Durham City Freemen Newsletter

Special Announcement

Issue 16 October 2026

IMPORTANT ANNOUNCEMENT FROM THE TRUSTEES AND THE WARDENS OF THE DURHAM CITY FREEMEN REGARDING THE FUTURE OPERATION OF THE DURHAM CITY FREEMEN

The Trustees and the Wardens of the Durham City Freemen are writing to you as a member of one of the Guilds of the Durham City Freemen to let you know about some ongoing discussions regarding how the Durham City Freemen may operate in the most appropriate and robust way in future.

The Durham City Freemen is currently an unincorporated association of individuals whose assets are managed within a trust by a board of Trustees for the benefit of the Durham City Freemen. That arrangement has been in place since it was established under the Inclosure Act of 1801, which constituted the governing document for the Trustees and set out how the assets in the trust were to be managed.

However, the Inclosure Act of 1801 was repealed by the Durham City Council Act of 1985, which meant that there were no longer any express, documented provisions as to how the trust arrangement was to work. For example, there are no documented rules governing the appointment of Trustees, such as the way in which Trustees are appointed and the powers of the Trustees, once appointed.

Consequently, given the absence of any documented rules about how the trust should be governed, successive boards of Trustees and the Wardens have operated in accordance with custom and practice.

As the current situation is clearly not the optimum way in which a trust should be governed in today's world and due to the potential operational impact, for example on the banking arrangements with banks increasingly looking for their customers to prove their identities (which is difficult given the lack of constitutional documentation for the trust), the Trustees have taken legal advice on how best to formalise the arrangements and make them fit for current and future purposes.

The Trustees have approached the Wardens for their views on that proposal, which is essentially to replace the current, undocumented trust arrangement with a newly incorporated trust company, which will act as the Trustee of the Durham City Freemen. The current proposal is for there to initially be eight Directors of the new Trustee company. Four of those Directors are to be current Trustees and four are to be Freemen. The four Freemen Directors are to include the Chair of the Wardens and three elected by the Wardens and Deputy Wardens from the Wardens and Deputy Wardens who are in place at the

appropriate time. The actual Directors to be appointed in accordance with those criteria will, therefore, be decided in due course.

Making this change will bring a number of benefits in comparison to the current arrangements, including:

The existence of a properly constituted, legal company to hold the assets of the Durham City Freemen and enter into contracts on its own behalf, which will make it easier to deal with third parties, including, importantly, the banks. In addition, many organisations, funders and the local authority prefer to deal with incorporated companies;

The position will be clarified and modernised, as the out-dated, undocumented arrangements will be replaced leading to improved governance and stronger risk management;

Although the Directors and Members of the Trustee company may change over time, the Trustee company itself will remain in place so providing continuity into the future; and

The Trustee company will be a company limited by guarantee and the liability of each member of the Trustee company will be limited to £1, whereas, under the current arrangements, there is potentially unlimited, personal liability for those involved with running the trust. The Directors will also be the Members of the company.

It is important to note that the creation of a company limited by guarantee to become the Trustee of the Durham City Freemen does not mean that the historic customs, rights, ceremonies or traditions of the Durham City Freemen will be abandoned. In fact, the new arrangements will preserve the title and status of the Durham City Freemen, retain the traditional membership criteria, continue with the traditional ceremonial practices and retain the historic objectives of the Durham City Freemen. The creation of that company is simply intended to provide a modern legal framework for administering those traditions.

We hope this note has explained the current position with the proposal and we will write again with an update, once the proposal has developed further.

Best Wishes.

The Trustees and the Wardens of the Durham City Freemen

31 October 2026

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