

Sealed 30th July 1998

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County - Cornwall
Ancient Parish - St. Stephens by
Launceston
Charity - Allotments for
Recreation

CD(T)
1,040,352

Adjudged not chargeable
with stamp duty

Scheme including appointment of Trustees

CHARITY COMMISSION

In the matter of the Charity known as Allotments for Recreation, in the Ancient Parish of St. Stephens by Launceston, in the county of Cornwall, comprised in an Inclosure Award dated the 20th November 1849 made in pursuance of the Act of Parliament of the year 1848 11 and 12 Vict.c.xxvii; and
In the matter of the Commons Act 1899; and
In the matter of the Charities Act 1993.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY ORDER that the following Scheme be approved and established as the Scheme for the regulation of the above-mentioned Charity:

SCHEME

1. Administration of Charity. (1) The above-mentioned Charity and the property (hereof specified in part 1 of the schedule hereto and all other the property (if any) of the Charity shall be administered and managed subject to and in accordance with the provisions of this Scheme.

(2) The name of the Charily shall be St. Stephens by Launceston Recreation Grounds or such other name as the Committee of Management from time to time by resolution may decide with the prior approval of the Charity Commissioners.

TRUSTEES

2. Trustees and vesting. (1) St. Stephens by Launceston Parish Council shall be the Custodian Trustee of the Charity.

(2) The land specified in part 1 of the said schedule is hereby vested in the said council for all the estate and interest therein belonging to or held in trust for the Charity.

(3) Until the end of the First annual general meeting to be held as hereinafter provided the following persons (the first Trustees) shall be the Managing Trustees of the Charity as the Charity Trustees thereof acting in accordance with the provisions set out in part 2 of the said Schedule:

George Donald McVicar Sutherland, of Truscott Farm, Truscott, St. Stephens;

Robert William Frederick Joint, of Cartwithens Farm, Langore, St. Stephens;

Graham Gordon Smale, of Atway Farm, St. Stephens;

Wilfred Dennis Cole of Menheniot Crescent, Langore, St. Stephens; and

Bernard Stanley Davey, of Trehayes, Underhayes Lane, St. Stephens;

From and after the date of that meeting the members of the Committee of Management hereinafter constituted shall be the Managing Trustees of the Charity as the charity trustees thereof as aforesaid.

OBJECT

3. Object of Charity. (1) The object of the Charity shall be the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Ancient Parish of St. Stephens by Launceston (the area of benefit) without distinction of political, religious or other opinions, with the object of improving the conditions of life for the said inhabitants.

(2) Subject as hereinafter provided, the said land shall be held upon trust for use for the object of the Charity.

COMMITTEE OF MANAGEMENT

4. Constitution. Subject as hereinafter provided, the Committee of Management (the Committee) shall consist when complete of 5 persons (the Members) being

Two Elected Members and
Three Representative Members.

5. Elected Members. Subject as hereinafter provided for casual vacancies, the Elected Members shall be appointed at the annual general meeting to be held as hereinafter provided and shall hold office from the end of the annual general meeting at which they are appointed.

6. Representative Members. (1) One Representative Member shall be appointed by St. Stephens by Launceston Parish Council.

(2) One Representative Member shall be appointed by each of the following organisations:
The "Parish Day Event" Committee
The Village Hall Management Committee

(3) Each organisation shall notify the name of the person appointed by it to the secretary of the Committee.

(4) The appointment of a Representative Member may be made not more than one month before the annual general meeting and the term of office of a Representative Member so appointed shall commence at the end of that meeting.

(5) If an organisation entitled to appoint a Representative Member fails to do so within the said period of one month before the annual general meeting the appointment shall be made as soon as practicable after that meeting. The term of office of a Representative Member so appointed and of a Representative Member appointed to fill a casual vacancy shall commence on the day on which notification is received by the said secretary.

7. Co-opted Members. The Committee may appoint if they think fit not more than two Co-opted Members. Each appointment of a Co-opted Member shall be made at a meeting of the Committee to take effect from the date of that meeting.

8. Termination of membership. (1) Any member who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Committee a wish to resign shall thereupon cease to be a member.

(2) All the Members shall retire from office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed.

9. Additional Representative Members. The Committee shall have power by a resolution passed at a duly constituted meeting by the votes of not less than two thirds of the Members for the time being to allow the appointment of an additional Representative Member by any organisation in the area of benefit not already named in this Scheme.

