

SCHEDULE MADE BY THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE UNDER SECTION 18 OF THE CHARITIES ACT 1960.

The Foundation

1. In this Scheme the expression "the Foundation" means the Foundation called the Creeping St. Mary [~~deleted-Village~~] *Diamond Jubilee* Hall, in the Parish of Creeping St Mary, in the Administrative County of Suffolk [~~deleted-East~~], founded and now regulated by an Indenture dated 7th November 1924

Administration and Title. 2. The Foundation and its endowment (including the particulars specified in the Schedule hereto) shall be administered in conformity with the provisions of this Scheme under the title of CREEPING ST. MARY *DIAMOND JUBILEE* [~~deleted-VILLAGE~~] HALL by the Committee of Management hereinafter constituted as the charity trustees thereof:

Provided that until the end of the first Annual General Meeting to be held as hereinafter provided after the date at this Scheme the Foundation shall be administered by the existing Trustees thereof in accordance with the provisions of this Scheme.

Village Hall.

3. The object of the Foundation shall be "the provision and maintenance of a village hall for the use of *but not exclusively for* the inhabitants of the "*Civil Parish of*" Creeping St Mary [~~deleted-and neighbourhood~~] (hereinafter called "the area of benefit") without distinction as to political, religious or other opinions, including use for meetings, lectures and classes and for other forms of recreation and leisure-time occupation with the object of improving the conditions of life for the said inhabitants.

Committee of Management

4.1 The Committee of Management (hereinafter called 'the Committee') shall, when complete, and except as in this Scheme provided consist of *ten* [~~deleted-nine~~] Members, that is to say:-

*FOUR* Elected Members, to be appointed (except in the case of such Members appointed to fill casual vacancies) at the Annual General Meeting to be held as hereinafter provided:

*FIVE* [~~deleted- FOUR~~] Representative Members, one to be appointed by each of the following organisations –

[The Committee of the Mothers' Union, Creeping St. Mary Branch -~~deleted as no longer extant~~]

1. The Committee of the Women's Institute, Creeping St. Mary Branch
2. The Parochial Church Council of Creeping St. Mary
3. The Parish Council of Creeping St. Mary
4. *Creeping St Mary Voluntary Aided Primary School*
5. *Creeping St Mary Social Club*

and not more than **ONE** Co-optative Members, to be appointed by the Committee, if they think fit, at a duly constituted meeting

*4.1.2. The person appointed need not be a member of the relevant appointing organisation*

4.2 The constitution of the Committee as in this clause before provided may, on the application of the Committee, be altered from time to time by Order of the ~~[deleted~~-Secretary of State for Education and Science] *Charity Commission*.

4.3 The name of each Representative Member 'shall be notified to the Secretary of the Committee by the organisation by which he is appointed.

4.4 A person who has previously been a member of the Committee may be re-appointed

Additional Representative Members.

5. The Committee may, by a resolution passed at a duly constituted meeting by the vote; of not less than two-thirds of the members for the time being, allow any organisation operating in the area of benefit which is not empowered to appoint a Representative Member by or under clause 4 of this Scheme to appoint such a Member *provided that such increase in the bodies empowered to nominate shall not increase the total membership of the Committee greater than ten unless the Charity Commission has sanctioned/approved/authorised an increase in the total overall membership of the Committee*

Commencement of Membership.

~~[Deleted~~ 6. The period of office of a Member of the Committee shall commence-

- a) in the case of an Elected Member (other than such a Member Appointed to fill a casual vacancy), at the end of the Annual General Meeting at which he is appointed;
- b) in the case of a Representative Member appointed within one month before an annual general meeting, at the end of the annual general meeting next after his appointment; and in the case of any other Representative Member, on the day on which notification of his appointment is received by the Secretary of the Committee from the organisation appointing him; and
- c) in the case of a Co-optative Member, at the end of the meeting at which he is appointed.]

