED** that,

1. The update on Charity Commission authority regarding expenditure of capital money is noted by the Committee
2. A public notification about the Trust to be published to remind residents of Oldham that funds are available for relevant organisations to access.

The meeting started at Time Not Specified and ended at Time Not Specified

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## **Report to CHARITY COMMITTEE**

### **Clayton Playing Fields**

#### **Portfolio Holder:**

Cllr Arooj Shah, Leader of the Council and Cabinet Member for Growth  
Cllr Elaine Taylor, Deputy Leader and Cabinet Member for Neighbourhoods

**Officer Contact:** Emma Barton – Deputy Chief Executive (Place)

#### **Report Author(s):**

Maria Cotton, Assistant Director for Place-Making and Strategic Estates  
Darren McGrattan, Assistant Director for Waste and Cleansing

**Date: 23 June 2025**

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#### **Reason for Decision**

To update members on activities at Clayton Playing Fields to safeguard, improve and utilise the asset for community benefit and to seek committee endorsement for the recommendations set out in this report in order to inform a formal decision by the relevant portfolio holder.

#### **Recommendations**

Charity Committee Members are requested to approve:

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## **1.0 Background**

- 1.1 The asset comprises 9.85 hectares of playing fields and open recreation space, with a supporting car park. The asset is a charitable asset and is owned freehold by the Council via the Charity Committee.
- 1.2 There is a cabin on-site providing changing facilities to support the use of the playing fields. The while asset is designated as a Town Green.
- 1.3 Boundary Park neighbours the site together with Little Wembley training ground (a designated Asset of Community Value (18 October 2021)).
- 1.4 The report is to update Members on recent activities / requests which could safeguard, improve and / or utilise the playing fields for the covenanted community use.
- 1.5 There are no proposals to change the ownership of the land or its status as an important community asset.

## **2.0 Activities for Committee Information and Consideration**

### **2.1 Tree Planting**

- 2.1.1 Concerns have been raised by local residents and elected members about tree planting on Clayton Playfield Fields.
- 2.1.2 City of Trees have been working with the Council to enhance and protect woodland areas and the green nature of the borough. Trees were planted to create a small new woodland area adjacent to Clayton Playing Fields.
- 2.1.3 Community concerns related to the location of where the tress had been planted, surveillance and safety parameters due to how close together the trees had been planted, and whether there was an impact on the designate helipad used for air ambulances.
- 2.1.4 After investigating the matter, the following has been identified for Committee Members to note:
  - title records were not correct with the Land Registry, and therefore officers did not realise that the location of the tree planting fell under the charity committee remit. This is being rectified and the land titles corrected.
  - the contractor planting the trees has installed them at the wrong spacing compared to the instructions from officers.
- 2.1.5 Members are asked to:
  - i) approve retrospective tree planting around the edge of the area;
  - ii) note that a site visit will be arranged with residents and ward members to review and identify remedial actions to correct the errors detected; and
  - iii) delegate to the Deputy Chief Executive (Place) any further resolutions and actions on this matter.

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## **2.2 Community Concerns**

- 2.2.1 Unfortunately, the playing fields and community pitches in particular suffer from anti-social behaviour – dog walkers and quad bikes.
- 2.2.2 Dog walkers have no respect for the playing pitch areas, and many local community groups and clubs who use the facilities are reporting an increase in the amount of dog mess impacting on the players ability to play on clean / safe community pitches.
- 2.2.3 Quad Bikers continue to drive across the open playing pitch spaces causing significant damage to the playing fields – tyre tracks / torn grassed areas / uneven surfaces – again all impacting on community groups using the community pitches.
- 2.2.4 To enhance the pitch area, to reduce the health and safety concerns, and to help safeguard its intended use by the local community, Members of the Charity Committee are asked to consider the following proposals
- to introduce a designated walking route around the pitch areas (around the outside of the fields) to continue to allow local residents to walk their dogs, but away from the playing pitch areas;
  - to designate a dog park area (exact location to be agreed at the site visit with local ward members and residents) where dogs can run off the lead in a safe space; and
  - to permit the introduction of dog poo bins along the new walking route and by the designated dog park to encourage owners from allow their pets to leave a mess on the playing pitch areas.
- 2.2.5 To restrict / limit access to the community pitches by quad bikes and to prevent the associated damage to the pitches, Members of the Charity Committee are asked to consider the following proposals
- to install a single rail (knee-high) barrier around the perimeter of the pitches, minimising the impact on the community playing fields and their intended use, and allowing continued community access, but preventing unwanted vehicles from causing damage to the area.

