

DATED 17 JULY 2000

**THE BLYTHBURGH VILLAGE HALL  
CHARITY**

**TRUST DEED**

Michael Smith & Co  
Solicitors  
Clarence House  
21 St Margarets Green  
Ipswich  
IP4 2BN

**THIS TRUST DEED** is made the 17 day of July 2000

Blythburgh Village Hall Management Committee  
(hereinafter called "the trustees" which expression shall where the context so admits include the Trustee's successors in title

**Recitals:** Whereas the trustees hold the sum of THIRTY THOUSAND POUNDS which has been raised by voluntary contributions upon trust for the provision and maintenance of a village hall (the Charity)

**Witnesseth** as follows:

- (i) Blythburgh Parish Council (the Council) is the trustee of the Village Hall and will accordingly hold the said land assured in trust for the charity.
- (ii) The charity is not an exempt charity within the meaning of The Charities Act 1993
- (iii) The restrictions on disposition imposed by Section 36 of the Charities Act 1993 will apply to any land acquired by or on behalf of the charity (subject to sub section (9) of that section).

## **1. Objects**

The property so demised together with such other property as may be acquired by the trustees (hereinafter called "the trust property") shall be held upon trust for the purposes of a village hall for the use of the inhabitants of the Parish of in the county of (hereinafter called "the area of benefit) without distinction of 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.

## **2. Administration**

The Charity shall be administered in conformity with the provisions of this deed by the committee of management hereinafter constituted (hereinafter called "the committee") who shall be the charity trustees within the meaning of Section 97(1) of the Charities Act 1993 PROVIDED that until the end of the first general meeting to be held after the date of this deed the charity shall be administered in accordance with the provisions of the deed by the following persons:

N. Catling

Group Capt. K Hubbard

G. Lond-Caulk

### **3. Custodian Trustee**

The Parish Council of Blythburgh shall be the custodian trustee of the charity and the provisions of Section 2(4) of the Public Trustee Act 1906 shall apply to the said trustee and to the committee respectively in the manner as they apply to the public trustee and managing trustees.

### **4. Indemnity**

The charity trustees, the holding trustees or their successors in title, the custodian trustees or the Official Custodian for Charities shall be entitled to an indemnity out of the assets of the Charity against all liabilities properly incurred by them in the management of the affairs of the Charity.

### **5. Investments**

If a corporation entitled to act as a custodian trustee has not been appointed to hold the property of the charity, the executive committee may permit any investments held by or in trust for the charity to be held in the name of a clearing bank, trust corporation or any stockbroking company which is a member of the International Stock Exchange (or any subsidiary of any such stockbroking company) as nominee for the executive committee, and may pay such a nominee reasonable and proper remuneration for acting as such.

### **6. Powers of the Committee**

In furtherance of the objects but not otherwise the committee may exercise any of the following powers:

- i.* to raise funds and invite and receive contributions PROVIDED that in raising funds the committee shall not undertake any substantial permanent trading activity and shall conform to any relevant requirements of the law;
- ii.* to deposit or invest funds in any manner (but to invest only after obtaining advice from a financial expert);
- iii.* subject to any consents required by law, to sell, lease or otherwise dispose of all or any part of the trust property;
- iv.* subject to any consents required by law, to borrow money by mortgage or otherwise as may be required for maintaining extending or improving the trust property or any part thereof or erecting any building thereon or for any work carried on therein and to charge the whole or any part of the trust property with repayment of the money so borrowed.
- v.* to employ such staff (who shall not be members of the committee) as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependants;
- vi.* to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information and advice with them;

vii. to appoint and constitute such advisory committees as the committee may think fit: provided that all acts and proceedings of such committees shall be fully and promptly reported to the committee;

viii. to do all such other lawful acts as are necessary for the achievement of the objects.

7. **Committee of Management**

(1) Except as hereinafter in the paragraph provided, the committee shall consist of:

3 elected members, i.e. N. Catling, Mrs G. Lond-Caulk and Group Capt. K. Hubbard

5 appointed members

and may include not more than

2 co-opted members.

(2) The elected members (other than those appointed under sub-paragraph (8) of the section) shall be elected at the annual general meeting to be held as in this deed provided.

(3) One member shall be appointed by each of the following organisations:

Parish Trustee            N. Catling

W.I.                        Mrs G Lond-Caulk

Horticultural Society   Mrs J Allen

Blythburgh Society   Monday Meet   Mrs M. Montague

(4) Co-opted members shall be appointed at a duly constituted meeting of the committee.

