

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

**10 May 2005**

the following

**SCHEME**

will govern the charity

known as

**ARTHUR ANSON TRUST (264435)**

at

**Marcham, Oxfordshire**

**Commissioners' References:**

Sealing: W32(S)05

Case No: 439217

## **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 Marcham and its neighbourhood.

“the company” means the charitable company called The Arthur Anson Memorial Trust Limited (registered charity number 1107174).

“the trustee” means the managing trustee of the charity acting under this scheme.

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

“the existing trusts” means the trust deed of 7 August 1913 (as validated by the application of The Charitable Trusts (Validation) Act 1954 on 6 February 2002).

“the governing document” means the document or documents setting out the trusts.

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

## **ADMINISTRATION**

### **2. Administration**

- (1) The land identified in the schedule to this scheme and all other property of the charity which constitutes permanent endowment is to be administered and managed in accordance with this scheme.
- (2) All other property of the charity is to be transferred to the company to be administered and managed as part of the property of the company.
- (3) This scheme replaces the existing trusts of the charity.

### **3. Name of the charity**

The name of the charity is the Arthur Anson Trust.

## **OBJECTS**

### **4. Objects of the Charity**

The objects of the charity are:

- (1) The provision and maintenance of facilities, amenities and services for use by the inhabitants of the area of benefit for such purposes as shall be exclusively charitable including (but not limited to):
  - (a) the advancement of religion by the holding of religious meetings or services in connection with the Church of England;

- (b) the holding of meetings (other than political meetings), lectures, classes and other forms of recreation and leisure-time occupation with the object, in the interests of social welfare, of improving the conditions of life for the inhabitants.
- (2) The relief of persons resident in the area of benefit who are in need, hardship or distress. The trustee may relieve such persons by:
  - (a) making grants of money to them; or
  - (b) providing or paying for goods, services or facilities for them; or
  - (c) making grants of money to other persons or bodies who provide goods, services or facilities to those in need.

### **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.
- (2) Power to charge the property of the charity as security for any borrowing undertaken in connection with the maintenance and improvement of the land and buildings belonging to the charity. (The trustee must comply with the restrictions on the mortgaging imposed by section 38 of the Charities Act 1993.)
- (3) Power to acquire or hire property or appropriate buildings from time to time and to maintain and equip them for use.
- (4) Power to raise funds (but the trustee must not undertake any substantial permanent trading activity for fund raising purposes and shall conform to any relevant statutory regulations).
- (5) 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).
- (6) Power to appoint staff (who must not be members or directors of the trustee) and pay them reasonable remuneration, including pension provision for them and their dependants.
- (7) Power to make grants and loans of money and to give guarantees.
- (8) Power to co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them.

## **TRUSTEES**

### **6. Custodian trustee**

Diocesan Trustees (Oxford) Limited will be the custodian trustee of the charity.

### **7. Trustee**

The company is the trustee of the charity.

## **CHARITY PROPERTY**

### **8. Transfer of Property**

The title to the land described in the schedule to this scheme is transferred by this scheme to the custodian trustee in trust for the charity.

### **9. Disposal of land**

(1) Subject to the provisions of this clause, the trustee may sell, lease or otherwise dispose of all or any part of the land identified in the schedule to this scheme. It 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) or that Act.

(2) The trustee may dispose of the land numbered 1 and 3 in the schedule only:

- (a) if it decides that the land is no longer required for use for the object of the charity; and
- (b) either the disposal of the land will not affect the use of the remaining land for the object of the charity; or
- (c) in order to acquire a new site on which to carry out the object of the charity.

(3) Unless the Commissioners otherwise direct, the trustee must invest the proceeds of any such sale in trust for the charity.

### **10. 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 (including the repair and insurance of its buildings).

- (2) After payment of these costs, the trustee must apply the remaining income in furthering the objects 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.

#### **11. Power of amendment**

- (1) The trustee (subject to the provisions of this clause) may from time to time amend the trusts if it is satisfied that it is expedient in the interests of the charity to do so.
- (2) The trustee 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 trustee 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 trustee must obtain the prior written approval of the Commissioners before making any amendment which would have the effect directly or indirectly of:
  - (a) enabling it to spend permanent endowment or capitalise income of the charity;
  - (b) conferring a benefit of any kind on the trustee (or on members of its governing body) or on its successors;
  - (c) restricting the existing right of any person (other than the trustee) to appoint or remove the trustee, or to intervene in the administration of the charity, without the consent of that person;
  - (d) varying the name of the charity.
- (4) The trustee must:
  - (a) prepare a written memorandum of each amendment that it makes;
  - (b) send to the Commissioners 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**

### **12. 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**

The following land at Marcham, Oxfordshire, registered at HM Land Registry under title number ON 246145:

1. The Marcham Institute
2. 36 North Street (known as Caretakers Cottage)
3. The cricket field (known as The Anson Field)