## **2.3 Maintenance Agreement**

- 2.3.1 As both Oldham Athletic Football Club and Oldham Rugby Clubs now train and play matches at the stadium at Boundary Park (adjacent to Clayton Playing Fields), the SportsTown partnership (see below) are interested in supporting the local community to access sports and have offered to maintain the playing fields on the Council's behalf to (at least) the Council's current standards.
- 2.3.2 Members are asked to approve a Service Level Agreement (SLA) to be drawn up for the maintenance of the playing fields in return for mid-week / daytime use of the pitch areas (i.e. at times when the area is not used by local community groups). The pitches would still be available for use by the local community and other clubs and community groups in the evenings and at weekends (as now).
- 2.3.3 The SLA would facilitate a license fee which would be based on the Council's standard rates for pitch hire (providing some additional income to the Council), and

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on the Council's behalf, the community pitches and playing fields would be maintained. The activities would include litter-picking, grass-cutting, tree pruning, pitch repairs, and line repainted (other activities as per the current maintenance regime would be stipulated in the SLA to enhance and protect the playing fields).

- 2.3.4 The license / maintenance agreement would not give SportsTown exclusive rights to use the playing pitches, nor would it give them any rights or possession of the land. This agreement would not change the land status or requirements for any further items of consideration to be brought back to the charity committee. The agreement would provide maintenance income to the Council, the area would be maintained to the same (or higher) specification than it is now, and it would free up the limited Council resources for deployment in other areas of the borough.
- 2.3.5 Charity Committee Members are asked to note and agree the proposals for a Service Level Agreement with the SportsTown partnership and to delegate the details of the agreement and final approval of the maintenance agreement to the Deputy Chief Executive (Place) and the relevant portfolio holder.

## **2.4 SportsTown**

- 2.4.1 Charity Committee Members are asked to note the recent Cabinet decision to accept the Community Regeneration Partnership funding designated for the support of SportsTown.
- 2.4.2 Landowners around Boundary Park Stadium (public and private sector) are working with a range of partners to establish an ambitious vision which defines plans to bring together Oldham's sporting excellence, health care and much needed enhanced educational pathways through the creation of a new centre of excellence whilst also increasing participation for a wide range of users at the heart of the community.
- 2.4.3 Sporting excellence within Oldham is well defined through Oldham's Rugby Club, Women's netball, Darts and Cricket. Latics, the Women's Football team and Oldham Rugby already utilise the facilities housed at the Boundary Park stadium / complex, which neighbours the Royal Oldham Hospital, for which there has been a working arrangement for hospital staff parking for some time.
- 2.4.4 The overarching vision builds on the recommendations from the Oldham Economic Review to create ambitious opportunities for growth in the borough and to accelerate skills pathways and job opportunities to create an exciting future for young people and future generations.
- 2.4.5 The public/ private partnership overseeing the site want to drive forward SportsTown as a key asset in central Oldham providing opportunities and excellence in sport (in football, rugby, netball, darts and cricket), higher education skills provision, improved facilities and increased access and participation by local groups, contributing to social cohesion and addressing health inequalities.
- 2.4.6 A proposed capital allocation of £5,000,000 will be utilised to support the delivery of SportsTown Phase 1 which will include:

- 
- Create new facilities for Higher Education, (HE), skills provision in the top floor of the Joe Royle Stand, including classrooms, access to specialist kit and changing facilities.
  - Modification of the Joe Royle Stand to facilitate the above, including relocation of gym to create a new safeguarding access to the venue.
  - Creation of new all-weather pitch on “Little Wembley” facility and 3G pitch, substantially increasing local use, access and participation.
  - Provision of new outdoor netball court facilities (Oldham is a top-performer in netball) and University 5G.

2.4.7 There is a strong identified need for the project; HE lacks all-weather facilities in a central location to help develop its sports science and related HE offer; high levels of health inequalities; and high levels of income, crime and education deprivation.

