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Sealed 10th January 1997

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County - Ceredigion
Parish - Llandysul
Charity - Llandysul Memorial Park
(Parc Coffa Llandysul)

CD(T)
518,607



Adjudged not chargeable
with stamp duty

Scheme including appointment of
Trustees

CHARITY COMMISSION

In the matter of the Charity known as Llandysul Memorial Park in the Parish of Llandysul in the County of Ceredigion, comprised in a Conveyance dated the 23rd January 1930; 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 as the Scheme for the regulation of the above-mentioned Charity:-

S C H E M E

1. Administration of Charity. (1) The above-mentioned Charity and the property thereof specified in the schedule hereto and all other the property (if any) of the Charity shall be administered and managed subject to and in accordance with the provisions of this Scheme.

(2) The name of the Charity shall be Llandysul Memorial Park (Parc Coffa Llandysul) or such other name as the Committee of Management from time to time by resolution may decide with the prior approval of the Charity Commissioners.

TRUSTEES

2. Trustees and vesting. (1) Ceredigion County Council shall be the Custodian Trustee of the Charity.

(2) The land with the buildings thereon specified in the said schedule is hereby vested in the said council for all the estate and interest therein belonging to or held in trust for the Charity.

(3) Until the end of the first annual general meeting to be held as hereinafter provided the existing Trustees of the Charity at the date of this Scheme shall be the Managing Trustees of the Charity as the charity trustees thereof, but from and after the date of that meeting the Committee of Management hereinafter constituted shall be the Managing Trustees of the Charity as the charity trustees thereof as aforesaid.

OBJECT

3. Object of Charity. (1) The object of the Charity shall be the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Township of Llandysul (as constituted in 1930) and its neighbourhood (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 said land shall be held upon trust for use for the object of the Charity.

COMMITTEE OF MANAGEMENT

4. Constitution. Subject as hereinafter provided, the Committee of Management (the Committee) shall consist when complete of 12 persons (the Members), being

2 Elected Members and
10 Representative Members.

5. Elected Members. Subject as hereinafter provided for casual vacancies, the Elected Members shall be appointed at the annual general meeting to be held as hereinafter provided and shall hold office from the end of the annual general meeting at which they are appointed.

6. Representative Members. (1) Three Representative Members shall be appointed by Llandysul Community Council.

(2) One Representative Member shall be appointed by each of the following organisations:

Ceredigion County Council
Women's Institute, Llandysul Branch
Merched y Wawr, Cangen Llandysul
Merched Glannau Teifi, Cangen Llandysul
Cymdeithas Chwaraeon Llandysul
Cylch Cinio, Llandysul
The Royal British Legion, Llandysul Branch

(3) Each organisation shall notify the name of each person appointed by it to the secretary of the Committee.

(4) The appointment of a Representative Member may be made not more than one month before the annual general meeting and the term of office of a Representative Member so appointed shall commence at the end of that meeting.

(5) If an organisation entitled to appoint a Representative Member fails to do so within the said period of one month before the annual general meeting the appointment shall be made as soon as practicable after that meeting. The term of office of a Representative Member so appointed and of a Representative Member appointed to fill a casual vacancy shall commence on the day on which notification is received by the said secretary.

7. Co-opted Members. The Committee may appoint if they think fit not more than two Co-opted Members. Each appointment of a Co-opted Member shall be made at a meeting of the Committee to take effect from the date of that meeting.

8. Termination of membership. (1) Any member who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Committee a wish to resign shall thereupon cease to be a member.

(2) All the Members shall retire from office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed.

9. Additional Representative Members. The Committee shall have power by a resolution passed at a duly constituted meeting by the votes of not less than two-thirds of the Members for the time being to allow the appointment of an additional Representative Member by any organisation in the area of benefit not already named in this Scheme.

10. Casual vacancies. (1) Upon the occurrence of a casual vacancy the Committee shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Representative Member shall cause notice thereof to be given as soon as possible to the organisation entitled to fill the vacancy.

(2) A casual vacancy in the office of Elected Member may be filled at a meeting of the Committee to take effect from the date of that meeting.

11. Failure to appoint. The proceedings of the Committee shall not be invalidated by any vacancy among its Members or by any failure to appoint or any defect in the appointment or qualification of a Member.

12. Declaration by Members. No person shall be entitled to act as a Member whether on a first or on any subsequent entry into office until after signing in the minute book of the Committee a declaration of acceptance and of willingness to act in the trusts of this Scheme.

13. Members not to be personally interested. Except in special circumstances with the approval in writing of the Commissioners no Member shall take or hold any interest in any property belonging to the Charity otherwise than as a trustee for the purposes thereof, or

receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

MEETINGS AND PROCEEDINGS OF THE COMMITTEE

14. Meetings of the Committee. The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by the chairman or by any two Members upon seven clear days' notice being given to all the other Members of the matters to be discussed.

