

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

**15<sup>th</sup> July 2002**

the following

**SCHEME**

will govern the charity

previously known as

**BOYES LANE ALLOTMENTS CHARITY**

And now to be known as

**BOYES LANE RECREATION GROUND (504147)**

at

**Keyingham, Humberside**

Commissioners' References:

Sealing: N121 (S)

02

Case No: 269018



*R. M. J.*

ASSISTANT COMMISSIONER

**1. Definitions**

In this scheme:

"the charity" means the charity identified at the beginning of this scheme.

"the area of benefit" means the parish of Keyingham.

"the trustee" means the trustee of the charity acting under this scheme.

### **ADMINISTRATION**

**2. Administration**

The charity is to be administered 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 Boyes Lane Recreation Ground.

### **OBJECT**

**4. Object of the charity**

(1) 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 recreation ground.

(2) The land identified in the schedule to this scheme must be retained by the trustee 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 make rules and regulations consistent with this scheme for the management of the charity.

### **TRUSTEE**

**6. Trustee**

Keyingham Parish Council remains the trustee of the charity.

## ANNUAL GENERAL MEETING

### 7. 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.
- (3) The first annual general meeting after the date of this scheme must be called by the trustee within 12 months of that date.
- (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 Parish Council will chair the meeting. The persons present must elect one of their number to chair the meeting if the chairman is not present.
- (6) At the meeting the trustee must present the report and accounts for the last financial year.
- (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

### 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 endowmentin 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 object 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 excepted 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 recreation ground; 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 trustee must invest the proceeds of any such sale in trust for the charity.
- (4) The trustee may apply the income and expendable endowment in furthering the object of the charity and for general charitable purposes for the benefit of the inhabitants of the area of benefit.

**AMENDMENT OF SCHEME**

**10. Amendment of scheme**

- (1) Subject to the provisions of this clause, the trustee may amend the provisions of this scheme.
- (2) Any amendment must be made by a resolution of the trustee.
- (3) The trustee must not make any amendment which would:
  - (a) vary this clause;
  - (b) vary the definitions clause and clause 4 of this scheme (the objects clause).
  - (c) confer a power to dissolve the charity;
  - (d) enable it to spend permanent endowment of the charity.
- (4) The trustee must obtain the prior written approval of the Commissioners before making any amendment which would
  - (a) vary the name of the charity;
  - (b) affect the composition of the trustees or the terms on which they hold office.

- (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.

#### **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**

Land situate at Keyingham in the county of East Yorkshire containing 1.62 hectares or thereabouts having a frontage on the east to Boyes lane.

Note. The land was vested in Keyingham Parish Council in trust for the charity by a scheme dated 16<sup>th</sup> October 1974.