

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

**23rd June 2004**

the following

**SCHEME**

will govern the charity

known as

**BURTON LAZARS VILLAGE HALL (521398)**

at

Leicestershire

**Commissioners' References:**

**Sealing: N166(S)**

**04**

**Case No: 347442**

**Case No: 347442 Version: 1.0**

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## **1. Definitions**

In this scheme:

"the area of benefit" means the Parish of Burton and Dalby and the immediate surrounding area.

"the charity" means the charity identified at the beginning of this scheme.

"the administrative trustees" means the administrative trustees of the charity acting under this scheme and "administrative trustee" means one of the administrative trustees.

"the existing administrative trustees" means the persons listed in part 1 of the schedule to this scheme.

## **ADMINISTRATION**

### **2. Administration**

The charity is to be administered by the administrative trustees acting in accordance with this scheme. This scheme replaces the former trusts of the charity.

The charity will be administered by the existing administrative trustees until the end of the first annual general meeting held under this scheme. They must administer the charity in accordance with the provisions of this scheme.

### **3. Name of the charity**

The name of the charity is Burton Lazars Village Hall.

## **OBJECT**

### **4. Object of the charity**

(1) The object of the charity is the provision and maintenance of a village hall for use by the inhabitants of the area of benefit without distinction of political, religious or other opinions, including use for:

(a) meetings, lectures and classes, and

(b) other forms of recreation and leisure-time occupation,

with the object of improving the conditions of life for the inhabitants.

(2) The land identified in part 2 of the schedule to this scheme must be retained by the committee for use for the object of the charity.

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## **POWERS OF THE ADMINISTRATIVE TRUSTEES**

### **5. Powers of the administrative trustees**

In addition to any other powers which they have, the administrative trustees may exercise the following powers in furtherance of the object of the charity:

- (1) Power to acquire or hire property and to maintain and equip it for use. (The property must be needed to further the objects of the charity.)
- (2) Power to appoint staff (who must not be administrative trustees) and pay them reasonable remuneration, including pension provision for them and their dependants.
- (3) Power to insure against public liability and, if appropriate, employers' liability; and to insure the buildings of the charity to their full value against fire and all other usual risks (except to the extent that the buildings are insured against any of these risks by a tenant).
- (4) Power to raise funds. (The administrative trustees must not undertake any permanent trading activity.)
- (5) Power to make rules and regulations consistent with this scheme for the management of the charity.

## **TRUSTEES**

### **6. Administrative Trustees**

- (1) Subject as provided in clause 9, there should be:  
  
10 elected members; and  
  
one appointed member for each of the organisations listed in part 3 of the schedule to this scheme, for as long as they continue to be regular users of the Hall.
- (2) The term of office of all administrative trustees will end at the end of the annual general meeting following the date on which they came into office. They may be re-elected or re-appointed.

### **7. Elected administrative trustees**

- (1) The elected administrative trustees must be appointed at the annual general meeting.
- (2) The appointment will be effective from the end of the annual general meeting at which the appointment is made.

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## **8. Appointed administrative trustees**

- (1) Any appointment must be made according to the ordinary practice of the appointing body.
- (2) An appointment must not be made more than 2 months before the annual general meeting.
- (3) The appointment will be effective from the later of:
  - (a) the end of the annual general meeting; and
  - (b) the date on which the committee or their secretary or clerk are informed of the appointment.
- (4) The person appointed need not be a member of the relevant appointing body.

## **9. Co-opted administrative trustees**

The administrative trustees may appoint not more than 2 co-opted administrative trustees. The appointment must be made at a special meeting of the administrative trustees. The appointment will be effective from the end of that meeting until the end of the following annual general meeting.

## **10. New administrative trustees**

The administrative trustees must give each new administrative trustee on their first appointment:

- (1) a copy of this scheme and any amendments made to it;
- (2) a copy of the charity's latest report and statement of accounts.

## **11. Register of administrative trustees**

- (1) The administrative trustees must keep a register of the name and address of every administrative trustee and the dates on which their terms of office begin and end.
- (2) Before acting as an administrative trustee, every administrative trustee must (whether on their first appointment or on any later re-appointment) sign in the register a declaration of acceptance and willingness to act in the trusts of this scheme.
- (3) The administrative trustees must promptly report any vacancy in the office of appointed administrative trustee to the body entitled to fill it.