The above wording replaced by:

*6. Subject to Clauses 8.1 and 6.2, the period of office of members of the Committee starts:*

- 6.1.1 in the case of elected members, at the end of the Annual General Meeting at which they are elected*
- 6.1.2 in the case of appointed members appointed at the Annual General Meeting in any year, at the end of that meeting or, in the case of an appointed member appointed after such Annual General Meeting, or to fill a casual vacancy, on the day on which notification of his appointment is received by the secretary*

*6.1.3 in the case of co-opted members, from the date of their co-option.*

*6.2 The Committee must give each new member on their first appointment a copy of this Scheme and any amendments made to it, and a copy of the Charity's latest report and statement of accounts.*

#### Determination of Membership.

*[deleted 7 (1) Any member of the Committee who is adjudicated a bankrupt, or who makes a composition or arrangement with his 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 Members of the Committee shall cease to hold office at the end of the Annual General Meeting next after the date on which they came into office.-the above wording deleted and replaced by the following]*

*7.1 A person shall cease to be a member of the Committee if he or she:*

*7.1.1 is disqualified from acting as a member of the management committee by virtue of Section 178 of Charities Act 2011*

*7.1.2 becomes incapable by reason of a mental disorder, illness or injury of managing and administering his own affairs or*

*7.1.3 is absent without the permission of the management committee from all their meetings held within a period of six months and the management committee resolve that his/her office be vacated; PROVIDED that where a member disqualified under this clause is an appointed member of an organisation the management committee must advise the appointing organisation of the disqualification and the organisation shall have the right within one month to appoint an alternative member to represent them on the management committee.*

*7.2 A person shall cease to be a member of the Committee if he or she notifies the Committee in writing of his or her wish to resign (but only if at least three members of the Committee will remain in office when the notice of resignation is to take effect).*

*7.3.1. At every Annual General Meeting of the Charity, one third of the elected members of the Committee members or, if their number is not a multiple of three, then the nearest round number to one third shall retire from office and may offer themselves for re-election. The members of the Committee so to retire shall be those who have been the longest in office since last being elected or appointed. As between members of the Committee of equal seniority, in the event that there are more of that seniority than are due to retire by rotation then, in the absence of agreement as to who shall stand down, the persons to retire shall be selected by lot.*

*7.3.2 The members of the Committee may not all resign or retire at the same time unless and until they have co-opted or procured the appointment of at least three new members in accordance with Clause 6*

#### Casual Vacancies.

8.1 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 such a vacancy in the office of Representative Member shall be notified as soon as possible to the proper appointing organisation.

8.2 A casual vacancy in the office of Elected Member may be filled by the Committee and the period of office of a Member appointed to fill such a vacancy shall commence at the end of the meeting at which he is appointed

#### Failure to Appoint

9. 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 any Member.

#### Declaration by Members.

10. No person shall be entitled to act as a Member of the Committee, whether on the first or 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.

#### Members not to be personally interested

11. ~~Except in special circumstances with the approval in writing of the Secretary of State for Education and Science, no Member of the Committee shall take or hold any interest in any property belonging to the Foundation, 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 Foundation.] Replacement wording as follows:-~~

*Except with the prior written approval of the Charity Commission, no member of the Committee may:*

*11.1 receive any benefit in money or in kind from the Charity or*

*11.2 have a financial interest in the supply of goods or services to the Charity or*

*11.3 acquire or hold any interest in property of the Charity (except in order to hold it as a trustee of the Charity).*

#### Meetings of Committee.

12.1 The Committee shall hold at least ~~two-deleted~~ *three* ordinary meetings in each year. ~~[Deleted- 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.]~~

*12.2 A meeting of the members of the Committee must be called by the Chair or if no meeting has been called within three months after the date of an Annual General Meeting by any two members of the Committee. Subsequent meetings may be arranged by the members of the Committee at their meetings or may be called at any time by the Chair or any two members of the Committee upon not less than fourteen days' notice having been given to all other members.*