(5) Subject to the provisions of sub-paragraphs (6) and (8) of this paragraph the period of office of members shall commence:

(a) In the case of elected members, at the end of the annual general meeting at which they were elected;

(b) In the case of appointed members appointed before the annual general meeting in any year, at the end of that meeting or, in the case of a 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) All members of the committee 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.



- (7) In the event of any application for representation on the committee being received from any existing or newly-formed organisation operating in the area of benefit the committee may, upon a resolution supported at a duly constituted meeting of the committee by the votes of a majority of not less than two-thirds of all the members of the committee, allow such organisation to appoint a representative member of the committee in the same manner as if such organisation had been named in sub-paragraph (3) of this paragraph. A minute of the relevant resolution, authenticated by the chairman and the secretary, should be (a) placed with the title deeds and (b) kept with the committee's working papers.
- (8) 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, if in the office of appointed member, it shall be notified as soon as possible to the proper appointing organisation who may on such notice appoint an alternative member to represent them.. A casual vacancy in the office of elected member may be filled by the committee and the period of office of an elected member elected to fill a casual vacancy shall commence at the end of the meeting of the committee at which he was so elected.
- (9) The members of the committee shall be entitled to an indemnity out of the assets of the charity for all expenses and other liabilities properly incurred by them in the management of the affairs of the charity.

#### **8. Failure to Appoint**

The proceedings of the committee shall not be invalidated by any failure to appoint or any defect in the appointment election or qualification of any members.

#### **9. Power of amendment**

The constitution of the committee as herein before provided may, on the application of the committee, be altered from time to time by order of the Charity Commissioners.

#### **10. Eligibility of membership of the Committee**

- (1) no person shall be appointed as a member of the committee:
  - (a) unless he or she has attained the age of 18 years or
  - (b) in circumstances such that, had he or she already been a member of the committee, he or she should have been disqualified from office under the provisions of the following clause.
- (2) no person shall be entitled to act as a member of the committee, 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 the charity.

## **11. DETERMINATION OF MEMBERSHIP**

A person shall cease to be a member of the committee if he or she:

- (a) is disqualified from acting as a member if the committee by virtue of Section 72 of the Charities Act 1993 or any statutory re-enactment or modification of that provision);
- (b) becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;
- (c) is absent without the permission of the committee from all their meetings held within a period of six months and the committee resolve that his or her office be vacated; PROVIDED that where a member disqualified under this clause is an appointed member of an organisation the committee shall 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 committee or
- (d) notifies the committee in writing of his or her wish to resign

## **12. Members not to be personally interested**

No member of the committee shall, without the express permission in writing of the Charity Commissioners, acquire any interest in property belonging to the charity (otherwise than as a trustee for the charity) or receive remuneration, or be interested (otherwise than as a trustee) in any contract entered into by the committee.

## **13. Meetings**

- (a) The committee shall hold at least two ordinary meetings in each year.
- (b) A special meeting may be called at any time by the chairman or any two members upon not less than seven clear days' notice being given to all the other members of the matters to be discussed.

## **14. Annual General Meeting**

- (1) There shall be an annual general meeting in connection with the charity which shall be held in the month of September in each year or as soon as practicable thereafter.
- (2) All inhabitants of the area of benefit of eighteen years of age and upwards shall be entitled to attend and vote at the annual general meeting.
- (3) The first annual general meeting after the date of this deed shall be convened by the persons named in paragraph 2 of the Schedule hereof and subsequent annual general meetings by the committee. Public notice of every annual general meeting shall be given in the area of benefit at least fourteen days before the date thereof by affixing a notice to some conspicuous part of the trust property or other conspicuous place in the area of benefit and by such other means as the convenors think fit.

- (4) The persons who are present at the first annual general meeting after the date of this deed shall, before any other business is transacted, appoint a chairman of the meeting. The chairman of subsequent annual general meetings shall be the chairman for the time being of the committee. In his absence the vice-chairman (*if any*) shall take the chair but, if neither is present, the persons present shall, before any other business is transacted, appoint a chairman of the meeting. In case of equality of votes the chairman of the meeting shall have a second or casting vote.
- (5) The committee shall present to each annual general meeting the report and accounts of the charity for the preceding year.
- (6) The secretary or other person appointed by the committee shall keep a full record of proceedings at every annual general meeting.