2.4.8 The project is part of a longer-term plan for SportsTown, which includes a netball arena, indoor 3G sports facilities and further main stadium improvements. The overall investment package for Sports Town is circa £70m with a robust governance / partnership framework to formalise the public / private partnership land interests and investment into the joint vision. *(This will be reported separately on completion of due diligence due to the commercial nature of the partnership).*

### **3. Recommendations**

3.1 Charity Committee Members are asked to note and approve the recommendations set out in this report.

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## **BRIEFING TO THE CHARITABLE TRUST COMMITTEE**

**Property:** Playing Fields and recreation ground, Ladhill Lane, Greenfield, Oldham (Freehold)

**Charitable Trust:** The Laycock Lawton Children's Playing Fields Charitable Trust.

**Date:** 22 August 1939

**Governing Document:** Conveyance dated 22 August 1939 between (1) John Edward Tanner and Fred Bottomley and (2) Fred Gartside and Sydney Butterworth and (3) Urban District Council of Saddleworth

**Charity Objects:** set out in a Scheme (Court Order) dated 30 March 1939 (Passed and Entered 12 May 1939) which is referred to in the Governing Document.

**HMLR Registered Title Number:** MAN321226

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### **1. Charity Objects:**

The Property needs to be maintained to be used as a recreation ground or playing field by children attending the local Methodist Sunday School in connection with the Greenfield Methodist Chapel and such other children in the vicinity (of day school age only) as the Council [*as charity trustee*] may from time to time determine. Subject to this the Council [*as trustee*] may permit the land to be used as a playing field or recreation ground under school age and as a public park by other persons. The Council may provide on the land such conveniences and may lay out such land generally in such manner as they may determine to be proper for the purpose of the Scheme.

### **2. Background:**

This charity land was brought to the attention of Estates and Legal Services as a result of an application made to the Council by Fourways Projects NW Limited (Company Registration Number 12219488) ("Fourways").

Fourways were asking the Council to enter into a grant of an easement (ie right to lay and use water and/or drainage pipes) to United Utilities with such pipes/drains serving Fourways' development on nearby land.

When eventually the precise location and extent of the land that was going to be affected by this proposal was established and a copy of the registered title was

obtained, it transpired that the land affected is part of charitable trust playing fields and recreation ground. A copy of the Land Registry title plan showing the extent of this is attached to this Briefing.

The fact of the charity status of this land seemed to come as a surprise to Fourways' solicitors although it is also surprising that as a first step they did not get a copy of the title to the land affected by the proposed easement. How they knew the Council was the registered owner without obtaining a copy of the registered title, is unclear. Had they seen the title they would have known its charitable status and appreciated the implications.

It is important to note that no consideration whatsoever has been offered by Fourways, not even a market value payment for the grant of the easement.

It is advised that even a market value payment for the easement would not be sufficient to make the grant of the easement in the best interests of the Charity. What would need to be offered is something which would provide a clear and unequivocal net benefit to the Charity.

There are practical disadvantages and problems posed by the works that would need to be carried out to lay the drains/pipes as this would:

- (a) Disrupt the use of a significant part of the playing fields/recreation ground;
- (b) Cause health and safety and safeguarding issues whilst the works were being carried out, (including any inspections or other works in the future (see ( e ) below);
- (c) Probably leave a significant part of the playing fields/recreation ground unable to be used for some time after the works are completed:
- (d) Prevent any kind of planting over the strip of land designated as the easement strip or any ground works which may lower the surface of the easement strip;
- (e) Place obligations on the charity with regard to the easement strip, and
- (f) Make it possible that there would be future disruption if the pipes/drains need to be replaced or upgraded or repaired at some point and this could happen any number of times.

There may be potential for capital improvements to the recreation ground/playing fields to be carried out that otherwise could not be funded, such as shelters, playground equipment/structures, fencing etc and Oldham Estates has been asked to suggest any such features that may benefit the recreation ground/playing field. If there is scope for such improvement, it might be possible for the Charity to counter the request from Fourways with a proposal for a capital payment that would:

- (a) Include the market value for the easement, AND
- (b) A sum to pay for the identified capital improvement to the land (this could be in the form of a donation to the Charity).