10 Casual Vacancies- (1) Upon the occurrence of a casual vacancy the Committee shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Representative Member shall cause notice thereof to be given as soon as possible to the organisation entitled to fill the vacancy.

(2) A casual vacancy in the office of Elected Member may be filled at a meeting of the Committee to take effect from the date of that meeting.

11. Failure to appoint. The proceedings of the Committee shall not be invalidated by any vacancy among its Members or by any failure to appoint or any defect in the appointment or qualification of a Member.

12. Declaration by Members. No person shall be entitled to act as a Member whether on a first or on any subsequent entry into office until after signing in the minute book of the Committee a declaration of acceptance and of willingness to act in the trusts of this Scheme.

13. Members not to be personally interested. Except in special circumstances with the approval in writing of the Commissioners no Member shall take or hold any interest in any property belonging to the Charity otherwise than as a trustee for the purposes thereof, or receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

MEETINGS AND PROCEEDINGS OF THE COMMITTEE

14. Meetings of the Committee. The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by the chairman or by any two Members upon seven clear days' notice being given to all the other Members of the matters to be discussed.

15. Chairman. (1) At the first meeting in each year after the annual general meeting the Committee shall elect one of their number to be chairman of their meetings until the commencement of the first meeting after the annual general meeting in the following year and may also elect one of their number to be vice-chairman. The chairman and vice chairman shall always be eligible for re election.

(2) If the chairman and vice-chairman (if any) are absent from any meeting of the committee the Members present shall choose one of their number to be chairman of the meeting before any other business is transacted.

16. Voting. Except as hereinbefore provided every matter shall be determined by the majority of votes of the Members present and voting on the question but in the case of equality of votes the chairman of the meeting shall have a second or casting vote.

17. Minutes. The Committee shall keep, in books maintained for the purpose, minutes of the proceedings of their meetings.

18. Accounts and annual report. The Committee shall comply with their obligations under Part VI of the Charities Act 1993 with regard to:

- (1) the keeping of accounting records for the Charity;
- (2) the preparation of annual accounts for the Charity;
- (3) the preparation of an annual report;
- (4) where applicable, the auditing or independent examination of the statements of account of the Charity; and
- (5) where applicable, the transmission of the statements of account and the annual report to the Commissioners.

19. Annual return. The Committee shall comply with their obligations under the Charities Act 1993 with regard to the preparation of an annual return and its transmission to the Commissioners.

20. Rules. Within the limits prescribed by this Scheme the Committee may from time to time make and alter rules for the conduct of their business and for the summoning and conduct of their meetings and in particular with reference to -

- (1) the terms and conditions upon which the said land may be used for the purposes specified in the Scheme by persons or bodies other than the Committee and the sum (if any) to be paid for such use;
- (2) the appointment of an auditor, treasurer and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office.
- (3) the engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and
- (4) the number of Members who shall form a quorum at meetings of the Committee, provided that the number of Members who shall form a quorum shall not be less than one-third of the total number of Members for the time being.

INSURANCE

21. Insurance. The Committee shall insure against public liability and, if appropriate, employers' liability.

APPLICATION OF INCOME

22. Receipts and expenditure. (1) The income of the Charity including all payments for the use of the said land and all donations for the benefit thereof shall be paid into a trust account at such bank as the Committee shall from time to time prescribe.

(2) The moneys standing to the credit of the said account shall be applied as the Committee shall decide in maintaining the property of the Charity (including the repair and insurance of any building thereon and any furniture and effects therein) and in paying all rent (if any), rates, taxes, salaries of paid officers and servants and other outgoings and in otherwise furthering the object of the Charity.

23. Surplus cash. Sums of cash at any time belonging to the Charity not needed for immediate working purposes shall be invested in trust for the Charity.

ANNUAL GENERAL MEETING

24. Annual general meeting. (1) There shall be an annual general meeting in connection with the Charity which shall be held in the month of May in each year or as soon as practicable thereafter.

(2) All inhabitants of the area of benefit of 18 years of age and upward shall be entitled to attend and vote at the annual general meeting.

(3) The first annual general meeting shall be convened by the Chairman of St. Stephens by Launceston Parish Council and every subsequent annual general meeting shall be convened by the Committee.