## **12. Administrative trustees not to have a personal interest**

Except with the prior written approval of the Commissioners no administrative trustee may:

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- (1) receive any benefit in money or in kind from the charity; or
- (2) have a financial interest in the supply of goods or services to the charity; or
- (3) acquire or hold any interest in property of the charity ( except in order to hold it as a trustee of the charity).

### **13. Termination of trusteeship**

An administrative trustee will cease to be an administrative trustee if he or she:

- (1) is disqualified from acting as a trustee by section 72 of the Charities Act 1993 ; or
- (2) is absent without the permission of the administrative trustee from all their meetings held within a period of 6 months and the administrative trustees resolve that his or her office be vacated; or
- (3) gives not less than one month's notice in writing of his or her intention to resign (but only if at least one third of the total number of administrative trustees will remain in office when the notice of resignation is to take effect).

### **14. Holding trustees**

- (1) There will be not less than two and not more than four holding trustees, appointed in accordance with this clause.
- (2) The holding trustees must hold the property belonging to the charity
- (3) The appointment of a holding trustee must be made at a meeting of the administrative trustees.
- (4) The first holding trustees are the persons listed in part 4 of the schedule of this scheme.

### **15. Termination of holding trusteeship**

A holding trustee will cease to be a holding trustee if he or she:

- (1) is disqualified from acting as a trustee by section 72 of the Charities Act 1993; or
- (2) gives the administrative trustees not less than one month's notice in writing of his or her intention to resign (but only if at least two holding trustees will remain in office when the notice of resignation is to take effect).

### **16. Recording of appointments**

The administrative trustees must record in writing (which must take the form of a memorandum) the appointment or discharge of a holding trustee. The memorandum must be executed as a deed (under the provisions of section 83 of the Charities Act 1993).

**17. Security of documents**

The holding trustees must hold all securities and title documents relating to the property belonging to the charity

The administrative trustees must be allowed free access to view and copy these documents.

**18. Management of property**

- (1) The holding trustees must administer the property under the direction of the administrative trustees.
- (2) The holding trustees must concur with the administrative trustees in all lawful acts necessary for the management of the charity unless the act in question involves:
  - (a) a breach of trust; or
  - (b) personal liability upon them.
- (3) Unless the holding trustees concur with any act involving a breach of trust or personal liability upon them, they will not be liable for any act or default on the part of the administrative trustees, or any of them.

**OFFICERS**

**19. Chairman**

- (1) At their first meeting in each year after the annual general meeting the administrative trustees must elect one of their number to be chairman of their meetings.
- (2) The administrative trustees present at a meeting must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

**20. Secretary and treasurer**

The administrative trustees may appoint a secretary and treasurer. The offices may be held by:

- (1) Administrative trustees (who must not receive any reward for acting and who may be dismissed as secretary or treasurer at any time ); or
- (2) some other suitable persons (who may be employed upon such reasonable terms, including terms as to notice, as the administrative trustees think fit).

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## **MEETINGS OF ADMINISTRATIVE TRUSTEES**

### **21. Ordinary meetings**

- (1) The administrative trustees must hold at least 2 ordinary meetings in each year.
- (2) Ordinary meetings require at least 10 days' notice.
- (3) The chairman, or any two administrative trustees, may call an ordinary meeting at any time.

### **22. Special meetings**

- (1) The chairman, or any two administrative trustees, may call a special meeting at any time.
- (2) Special meetings require at least 7 days' notice, except that meetings to consider the appointment of a co-opted administrative trustee require at least 21 days' notice.
- (3) The notice calling a special meeting must include details of the business to be transacted at the meeting.
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

### **23. Quorum**

- (1) Subject to sub-clause (2) below, no business may be transacted at a meeting unless there are present at least one-third of the total number of administrative trustees.
- (2) If there are fewer than one third of the total number of administrative trustees in office, the administrative trustees may take such action as is required for the purpose of filling vacancies in its number, but it may not do any other business.

### **24. Voting**

- (1) Every matter must be decided by majority decision of the administrative trustees present and voting at a duly convened meeting of the administrative trustees.
- (2) The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

### **25. Recording of meetings**

The administrative trustees must keep a proper record of their meetings. The record must be retained by: -.

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- (1) the secretary; or
- (2) another suitable person appointed by the administrative trustees to do so who must allow the administrative trustees access to it.

**26. Administrative trustees to act jointly**

The administrative trustees must exercise their powers jointly, at properly convened meetings.