### **3. What Is Required In The Way Of A Decision By The Committee At This Stage?**

A full/final decision is not clearly not expected at the point of the meeting on 23 June 2025, as the Committee needs to time to take on board the implications of this proposal and whether or not it is prepared even to consider this kind of negotiation. Further input from Oldham Estates is also required as to the possibilities/scope for capital improvements.

However, Legal Services do need an instruction from the Committee as to how to go back to the solicitors acting for Fourways in the meantime, confirming the current position, specifically we need the Committee's authority and instructions to:

- a) disclose the Scheme governing the recreation ground/playing fields (information which is not available from the Land Registry) to Fourways' solicitors (and therefore Fourways), and
- b) to respond to Fourways' solicitors that their proposal does not offer anything which would make a grant of the easement in the best interests the Charity (and wait to see how they respond).

If the Committee is prepared to give an instruction to Legal Services to carry out items a) and b) please can a Resolution be passed at the CTC meeting on 23 June 2025 to confirm this.

#### **Suggested form of Resolution**

***"IT IS HEREBY RESOLVED that the Committee instructs Oldham Borough Council Legal Services to:***

- a) disclose the Scheme relating to this Charity governing the recreation ground/playing fields at Ladhill Lane, Oldham (being information which is not available from the Land Registry but only from the Council's own records) to Fourways' solicitors (and therefore Fourways) in writing (that is by email), and***
- b) to respond to Fourways' solicitors in writing (that is by email) that Fourways Projects NW Ltd's proposal does not offer anything to the Charity which would make a grant of the easement proposed to United Utilities in the best interests the Charity."***

**Legal Services**

**Oldham Borough Council**

**17 June 2025**

**Ref: ZT/RB/24377 Ladhill Lane Playing Fields**



OfficialCopyTitlePla  
nMAN321226OBCCh



OfficialCopyRegiste SchemeCourtOrder  
rMAN321226OBCCh.30March1939Passed

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



# Official copy of register of title

Title number MAN321226

Edition date 19.03.2019

- This official copy shows the entries on the register of title on 15 MAY 2025 at 16:03:34.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 15 May 2025.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Fylde Office.

## A: Property Register

This register describes the land and estate comprised in the title.

GREATER MANCHESTER : OLDHAM

- 1 (03.09.2018) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Playing Field, Ladhill Lane, Greenfield, Oldham.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (03.09.2018) PROPRIETOR: OLDHAM BOROUGH COUNCIL of PO Box 33, Civic Centre, West Street, Oldham OL1 1UL.
- 2 (19.03.2019) RESTRICTION: No disposition by the proprietor of the registered estate to which section 117-121 or section 124 of the Charities Act 2011 applies is to be registered unless the instrument contains a certificate complying with section 122(3) or section 125(2) of that Act as appropriate.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (03.09.2018) A Conveyance of the land tinted pink on the title plan dated 22 August 1939 made between (1) John Edward Tanner and Fred Bottomley (2) Fred Gartside and Sydney Butterworth and (3) Urban District Council Of Saddleworth contains restrictive covenants.

*NOTE: Copy filed.*

## End of register

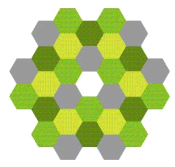
**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

