

Sealed 31st March 1999

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County - Bath and North East
Somerset
Parish - Peasedown St. John
Charities - 1. Peasedown Institute and
Recreation Ground
2. Children's Playground

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Scheme

CHARITY COMMISSION

In the matter of the following Charities, in the Parish of Peasedown St. John, in the County of Bath and North East Somerset:-

1. The Charity known as the Peasedown Institute and Recreation Ground; and
2. The Charity known as the Children's Playground; 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:

S C H E M E

1. Administration of Charities. (1) The above-mentioned Charities and the property thereof specified in the schedule hereto and all other the property (if any) of the Charities shall be administered and managed subject to and in accordance with the provisions of this Scheme by the Peasedown St. John Parish Council, the Trustee thereof.

(2) The Charities may be referred to together as the Peasedown St. John Recreation and Children's Playground Charities or such other name as the Trustee from time to time by resolution may decide with the prior approval of the Charity Commissioners.

USE OF PROPERTY

2. Use of property. (1) The land belonging to the Charity numbered 1. above shall be used as a recreation ground for the use of the inhabitants of the Parish of Peasedown St. John (hereinafter called "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) The land belonging to the Charity numbered 2. above shall be used for the purposes of a children's playground for children living in the area of benefit.

INSURANCE

3. Insurance. The Trustee shall insure any buildings and effects from time to time belonging to the Charities to the full value thereof against fire and other usual risks arising out of the ownership of property.

APPLICATION OF INCOME

4. Receipts and expenditure. (1) The income of the Charities 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 Trustee 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 Charities (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 Charities.

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

MINUTES, ACCOUNTS AND ANNUAL REPORT

6. Minutes. The Trustee shall keep, in books maintained for the purpose, minutes of the proceedings of its meetings.

7. Accounts and annual report. The Trustee shall comply with its obligations under Part VI of the Charities Act 1993 with regard to:

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

8. Annual return. The Trustee shall, where applicable, comply with its obligations under the Charities Act 1993 with regard to the preparation of an annual return and its transmission to the Commissioners.

MANAGEMENT OF LAND

9. Letting. (1) Subject to the provisions of this clause, the Trustee may let any part of the land belonging to the Charities which is not required for use for the object of the Charities.

(2) Where:

- (a) the Trustee propose to let any part of the land belonging to the Charity numbered 1. above; and
- (b) the proposed letting is for a term of more than seven years;

then the Trustee must obtain the prior approval of the Coal Industry Social Welfare Organisation.

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

(4) The Trustee must comply with the restrictions on disposal imposed by Section 36 of the Charities Act 1993, unless the lease is excepted from the restrictions under Section 36(9)(b) or (c) or Section 36(10) of that Act.

SALE

10. Sale. (1) Subject to the provisions of this clause, the Trustees may sell the whole or any part of the said land and may do and execute all proper acts and assurances for carrying any such sale into effect subject nevertheless to complying with the restrictions on disposition imposed by Section 36 of the Charities Act 1993 unless the sale is excepted from such restrictions under Section 36(9)(b) or (c) or Section 36(10) of that Act.

(2) The Trustee must obtain the prior approval of the Coal Industry Social Welfare Organisation if they wish to sell the land belonging to the Charity numbered 1. above.

PEASEDOWN INSTITUTE AND RECREATION GROUND

11. Proceeds of sale. (1) Following the sale of any of the land identified in the schedule to this Scheme, the Trustee must divide the clear proceeds of sale into seven equal parts.

(2) One part shall be invested by the Trustee in trust for the charity numbered 2. above. The income arising shall be applied for the benefit of children and young persons in the area of benefit.

(3) Six parts shall be paid to the Coal Industry Social Welfare Organisation or its nominee for application for charitable purposes within the objects of that organisation.

GENERAL PROVISIONS

12. Donations. The Trustee may accept any donations or property for the general purposes of the Charities and they may also accept donations or property for any special objects connected with the Charities not inconsistent with the provisions of this Scheme.

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

(2) Any amendment must be made under the authority of a resolution passed at a special meeting of the Trustee.

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

- (a) vary this clause;
- (b) vary clause 2 (Use of property); clause 9 (Letting); clause 10 (Sale); and clause 11 (Proceeds of sale);
- (c) confer a power to dissolve the Charities;
- (d) enable them to spend permanent endowment of the Charities.

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

(5) The Trustee 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.

14. Questions under 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

The following land situate in the Parish of Peasedown St. John in the County of Avon:

1. Land registered under the Land Registration Acts 1925 to 1986 under Title No. 3463.
2. Land registered under the Land Registration Acts 1925 to 1986 under Title No. 3810.

Sealed by Order of the Commissioners this 31st day of March 1999.



H Green
ASSISTANT COMMISSIONER