

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

**08 April 2004**

the following

**SCHEME**

will govern the charity

known as

**MOULTON VILLAGE HALL (202776)**

at

Moulton, Northamptonshire.

Commissioners' References:

Sealing: W37(S).04

Case No: 335499

**1. Definitions**

In this scheme:

“the area of benefit” means the Parish of Moulton and the neighbourhood.

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

“the trustee” means Moulton Parish Council.

“members” means the members of Moulton Parish Council and “member” means a member of that Council.

**ADMINISTRATION**

**2. Administration**

The charity is to be administered by the Trustee in accordance with this scheme. This scheme replaces the former trusts of the charity.

**3. Name of the charity**

The name of the charity is Moulton Village 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) The land identified in the schedule to this scheme must be retained by the committee for use for the object of the charity.

**POWERS OF THE TRUSTEE**

**5. Powers of the Trustee**

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

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

Except in accordance with the provisions of clause 7 or with the prior written approval of the Commissioners no member may:

- (1) receive any benefit in money or in kind (other than use of the village hall as an inhabitant of the area of benefit in accordance with the object of the charity) 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).

**7. Remuneration of Members of the Trustee Body**

- (1) The trustee may employ and remunerate any of its members in respect of cleaning and care-taking duties where it is satisfied that it is necessary to do so in the best interests of the charity.
- (2) Any member who is receiving or is to receive remuneration must withdraw from any meeting of the trustee whilst his or her own employment or remuneration is being discussed.
- (3) The number of members receiving remuneration in respect of employment by the charity at any time must be in the minority.

**8. Use of income and capital**

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



- (b) if the trustee 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.

- (2) After payment of these costs, the trustee must apply the remaining income in furthering the object of the charity.
- (3) The trustee 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.

#### **9. Sale of land**

- (1) Subject to the provisions of this clause, the trustee may sell the land identified in the schedule. (The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the disposal is exempted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.)
- (2) The trustee may only sell the land if:
  - (a) the trustee decides 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) Unless the Commissioners otherwise direct, the trustee must invest the proceeds of any such sale in trust for the charity.
- (4) The trustee must apply the income from the invested proceeds of sale in furthering the object of the charity. If, by reason of the sale, it is no longer possible to carry out that object, the trustee must apply the income of the charity in providing or assisting in the provision of recreational facilities for the inhabitants of the area of benefit in the interests of social welfare with the object of improving their conditions of life.

### **AMENDMENT OF SCHEME**

#### **10. Amendment of scheme**

- (1) Subject to the provisions of this clause, the provisions of this scheme may be amended.
- (2) The trustee must not make any amendment which would:
  - (a) vary this clause;
  - (b) vary the definitions clause and clauses 4 (objects clause) and 9 (sale of land);
  - (c) confer a power to dissolve the charity;
  - (d) enable permanent endowment of the charity to be spent.
- (3) The prior written approval of the Commissioners must be obtained to any amendment which would:
  - (a) vary the power for the remuneration of members in clause 7 of this scheme;
  - (b) vary clause 6 of this scheme (Members not to have a personal interest);
  - (c) change the name of the charity;
  - (d) vary the powers of investment exercisable by the committee.
- (4) The trustee 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

##### 11. 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

Leasehold property consisting of certain rooms known as the Moulton Village Hall which forms part of the building known as the Sports Hall, Moulton School, Pound Lane, Moulton, Northamptonshire, the Village Hall being subject to a lease of 15 April 1992 held for a term of 99 years from 1 April 1992 upon trusts created by the deed of 1 November 1926 as amended by the scheme of 21 August 1981.