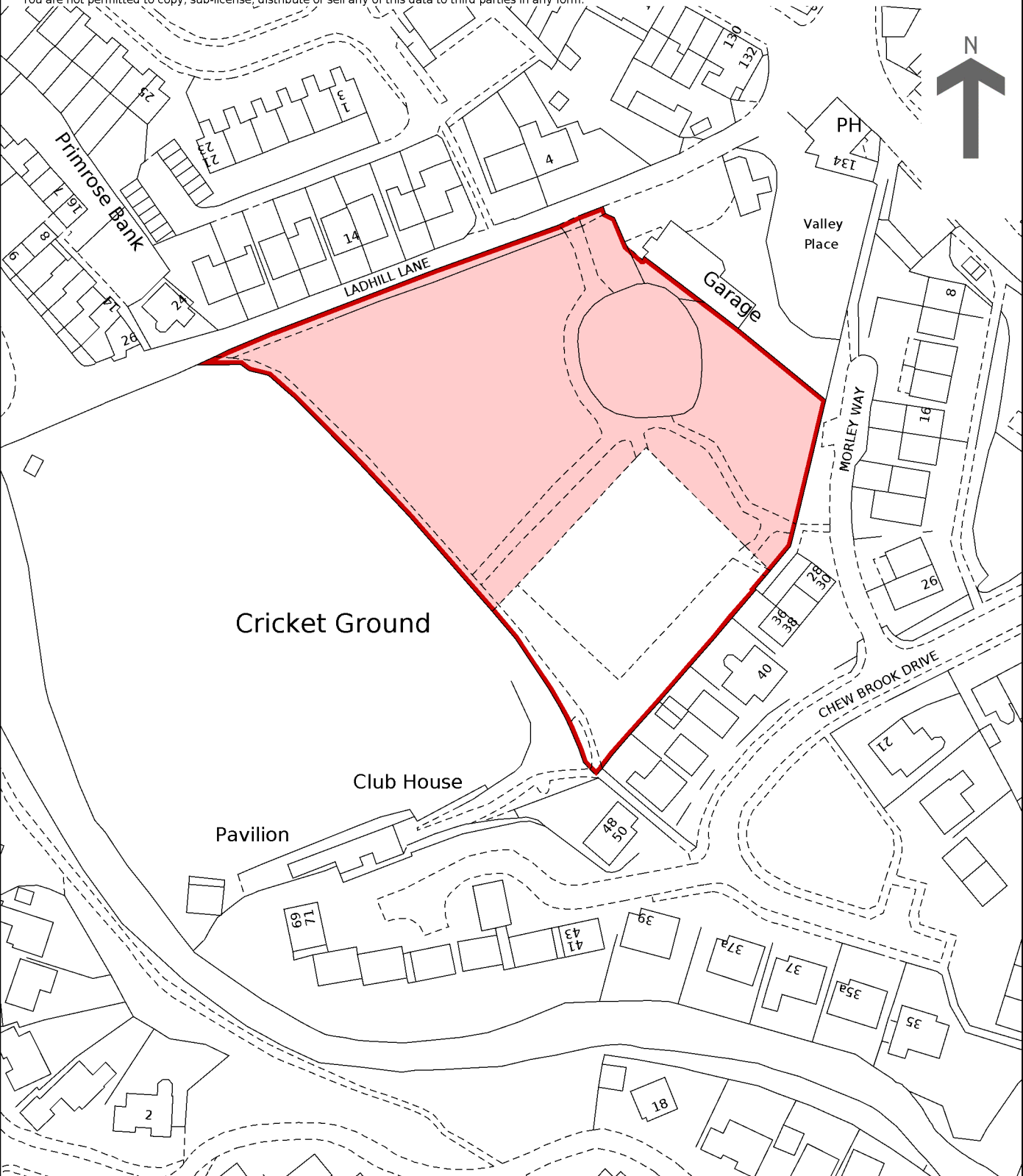
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 15 May 2025 shows the state of this title plan on 15 May 2025 at 16:03:34. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Fylde Office .



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Stamp  
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L S  
12th May 1939.

1936. Letter L. No. 3605.

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

MANCHESTER DISTRICT REGISTRY

MR. JUSTICE BENNETT

Seal of  
the High  
Court  
12th May 1939.

Sir G. Goodman, K.C.B.

District Registrar.

THURSDAY the 30th day of MARCH 1939.

IN THE MATTER of the ESTATE of HELENA LAWTON  
deceased.

BETWEEN:-

FRED GARTSIDE and SIDNEY BUTTERWORTH Plaintiffs.

- and -

HIS MAJESTY'S ATTORNEY GENERAL, LUTHER  
LAYCOCK, ASENATH GARTSIDE (Married Woman)  
WILLIAM LAYCOCK, ENOCH LAYCOCK, SIDNEY  
BUTTERWORTH, MARY BUTTERWORTH (Spinster)  
ROY BUTTERWORTH, AUDREY BUTTERWORTH (an  
Infant) DORA FIELDING (Married Woman)  
GERALD MacQUEEN, WILFRED LAWTON, FLORA  
GARTSIDE (Married Woman) and JAMES HERBERT  
MORTON (one of the Treasurers and sued on  
behalf of the METHODIST FOREIGN MISSIONARY  
SOCIETY)

Defendants.