**ANNUAL GENERAL MEETING**

**27. Annual general meeting**

- (1) There must be an annual general meeting of the charity in May of each year, or as soon as possible thereafter.
- (2) All inhabitants of the area of benefit of 18 years and upward must be allowed to attend and vote at the meeting. The administrative trustees may allow inhabitants who are under 18 to attend (but not vote at) the meeting.
- (3) The first annual general meeting after the date of this scheme must be called by the existing administrative trustees within 12 months of that date. Every other meeting must be called by the administrative trustees.
- (4) Public notice of the meeting must be given in the area of benefit at least 14 days before the meeting.
- (5) The chairman of the existing administrative trustees will chair the first meeting. The chairman of the administrative trustees will chair subsequent meetings. The persons present must elect one of their number to chair the meeting if the chairman is not present.
- (6) At the meeting the administrative trustees must present the report and accounts for the last financial year. The existing administrative trustees will present the report and accounts to the first meeting.
- (7) Every matter must be decided by majority decision of those present and voting. The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

**CHARITY PROPERTY**

**28. Use of income and capital**

- (1) The administrative trustees must firstly apply:
  - (a) the charity's income; and
  - (b) if the administrative trustees think fit, expendable endowment

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in meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings).

- (2) After payment of these costs, the administrative trustees must apply the remaining income in furthering the object of the charity
- (3) The administrative trustees may also apply for the object of the charity:
  - (a) expendable endowment; and
  - (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

## **29. Sale of land**

- (1) Subject to the provisions of this clause, the committee may sell the land identified in part 2 of the schedule. (The administrative trustees must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)
- (2) The administrative trustees may only sell the land if:
  - (a) they decide that the land is no longer required for use as a village hall; and
  - (b) the decision to sell is confirmed by a resolution passed at a meeting of the inhabitants of the area of benefit of 18 years and upward. At least 14 days' notice of the meeting, setting out the terms of the resolution, must be given.
- (3) The administrative trustees must invest the proceeds of any such sale in trust for the charity.
- (4) The administrative trustees may apply the income and expendable endowment in furthering the object of the charity.

## **AMENDMENT OF SCHEME**

### **30. Power of amendment**

- (1) The administrative trustees (subject to the provisions of this clause) may from time to time amend the trusts if they are satisfied that it is expedient in the interests of the charity to do so.
- (2) The administrative trustees must not make any amendment which would have the effect directly or indirectly of:
  - (a) altering or extending the purposes of the charity;

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- (b) authorising the administrative trustees to do anything which is expressly prohibited by the trusts of the charity;
  - (c) causing the charity to cease to be a charity at law;
  - (d) altering or extending the power of amendment that is conferred by this clause
- (3) The administrative trustees must obtain the prior written approval of the Commissioners before making any amendment which would have the effect directly or indirectly of:
- (a) enabling them to spend permanent endowment or capitalise income of the charity;
  - (b) conferring a benefit of any kind on all or any of the current administrative trustees or their successors;
  - (c) varying the name of the charity .
- (4) An amendment may be made only by a resolution passed at a meeting of the administrative trustees of which not less than 21 days notice has been given. The notice must set out the terms of the proposed amendment.
- (5) The administrative trustees must:
- (a) prepare a written memorandum of each amendment that it makes, which must be signed at the meeting at which the amendment is made by the person chairing the meeting;
  - (b) send to the Commissioners a certified copy of the memorandum within three months of the date of the meeting; and
  - (c) retain the memorandum as part of the governing document.

## **GENERAL PROVISIONS**

### **31. Questions relating to the Scheme**

The Commissioners may decide any question put to them concerning:

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

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## **SCHEDULE**

### **PART 1**

Robert Bridges  
Peter Bishop  
David Bissell  
Richard Clay  
Gerald Digby  
Malcolm Halford  
Paddy Knapp  
Rev Sue Paterson  
Ian Pengelly  
Gill Riley  
Andrew Ward  
Alan Young  
Jacqueline Barnard  
Anne Sampson  
Peter Wright

### **PART 2**

The land is described in a conveyance dated the 18th September 1950 which was made between James Bums-Hartopp of the first part and Dorothy Bums-Hartopp and another of the second part.

### **PART 3**

Burton and Dalby Parish Council.  
Dog Club  
Flower Club  
Keep-fit Club  
Patchwork Club  
St. James Church  
Thai Kick-boxing Club  
Women's Institute

### **PART 4**

Anne Sampson  
Jacqueline Barnard  
Peter Wright

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