(4) Public notice of every annual general meeting shall be given in the area of benefit at least 14 days before the date thereof.

(5) Before any other business is transacted at the first annual general meeting after the date of this Scheme, the persons present thereat shall appoint a chairman of the meeting. The chairman of subsequent annual general meetings shall be the chairman for the time being of the Committee, but if he or she is not present, before any other business is transacted, the persons present shall appoint a chairman of the meeting.

(6) The Committee shall present to each annual general meeting the report and accounts of the Charity for the preceding year.

LETTING

25, Letting (1) Subject to the provisions of this clause, the Committee may let the land numbered 1 in part 1 of the said Schedule, if it is not required for use for the object of the Charity. *(Jenny's note: This is what is currently called the Hall field)*

(2) The letting must not unduly interfere with the use of the remaining land for the object of the Charity.

(3) 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.

26. Discharge of restrictions. Any land let as aforesaid shall be discharged during the period of the letting from any restrictions as to the use thereof imposed by or under the above-mentioned Act of the year 1848 and any other enactment relating to inclosure.

GENERAL PROVISIONS

27. Donations the Committee may accept any donations or property for the general purposes of the Charity and they may also accept donations or property for any special objects connected with the Charity not inconsistent with the provisions of this Scheme.

28. Power of amendment. (1) Subject to the provisions of this clause, the Committee may amend the provisions of this Scheme.

(2) Any amendment must be made under the authority of a resolution passed by not less than two thirds of the inhabitants of the area of benefit present and voting at a general meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the amendment proposed.

(3) The Committee must not make any amendment which would:

(a) vary this clause;

(b) vary the Charity's purposes (including the purposes for which any property of the Charity is required to be used in specie), clause 3 (Object of Charity), 13 (Members not to be personally interested); 22 (Receipts and expenditure), 23 (Surplus cash), 25 (letting) of this Scheme;

(c) confer a power to dissolve the Charity;

(d) enable them to spend permanent endowment of the Charity.

(4) The Committee must obtain the prior written approval of the Commissioners to any amendment which would vary the Committee's power of investment.

(5) The Committee must:

(a) promptly send to the Commissioners a copy of any amendment made under this clause; and

- (b) keep a copy of any such amendment with this Scheme.

29. Questions under the scheme. Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

SCHEDULE

PART 1

1. Land situate at Langore in the County of Cornwall being part of the land comprised in the above-mentioned Inclosure Award, and registered under the Commons Registration Act 1965 under Village Green number VG 666.

2. Land situate at Langore in the County of Cornwall being part of the land comprised in the above mentioned Inclosure Award, and registered under the Commons Registration Act 1965 under Village Green number VG 630.

PART 2

MEETINGS AND PROCEEDINGS FOR FIRST TRUSTEES

1. First meeting. The first meeting of the First Trustees shall be summoned by the Chairman of St. Stephens by Launceston Parish Council or if he/she fails for three calendar months after the date of this Scheme to summon a meeting by any two of the First Trustees.

2. Chairman. The First Trustees at their first ordinary meeting in each year shall elect one of their number to be Chairman of their meetings until the commencement of the first ordinary meeting in the following year. The Chairman shall always be eligible for re-election. If at any meeting the Chairman is not present within ten minutes after the time appointed for holding the same or there is no Chairman the First Trustees present shall choose one of their number to be Chairman of the meeting.

3. Special meetings. A special meeting may be summoned at any time by the Chairman or any two First Trustees upon not less than four days' notice being given to the other First Trustees of the matters to be discussed, but if the matters include an appointment of a Co opted First Trustee then upon not less than 21 days' notice being so given. A special meeting may be summoned to take place immediately after an ordinary meeting.

4. Quorum. There shall be a quorum when 3 First Trustees are present at a meeting.

5. Voting. Every matter shall be determined by the majority of votes of the First Trustees present and voting on the question. In case of equality of votes the Chairman of the meeting shall have a casting vote whether he or she has or has not voted previously on the same question but no First Trustee in any other circumstances shall give more than one vote.

6. Clerk. The First Trustees may appoint as clerk one of their number without remuneration who shall be dismissible at their pleasure or some other fit person at such reasonable terms as to notice within the limits permitted by law and otherwise as they think fit,

Sealed by Order of the Commissioners this 30th day of July 1998.

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