UPON THE APPLICATION of the above  
named Plaintiffs by Summons dated the 20th day of March  
1939 which upon hearing the Solicitors for the Plaintiffs and  
the Solicitors for the Defendant His Majesty's Attorney  
General in Chambers proceedings against the remaining  
Defendants having been stayed by Order dated the 29th day of  
October 1936 was adjourned to be heard in Court coming  
on this day for hearing accordingly and upon hearing  
Counsel for the Plaintiffs and Counsel for the Defendant  
His Majesty's Attorney General and upon reading the said  
Order and the affidavit of Frank Whittaker filed the 20th  
day of March 1939 and the Exhibits therein referred to

IT IS ORDERED that the Scheme set forth in the Schedule hereto be approved and sanctioned AND IT IS ORDERED that it be referred to the District Registrar to tax the costs of the plaintiffs and the Defendant His Majesty's Attorney General as between Solicitor and Client as from the foot of the last taxation and such costs when taxed be raised and paid out of the legacy fund AND any of the parties are to be at liberty to apply

Seal of the  
High Court  
12th May 1939.

GDG  
DH

THE SCHEDULE HEREINBEFORE REFERRED TO

1. In this Scheme -

"The Charity Fund" means the legacy of £1,000 (together with the interest thereon) bequeathed by the Will of the above named Testatrix to the Trustees of Greenfield Methodist Chapel.

"The Council" means the Saddleworth Urban District Council.

"The executors" means the executors of the Will of the said Testatrix.

2. The executors shall forthwith out of the Charity Fund and pursuant to the agreement dated the second day of March 1939 being the exhibit "P.W.1." to the said affidavit of Frank Whittaker filed the 20th day of March 1939 complete the purchase of the lands described in the Schedule hereto and cause the same to be vested in the Council.

3. The balance of the Charity fund shall subject to the deduction of all costs charges and expenses properly payable thereout be paid to the Council by the executors.

4. The Council shall apply the said balance of the Charity fund or a competent part thereof in fencing in and enclosing and equipping the said lands as a recreation ground in such

manner as the Council may determine to be proper for the purpose of this Scheme. Any unexpected balance shall be held as an endowment of the Charity

5. The Council shall hold the said lands upon trust primarily to permit the same to be used for a recreation ground or playing field by children attending the Methodist Sunday School in connection with the Greenfield Methodist Chapel and such other children in the vicinity (of day school age only) as the Council may from time to time determine

6. Subject to the foregoing trust the Council may permit the said lands to be used as a playing field or recreation ground by children under school age and as a public park by other persons

7. The Council may provide on the said lands such conveniences and may lay out such lands generally in such manner as they may determine to be proper for the purposes of this Scheme

8. The Council shall have the administration and management of the said lands and the Council may from time to time make and vary such regulations (not being inconsistent with this Scheme) relating to the use of such lands and the conduct of persons thereon as they may think fit and proper

9. The Charity <sup>hereby</sup> constituted shall be known as "the Laycock Lawton Children's Playing Fields"

THE SCHEDULE TO THE SCHEME

ALL THAT plot of land situate in Ladhill Lane at or near Road End, Greenfield, Saddleworth in the County of York containing in the whole 7740 square yards or thereabouts more particularly delineated in the plan annexed to the hereinbefore mentioned Agreement of the second day of March 1939 and thereon coloured pink and green

THE PROPERTY is freehold and is subject to the  
grantees' covenants contained in a Conveyance dated the  
tenth day of May 1929 and made between Alice Dronfield  
of the one part and John Edward Tanner and Fred Bottomley  
(the Trustees of the Greenfield Cricket Club) of the  
other part so far as the same relate to and remain to be  
performed and observed in respect of the property described  
in the said Agreement.

Seal of the High Court  
12th May 1939 G.D.G.  
D.R.

1936. Letter L. NO. 3605.

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

MANCHESTER DISTRICT REGISTRY

MR. JUSTICE BENNETT

Passed and Entered 12th May 1939

30th March 1939

RE HELENA LAWTON deceased

GARTSIDE & anor.

- v -

HIS MAJESTY'S ATTORNEY

GENERAL & others.

Duplicate

O R D E R.

Armstrong Taylor & Whittaker,

Solicitors, for the Plaintiffs,

O L D H A M.

D1975

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