

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

**20 May 2002**

the following

**SCHEME**

will govern the charity

previously known as

Oake and District Village Hall (205829)

and now to be known as

**OAKE AND DISTRICT VILLAGE HALL AND RECREATION GROUND**

at

Oake and District, Somerset

This Scheme has been adjudged as not liable to stamp duty.

Commissioners' References:

Sealing: W97(S)02

Case No: 212766

## **1. Definitions**

In this scheme:

“the area of benefit” means the Parish of Oake and the surrounding districts of Cotford, Heathfield, Hillcommon and Hillfarrance

“the charity” means the charity identified at the beginning of this scheme.

“the committee” means the committee of management of the charity.

“the existing trustees” means the persons listed in part 2 of the schedule to this scheme.

“the members” means the members of the committee (who are the charity trustees of the charity) acting under this scheme.

## **ADMINISTRATION**

### **2. Administration**

- (1) The charity is to be administered by the committee in accordance with this scheme. This scheme replaces the scheme of 15 January 1992.
- (2) The charity will be administered by the existing 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 Oake and District Village Hall and Recreation Ground.

## **OBJECTS**

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

- (1) The object of the charity is, in the interests of social welfare, to improve the conditions of life of the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of:
  - (a) a village hall for use by the inhabitants, including use for:
    - (i) meetings, lectures and classes, and
    - (ii) other forms of recreation and leisure-time occupation,with the object of improving the conditions of life for the inhabitants.
  - (b) A recreation ground for use by the inhabitants.

- (2) Subject to clause 24, the land the land numbered 1 and 2 in part 1 of the schedule to this scheme must be retained by the committee for use as a village hall.
- (3) Subject to clause 24, the land the land numbered 3 in part 1 of the schedule to this scheme must be retained by the committee for use as a village hall and recreation ground.

## **POWERS OF THE COMMITTEE**

### **5. Powers of the committee**

In addition to any other powers which they have, the committee may exercise the following powers in furtherance of the objects 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 members) 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 committee must not undertake any permanent trading activity.)
- (5) Power to co-operate with other charities, voluntary bodies and statutory authorities. The committee may exchange information and advice with them.
- (6) Power to make rules and regulations consistent with this scheme for the management of the charity.

## **CUSTODIAN TRUSTEE**

### **6. Custodian trustee**

Oake and District Parish Council will be the custodian trustee of the charity.

## **COMMITTEE**

### **7. Committee of management**

- (1) Subject as provided in clause 10, there should be:  
  
5 elected members; and  
  
one appointed member for each of the organisations listed in clause 9 of this scheme.

- (2) The members of the committee are the managing trustees of the charity.
- (3) The term of office of all members 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.

**8. Elected members**

- (1) The elected members 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.

**9. Appointed members**

- (1) Each of the following organisations must appoint 1 appointed member:
  - Oake and District Parish Council
  - Parochial Church Council of St Bartholomew, Oake
  - Oake Mini Day Centre
  - Oake Neighbourhood Watch Scheme
  - Oake and Bradford School Parents Association
  - Oake Youth Club
  - Oaktree Bowling Club
  - Wiveliscombe Rugby Club
- (2) Any appointment must be made according to the ordinary practice of the appointing body.
- (3) An appointment must not be made more than 2 months before the annual general meeting.
- (4) 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.
- (5) The person appointed need not be a member of the relevant appointing body.

**10. Co-opted members**

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

**11. New members**

The committee must give each new member 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.

**12. Register of members**

- (1) The committee must keep a register of the name and address of every member and the dates on which their terms of office begin and end.
- (2) Before acting as a member, every member 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 committee must promptly report any vacancy in the office of appointed member to the body entitled to fill it.

**13. Members not to have a personal interest**

Except with the prior written approval of the Commissioners no member may:

- (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).

**14. Termination of membership**

A member will cease to be a member 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 members from all their meetings held within a period of 12 months and the members 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 members will remain in office when the notice of resignation is to take effect).

## **OFFICERS**

### **15. Chairman**

- (1) At their first meeting in each year after the annual general meeting the members must elect one of their number to be chairman of their meetings.
- (2) The members 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.

### **16. Secretary and treasurer**

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

- (1) members (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 committee think fit).

