

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

15 December 2008

this

SCHEME

will govern the charity

formerly known as

NEATISHEAD VICTORY HALL (225178)

and now to be known as

THE NEATISHEAD, IRSTEAD AND BARTON VICTORY HALL (225178)

at

Neatishead, Norfolk

1. Definitions

In this scheme:

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

“the area of benefit” means the villages of Neatishead, Irstead and Barton Turf.

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

“the existing trustees” means the persons listed in part 1 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.

“the village hall” means the building provided by the charity in accordance with its objects.

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

ADMINISTRATION

2. Administration

(1) Subject to sub-clause (2) of this clause, the charity must be administered by the committee in accordance with this scheme. This scheme replaces the former trusts of the charity.

(2) The charity must 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 Neatishead, Irstead and Barton Victory 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) Subject to clause 24 below, the land identified in part 3 of the schedule to this scheme must be retained by the committee for use for the object of the charity.
- (3) If the property of the charity is no longer required for the provision of a village hall for the area of benefit, the object of the charity will be the promotion of general charitable purposes for the benefit of the inhabitants of the area of benefit.

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 object of the charity:

- (1) Power to provide and maintain furniture and equipment for use in the village hall.
- (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.
- (7) Power to set up advisory sub-committees. (The persons serving on such sub-committees shall not be regarded as charity trustees of the charity).

COMMITTEE

6. Committee of management

- (1) Subject as provided in clause 9, there shall be:

5 elected members; and

subject to sub-clause (2) of this clause, one appointed member for each of the organisations listed in part 2 of the schedule to this scheme.
- (2) The committee may resolve to add the names of other organisations operating in the area of benefit to the list in part 2 of the schedule to this scheme if it is the committee's view that these organisations are entitled to

appoint a member, subject to the total number of members not exceeding 15. 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) The members of the committee are the trustees of the charity.
- (4) 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.

7. 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.

8. Appointed members

- (1) Each of the organisations listed in part 2 of the schedule to this scheme must appoint 1 appointed member:
- (2) Any appointment must be made according to the ordinary practice of the appointing body.
- (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 its 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 members

The committee may appoint not more than 2 co-opted members, subject to the total number of members not exceeding 15. 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.

10. 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.

11. 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.

12. Members not to have a personal interest

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

- (a) receive any benefit in money or in kind from the charity; or
- (b) have a financial interest in the supply of goods or services to the charity; or
- (c) 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 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 6 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); or
- (4) has been appointed in accordance with clause 8 of this scheme by an organisation which in the view of the committee is no longer entitled to appoint a member and which has been removed from the list at part 2 of the schedule to this scheme in accordance with clause 25 of this scheme.

OFFICERS

14. 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.

15. 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

16. Ordinary meetings

- (1) The committee must hold at least 2 ordinary meetings in each year.
- (2) Ordinary meetings require at least 7 days' notice.
- (3) The chairman, or any two members, may call an ordinary meeting at any time.

17. Special meetings

- (1) The chairman, or any two members, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider the appointment of a co-opted member require at least 7 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.

18. 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 must take such action as is required for the purpose of filling vacancies in its number, but it may not do any other business.

19. 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.

20. 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.

21. Members to act jointly

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

ANNUAL GENERAL MEETING

22. Annual general meeting

- (1) There must be an annual general meeting of the charity within three months of the end of its financial 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) Nominations for election to the committee (which may only be made by inhabitants of the area of benefit of 18 years and upward) must be given in writing to the secretary at least 7 days before the annual general meeting. Unless those present decide otherwise, election must be by ballot if nominations exceed vacancies.
- (6) The chairman of the existing trustees shall chair the first meeting. The chairman of the committee shall chair subsequent meetings. The persons present must elect one of their number to chair the meeting if the chairman is not present.
- (7) At the meeting the committee must present the report and accounts for the last financial year. The existing trustees must present the report and accounts to the first meeting.
- (8) 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

23. 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

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 expendable endowment for the object of the charity.

24. Sale of land

- (1) Subject to the provisions of this clause, the committee may sell all or any part of the land identified 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 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 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.

POWER OF AMENDMENT

25. 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 members) 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) A decision to make an amendment must be approved at an annual general meeting of the charity at which:
- (a) at least 14 clear days' public notice has been given in the area of benefit, the notice stating the business to be considered; and
 - (b) such amendments are approved by a two-thirds majority of the inhabitants of the area of benefit present and voting at the meeting.
- (5) The committee must:
- (a) prepare a written memorandum of each amendment, 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

26. 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

Doreen Dean

Frederick Meredith Jones

Vincent John Kendrick

Ian McFadyen

Doreen Grace Neave

Minnie Florence Newcome

Patrick Thomas Russell Palgrave-Moore

Peter Raymond Simper

Irene Mary Thompson

David Hickin

Hugh McGill

PART 2

The Parish Council of Neatishead

The Parish Council of Barton Turf and Irstead

The Neatishead Branch of the Royal British Legion

The Neatishead and Barton Women's Institute

The Neatishead and Barton Gardening Club

The Neatishead Playgroup

The Neatishead and Barton Society

The Friends and Neighbours Group

Commission References:

10

Sealing: N1325(S)/08

Case No: 691449

Date: 15/12/08

PART 3

1. The Victory Hall, Neatishead, Norfolk, being the land registered at the Land Registry under title numbers NK272252, NK375381 and NK379011.

The land registered under title number NK272252 was vested in the Official Custodian for Charities by an order of 11 August 2003.

The land registered under title numbers NK375381 and NK379011 was vested in the Official Custodian for Charities by a scheme of 17 March 1961.

2. Land lying to the west of Street Hill, Neatishead, Norfolk, being the land registered at the Land Registry under title number NK240726.

This land was vested in the Official Custodian for Charities by an order of 11 August 2003.