

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

this

SCHEME

will govern the charity

known as

WITHERIDGE PLAYING FIELDS (1116536)

at

Witheridge, Devon

Commission References:

Sealing:

Case No: C-243042-EYGN

1. Definitions

In this scheme:

“the area of benefit” means the Parish of Witheridge.

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

“the Commission” means the Charity Commission for England and Wales.

“the committee” means the committee of management who are the managing trustees of the charity.

“the existing trustees” means the persons listed in part 1 of the schedule to this scheme.

“the former trusts” means the conveyance dated 19 April 1982.

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

“the trusts” means the provisions which at any given time regulate the purposes and administration of the charity.

ADMINISTRATION

2. Administration

(1) The charity is to be administered by the committee in accordance with this scheme. This scheme replaces the former trusts of the charity.

(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 the Witheridge Playing Fields.

OBJECT

4. Object of the charity

The object of the charity is, in the interests of social welfare, to improve the conditions of life for the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of a playing field and recreation ground.

HOLDING TRUSTEE

5. Holding Trustee

The Official Custodian for Charities will be the holding trustee of the charity.

POWERS OF THE COMMITTEE

6. 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 make rules and regulations consistent with this scheme for the management of the charity.
- (2) Power to make rules, regulations and bye-laws for the use of the playing field and recreation ground (including the extent to which fees may or may not be payable for use of the facilities provided).
- (3) Power to delegate the performance of any act, including the exercise of any power or discretion, to a sub-committee consisting of any two or more of the committee. The committee must exercise reasonable supervision over the sub-committee and the sub-committee must promptly report their acts and proceedings to the committee. The sub-committee must not incur expenditure on behalf of the charity except in accordance with a budget previously agreed by the committee.

COMMITTEE

7. Committee of management

- (1) Subject as provided in clause 11, there should be:
 - 1 ex officio member;
 - 3 elected members;
 - 2 appointed members for each of the organisations listed in part 2 of the schedule to this scheme; and
 - 1 appointed member of Witheridge Parish Council.
- (2) 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) Any appointment must be made according to the ordinary practice of the appointment body.

- (2) An appointment must not be made more than two 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.
- (5) If at any time Witheridge Parish Council is unwilling to appoint a nominated trustee, the trustees may appoint an additional trustee.

10. Ex officio member

- (1) The ex officio member will be the headmaster for the time being of Witheridge Church of England Primary School ('the office holder').
- (2) If unwilling to act as ex officio member, the office holder may:
 - (a) before accepting appointment as ex officio member, give notice in writing to the committee of his or her unwillingness to act in that capacity; or
 - (b) after accepting appointment as ex officio member, resign under the provisions contained in clause 15 below.

In either case, the office of ex officio member will then remain vacant until a new office holder takes up office.

11. Co-opted members

The committee may appoint not more than 3 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.

12. New members

The committee must give to 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.

13. 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.

14. Members not to have a personal interest

Except with the prior written approval of the Commission 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).

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

OFFICERS

16. Chairman

- (1) At their first ordinary meeting in each year 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.

17. 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

18. Ordinary meetings

- (1) The first meeting after the date of this scheme must be called by the chairman of the existing trustees or, if they do not do so within 3 months from that date, by any 2 members.
- (2) The committee must hold at least 2 ordinary meetings in each 12 month period.
- (3) Ordinary meetings require at least 10 days' notice.
- (4) The chairman, or any 2 members, may call an ordinary meeting at any time.

19. Special meetings

- (1) The chairman, or any 2 members, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider:
 - (a) the appointment of a member (including the co-option of a members); or
 - (b) the amendment of this scheme under clause 28,require at least 21 days' notice.
- (3) The notice calling a special meeting must include details of:
 - (a) the business to be transacted at the meeting; and
 - (b) any amendment to be made to this scheme (under clause 28).
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

20. Quorum

- (1) Except as provided in sub-clause (2) below, no business may be transacted at a meeting unless at least 5 members are present.
- (2) If there are fewer than 5 members in office, the members may appoint or co-opt new members under clause 11 to make up that number to 5; but they may not do any other business.

21. 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.

22. Recording of meetings

The committee must keep a proper record of their meetings.

23. Members to act jointly

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

24. 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 persons present must elect one of their number to chair the meeting if the chairman is not present. The persons present must elect one of their number to chair the meeting if the chairman is not 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

25. Transfer of property

The title to the land described in part 3 of the schedule to this scheme is transferred by this scheme to The Official Custodian for Charities, as holding trustee, in trust for the charity.

26. Use of income and capital

- (1) The committee must firstly apply:
 - (a) the charity's income; and

- (b) if the committee thinks 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 objects of the charity.
- (3) The committee may also apply for the objects 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.

27. Sale of land

- (1) Subject to the provisions of this clause, the committee may sell all or any part of the land numbered 1 in part 3 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 for the object of the charity.
 - (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 let the land and buildings numbered 2 in part 3 of the schedule to Witheridge Sports Club for use as a pavilion. They may only do this if it is not required for use for the object of the charity. They must comply with the requirements of section 36 of the Charities Act 1993 as set out in sub clause (1) above.

POWER OF AMENDMENT

28. Power of amendment

- (1) The committee (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 committee must not make any amendment which would have the effect directly or indirectly of:
- (a) altering or extending the purposes of the charity;
 - (b) authorising the committee 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 committee must obtain the prior written approval of the Commission 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 members or their successors;
 - (c) restricting the existing right of any person (other than the committee) to appoint or remove a member, or trustee for the charity, or to intervene in the administration of the charity, without the consent of that person;
 - (d) varying the name of the charity.
- (4) An amendment may be made only by a resolution passed at a committee meeting of which not less than 21 days notice has been given. The notice must set out the terms of the proposed amendment.
- (5) The committee 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 Commission 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

29. Questions relating to the Scheme

The Commission may decide any question put to it 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

Full names of the existing trustees:

Charles Victor Loose
Steven Anthony Duncan
Stuart Roy Cole
Samantha Jane Spurway
Andrew Ayre
Andre Pike
Christopher Garfield Cole
Jonathan Charles Richard Pilkington
David Charles Taylor
Jeremy Owen Yabsley
Terrence Roy Cumes

PART 2

Names of the appointing bodies:

Witheridge Church of England Primary School Managers

Witheridge Association Football Club

Witheridge Incurrigibles Cricket Club

PART 3

The following land at Witheridge, Devon. The land is described in a conveyance of 19 April 1982 between Devon County Council of the one part and Witheridge Parish Council of the other part.

1. Land with the building thereon, being all of the land known as Witheridge Playing Fields.

- 2.** Land with the building thereon known as the Pavilion. The land is part of the land numbered 1 above.