## **MEETINGS OF COMMITTEE**

### **17. Ordinary meetings**

- (1) The committee 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 members, may call an ordinary meeting at any time.

### **18. Special meetings**

- (1) The chairman, or any two members, 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 member 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.

### **19. 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 members.
- (2) If there are fewer than one third of the total number of members in office, the committee may take such action as is required for the purpose of filling vacancies in its number, but it may not do any other business.

**20. Voting**

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

**21. Recording of meetings**

The committee must keep a proper record of its meetings. The record must be retained by:

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

**22. Members to act jointly**

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

### **ANNUAL GENERAL MEETING**

**23. Annual general meeting**

- (1) There must be an annual general meeting of the charity in April 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 committee 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 trustees within 12 months of that date. Every other meeting must be called by the committee.
- (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 trustees will chair the first meeting. The chairman of the committee will chair subsequent meetings. The vice-chairman will chair the meeting if the chairman is not present. The persons present must elect one of their number to chair the meeting if neither the chairman and vice-chairman are present.
- (6) At the meeting the committee must present the report and accounts for the last financial year. The existing 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**

### **24. Transfer of property**

The title to the land described in part 1 of the schedule to this scheme is transferred by this scheme to the custodian trustee in trust for the charity.

### **25. Use of income and capital**

- (1) The committee must firstly apply:
- (a) the charity's income; and
  - (b) if the committee think fit, expendable endowment; and
  - (c) when the expenditure can properly be charged to it, its permanent endowment
- 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 committee must apply the remaining income in furthering the object of the charity.
- (3) The committee may also apply for the object(s) 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.

### **26. Sale of land**

- (1) Subject to the provisions of this clause, the committee may sell the land identified in part 1 of the schedule. (The committee 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 committee may only sell the land if:
- (a) the committee decide that the land is no longer required for use as a village hall or a recreation ground; 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 committee must invest the proceeds of any such sale in trust for the charity.
- (4) The committee may apply the income and expendable endowment in furthering the object of the charity and for general charitable purposes for the benefit of the inhabitants of the area of benefit.

#### **AMENDMENT OF SCHEME**

#### **27. Amendment of scheme**

- (1) Subject to the provisions of this clause, the provisions of this scheme may be amended.
- (2) The committee may resolve to add the names of other organisations operating in the area of benefit to the list in clause 9 of this scheme. The resolution must be passed at an ordinary meeting of the committee by not less than two thirds of the members of the committee.
- (3) Any other amendment must be made by a resolution passed at the annual general meeting. The notice of the meeting must include notice of the resolution, setting out the terms of the amendment proposed.
- (4) The committee must not make any amendment which would:
  - (a) vary this clause;
  - (b) vary the definitions clause and clauses 4 (objects clause) and 26 (sale of land);
- (5) The prior written approval of the Commissioners must be obtained to any amendment which would:
  - (a) vary the composition of the committee or the terms on which the members hold office (other than amendments made under sub-clause (2) of this clause);
  - (b) vary clause 13 of this scheme (Members not to have a personal interest);
  - (c) change the name of the charity;
- (6) The committee must:
  - (a) promptly send the Commissioners a copy of any amendment made under sub-clause 3 of this clause; and
  - (b) keep a copy of any such amendment with this scheme.

## GENERAL PROVISIONS

### 28. 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.

## SCHEDULE

### PART 1

The following land in the Parish of Oake, Somerset:

- 1) Land and buildings known as Oake and District Village Hall containing 31.5 square metres or thereabouts. The land is described in a conveyance and trust deed of 26 September 1927 which was made between Joseph Kidner of the first part, Frederick Sharland of the second part and the Reverend James Reginald Broughton and three others of the third part.
- 2) Land registered at HM Land Registry under title number ST192870.
- 3) Land registered at HM Land Registry under title number ST187864.

### PART 2

Existing trustees:

| Name             | Name            |
|------------------|-----------------|
| Edward Horton    | John Northam    |
| Stephen Williams | Janet Nicholls  |
| Michael Crysell  | Rodney Westcott |
| Clifford Bishop  | George Nicholls |
| Connie Gregory   | Creina Stanton  |
| Janet Sharland   | Susan Thornton  |
| Harold Sharland  |                 |