*12.3 A special meeting may be called at any time by the chair or any two members upon not less than fourteen clear days' notice being given to all other members of the Committee of the matters to be discussed. In the event of exceptionally urgent business of the management of the Charity, the requirement of 14 day's notice can be waived by the Chair with the agreement of at least 2 other members of the Committee*

#### Chair.

13.1 The Committee at their first meeting in each year after the Annual General Meeting shall elect one of their number to be Chair 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-Chair. The Chair and the Vice-Chair, if any, shall always be eligible for re-election. *The Chair remains in office until the successor is elected.*

*13.2* If the Chair and the Vice-Chair, if any, are absent from any meeting, the Members present shall, before any other business is transacted, choose one of their number to preside at that meeting.

#### Voting.

14. Every matter shall (except as in this Scheme provided) be determined by the majority of the Members of the Committee present and voting on the question and in case of equality of votes the Chair of the meeting shall have a second or casting vote.

#### Annual General Meeting.

15.1 There shall be an Annual General Meeting in connexion with the Foundation which shall be held ~~[Deleted -in the month of April in each year or as soon as practicable thereafter.]~~ *Replacement wording as follows; within ninety (90) days of the end of the financial year which is 31<sup>st</sup> March in each calendar year or such other date as shall be agreed from time to time.*

15.2 All inhabitants of the area of benefit of eighteen years of age and upward shall be entitled to attend and vote at the Annual General Meeting.

15.3 The first Annual General Meeting after the date of this Scheme shall be convened by the existing Trustees and every subsequent Annual General Meeting shall be convened by the Committee.

15.4 Public notice of every Annual General Meeting shall be given in the area of benefit at least ~~[deleted-seven]~~ *fourteen* days before the date thereof.

15.5 The persons who are present at the first Annual General Meeting after the date of this Scheme, shall, before any other business is transacted, appoint a chair of the meeting. The Chair of subsequent Annual General Meetings shall be the chair for the time being of the committee, but, if he is not present, the persons present shall, before any other business is transacted, appoint a chair of the meeting.

*15.5A The Committee shall prepare financial accounts at least once in each financial year. The financial accounts are to be made available to inhabitants of the area of benefit over the age of eighteen years of age at least fourteen days prior to the Annual General Meeting.*

15.6 The Committee shall present to each Annual General Meeting the report and *financial* accounts of the Foundation for the preceding year.

#### Extraordinary General Meetings

*16.1 The Committee, in its absolute discretion, shall have the power to call extraordinary general meetings in connexion with the Foundation upon 14 days public notice of such a meeting being given within the area of benefit.*

*16.2 Those entitled to attend and vote at an extraordinary general meeting shall be as provided for in Clause 15.2*

#### Application of Income

17. After payment of any expenses of administration, the net income of the Foundation, whether arising from the use of the village hall by other bodies or persons or otherwise, shall be applied by the Committee in one or other or both of the following ways:

(a) In the maintenance, repair and Insurance of the village hall and the furniture and effects therein and the payment of rates, taxes, salaries of paid officers and servants and other outgoings in connection therewith.

(b) In otherwise furthering the object of the *Foundation: that is to do anything else within the law which promotes or helps to promote the Objects. In the exercise of these powers the Management Committee members must always be mindful that they are charity trustees within the definition of Section 177 of the Charities Act 2011 as the persons having the general management and control of the administration of a charity.*

#### Surplus cash

18.(1) Any sum of cash at any time belonging to the Foundation and not needed as a balance for working purposes shall be invested unless the [ ~~Deleted~~-Secretary of State for Education and Science] *Charity Commission* otherwise directs.