15. Chairman. (1) At the first meeting in each year after the annual general meeting the Committee shall elect one of their number to be chairman of their meetings until the commencement of the first meeting after the annual general meeting in the following year and may also elect one of their number to be vice-chairman. The chairman and vice-chairman shall always be eligible for re-election.

(2) If the chairman and vice-chairman (if any) are absent from any meeting of the committee the Members present shall choose one of their number to be chairman of the meeting before any other business is transacted.

16. Voting. Except as hereinbefore provided every matter shall be determined by the majority of votes of the Members present and voting on the question but in the case of equality of votes the chairman of the meeting shall have a second or casting vote.

17. Minutes. The Trustees shall keep, in books maintained for the purpose, minutes of the proceedings of their meetings.

18. Accounts and annual report. The Trustees shall comply with their obligations under Part VI of the Charities Act 1993 with regard to:

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

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

20. Rules. Within the limits prescribed by this Scheme the Committee may from time to time make and alter rules for the conduct of their business and for the summoning and conduct of their meetings and in particular with reference to -

- (1) the terms and conditions upon which the said land may be used for the purposes specified in the Scheme by persons or bodies other than the Committee and the sum (if any) to be paid for such use;
- (2) the appointment of an auditor, treasurer and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office.
- (3) the engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and
- (4) the number of Members who shall form a quorum at meetings of the Committee, provided that the number of Members who shall form a quorum shall not be less than one-third of the total number of Members for the time being.

INSURANCE

21. Insurance. The Committee shall insure any buildings and effects from time to time belonging to the Charity to the full value thereof against fire and other usual risks arising out of the ownership of property and the employment of persons.

APPLICATION OF INCOME

22. Receipts and expenditure. (1) The income of the Charity 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 Committee 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 Charity (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 Charity.

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

ANNUAL GENERAL MEETING

24. Annual general meeting. (1) There shall be an annual general meeting in connection with the Charity which shall be held except as hereinafter provided for the first annual general meeting in the month of October in each year or as soon as practicable thereafter.

(2) All inhabitants of the area of benefit of 18 years of age and upward shall be entitled to attend and vote at the annual general meeting.

(3) The first annual general meeting shall be convened by the existing Trustees of the Charity as soon as practicable after the date of this Scheme and every subsequent annual general meeting shall be convened by the Committee.

(4) Public notice of every annual general meeting shall be given in the area of benefit at least 14 days before the date thereof.

(5) Before any other business is transacted at the first annual general meeting after the date of this Scheme, the persons present thereat shall appoint a chairman of the meeting. The chairman of subsequent annual general meetings shall be the chairman for the time being of the Committee, but if he or she is not present, before any other business is transacted, the persons present shall appoint a chairman of the meeting.

(6) The Committee shall present to each annual general meeting the report and accounts of the Charity for the preceding year.

LETTING AND SALE

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

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

(3) 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.

26. Sale. (1) Subject to the provisions of this clause, the Committee may sell any part of the said land and buildings, and may do and execute all proper acts and assurances for carrying any such sale into effect.

(2) The Committee may only sell the land if -

- (a) The Committee decides that, on grounds of expense or otherwise, it is necessary or advisable to discontinue the use of the land for the object of the Charity; 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 proposed, must be given.

(3) The Committee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.

27. Proceeds of sale. (1) Unless the Commissioners otherwise direct the clear proceeds of any such sale as aforesaid shall be invested in trust for the Charity.

(2) Thereafter, the Committee shall apply the clear income and subject to the approval of the Commissioners the property of the Charity in furthering the object of the Charity or for such other charitable purposes for the general benefit of the inhabitants of the area of benefit as the Committee think fit.

GENERAL PROVISIONS

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

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

(2) Any amendment must be made under the authority of a resolution passed at the annual general meeting. The notice of the meeting must include notice of the resolution, setting out the terms of the amendment proposed.

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

- (a) vary this clause;
- (b) vary clauses 3 (objects), 25 (power of letting), 26 (power of sale) and 27 (proceeds of sale);
- (c) confer a power to dissolve the Charity;
- (d) enable them to spend the permanent endowment of the Charity.

(4) The Committee must obtain the prior written approval of the Commissioners to any amendment which would:

- (a) vary the power for the remuneration of Members in clause 13 of this Scheme;
- (b) vary the Committee's power of investment.

(5) The Committee must:

- (i) promptly send to the Commissioners a copy of any amendment made under this clause; and

- (ii) keep a copy of any such amendment with this Scheme.

30. 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

Land situate in the parish of Llandysul in the County of Ceredigion being the land comprised in a conveyance made the 23rd January 1930 between Edward Crawford Lloyd Fitzwilliams of the one part and Thomas Davies and three others of the other part excluding the land sold under the authority of an Order of the Commissioners dated the 15th February 1983.

Sealed by Order of the Commissioners this 10th day of January 1997.



S. Torley.

ASSISTANT COMMISSIONER

L.S.