*18.(2) In particular, there shall be established a sinking fund that comprises a minimum of one years operating costs for the diamond jubilee hall together with any foreseeable potential future capital expenditure*

#### Power to make rules

19.1 Within the limits prescribed by this Scheme *and subject to the provisions of this clause, this Deed may be amended and* 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, the deposit of money at a proper bank, the custody of documents, and in particular with reference to:

(a) The terms and conditions upon which the Village Hall may be used for the purposes specified in this scheme by persons or bodies other than the committee and the sum (If any) to be paid for such use;

(b) The appointment of a secretary (to hold office at their pleasure) or one of themselves without salary or some other fit person at such salary, if any, as the Committee may from time to time determine.

(c) The appointment of an auditor, treasurer and such other unpaid officers as the Committee may consider necessary and the fixing of their respected term of office:

d) The engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and

(e) The number of Members, being not less than one-third of the total number of Members for the time being, who shall form a quorum at meetings of the Committee.

*19.2 With the exception of an amendment made by virtue of Clause 4.1 and Cause 5, any other amendment must be made by a resolution passed at either the Annual General Meeting or an Extraordinary General Meeting*

*19.3 The notice of the meeting must include notice of the resolution, setting out the terms of the amendment proposed.*

*19.4 No amendment must be made which would vary this clause.*

*19.5 The Committee should notify in writing the Charity Commission of any proposed amendment which would:*

*19.5.1 vary Clauses 3 (Objects), 10 (members not to be personally interested) and 19 (disposal of trust property, incorporation and dissolution).*

*19.5.2 vary the composition of the Committee or the terms on which members hold office (other than amendments made under Clause 7.8)*

*19.5.3 change the name of the Charity*

*19.5.4 vary the powers of investment exercisable by the Committee.*

*AND before making any change or holding an Annual or Extraordinary General Meeting to approve a change, and where such a meeting is required, allow the Charity Commission ninety (90) days to object to the proposed amendments.*

#### Minutes and Accounts

20. A minute book and books of Account shall be provided and kept by the Committee.

#### Custodian Trustee

21. The Parish Council of Creting St. Mary shall be the custodian trustee of the Foundation and the provisions of sub-section (2) of section 4. of the Public Trustee Act 1906 shall apply to the said

Council and to the Committee respectively in like manner as they apply to the Public Trustee and managing trustees.

Donations.

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

Questions under Scheme.

23. If any question arises 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, it shall be determined by the ~~Secretary of State for Education and Science~~ *Charity Commission*, upon such application made to ~~him~~ *it* for the purpose as ~~he~~ *it* thinks sufficient, and such determination shall be 'binding on the Committee and all persons claiming under the Foundation.

Interpretation.

24 The Interpretation Act 1889 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

Date of Scheme

25. The date of this Scheme shall be the day on which it is established by an Order of the Secretary of State for Education and Science.

SCHEDULE OF PROPERTY

Description	Extent	Tenant	Gross Yearly Income
All that piece or parcel of freehold land comprising a part of Clockhouse field numbered 299 on the Ordnance Survey map situated at Woolney Hall Farm in Creeting St Mary (formerly called Creeting St Olaves) together with the building/s erected thereon and known as Creeting St Mary Diamond Jubilee <del>Village</del> Hall, situated in All Saints Rd, Creeting St Mary.	Ninety feet or thereabouts in width and eighty-six feet or thereabouts in depth	In Hand	£. S. d.-

This Schedule is made up to 27<sup>th</sup> June 1969

The Secretary of State for Education and Science orders that the foregoing scheme be established.

Given under the Official Seal of the Secretary of State for Education and Science on 18<sup>th</sup> August 1969.



L.S.

AMENDMENTS TO THE SCHEME SHOWN ABOVE, Approved and Adopted by\_the Management Committee of Creeting St Mary Village Hall on the 7th day of January, 2019 and 15<sup>th</sup> day of May 2019 pursuant to Resolutions of the Committee of the same dates as recorded in the minutes of the Committee

AND Approved and Authorised by the Charity Commission by email dated 8<sup>th</sup> day of May 2019

Signed Chris Bingley

Chair

Signed Sue Haynes

Secretary

Both being members of the Management Committee