#### **15. Chairman and Vice—chairman**

The committee, at their first ordinary meeting in each year after the annual general meeting, shall elect one of their number to be chairman of their meetings and may also elect one to be vice-chairman. The chairman and vice-chairman shall remain in office until their respective successors are elected.

If the chairman is absent from any meeting, the vice-chairman (*if any*) shall preside; otherwise the members present shall, before any other business is transacted, choose one of their number to be chairman of the meeting.

#### **16. Voting**

Every matter shall (except as in this deed provided) be determined by a majority of votes of the members of the committee present and voting on the question. In case of an equality of votes the chairman of the meeting shall have a second or casting vote but no member in other circumstances shall have more than one vote.

#### **17. Minutes**

The committee shall provide and keep a minute book which shall be available for inspection upon reasonable request by any member of the committee.

#### **18. Accounts**

The committee shall comply with their obligations under Part VI the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to:

- (1) the keeping of accounting records for the charity;
- (2) the preparation of annual statements of account for the charity;
- (3) the auditing or independent examination of the statements of account of the charity;



(4) the transmission of the statements of account of the Charity to the Commissioners.

#### **19. Annual Report**

The committee shall comply with their obligations under Part VI the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report and its transmission to the Charity Commissioner.

#### **20. Annual Return**

The committee shall comply with their obligations under the section 48 of the Charities Act 1993 (or any statutory re-enactment of that Act) with regard to the preparation of an annual return and its transmission to the Commissioners.

#### **21. Receipts and Expenditure**

The funds of the Charity, including all donations contributions and bequests, shall be paid into an account operated by the committee in the name of the charity at such bank as the Committee shall from time to time decide. All cheques and orders for payment of money from such accounts shall be signed by at least two members of the committee.

#### **22. Application of Income**

After satisfying its obligations under paragraph 20 of the schedule hereof, the committee shall, as and when it thinks fit, apply the net yearly income for the purposes of the charity.

#### **23. Additional Donations and Acquisitions**

The committee may receive any additional donations or endowments for the general purpose of the charity and it may also accept donations or endowments for any special objects connected with the charity not inconsistent with the provisions of this deed. The committee may also acquire additional property including land and buildings for the general purposes of the charity.

#### **24. Disposal of Trust Property and Dissolution**

If the committee decides at any time that on the grounds of expense or otherwise it is necessary or advisable to discontinue the use of the trust property in whole or in part for the purposes stated in paragraph I it shall call a meeting of the inhabitants of the age of eighteen years and upwards of the area of benefit of which meeting not less than fourteen days' notice (stating the terms of the resolution that will be proposed thereat) shall be posted in a conspicuous place or places on the trust property and advertised in a newspaper circulating in the area of benefit. If such decision shall be confirmed by three-quarters of such inhabitants present and voting at such meeting the holding trustees (or the Trustee or Official Custodian for Charities) may at the request of the committee dispose of the trust property and of any other assets for such consideration and upon such terms as may be approved by the Committee in accordance with the provisions of Section 36 of Charities Act 1993. All moneys belonging to the charity including the proceeds if sale of any fixtures and fittings (after satisfaction of any liabilities properly payable thereout) shall be applied either in the purchase or lease of other



property approved by the committee and to be held upon the trusts for the purposes and subject to the provisions herein before set forth (including this power) or as near thereto as circumstances shall permit or towards such other charitable purposes or objects for the benefit of the inhabitants of the area of benefit as may be approved by the Charity Commissioners. Meanwhile such moneys shall be invested and any income arising therefrom shall either be accumulated (for such time as may be allowed by law) by investing the same and the resulting income thereof in like manner as an addition to and to be applied as the capital of such investments or shall be used in furthering the purposes specified in this deed.

In the event of the charity being dissolved a copy of the statement of accounts, or account and statement, for the final accounting period of the charity must be sent to the Commissioners.

## 25. Insurance

The committee shall cause all the buildings and other property of the charity at all times to be kept in repair and sufficiently insured against all insurable risks including fire, theft and public liability and shall whenever necessary procure (and act upon) a professional valuation for insurance purposes of the said buildings and property of the charity.

## 26. Rules

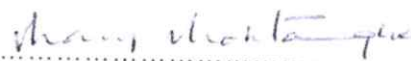
Within the limits prescribed by this deed the committee may from time to time make and alter rules for the management of the charity and in particular with reference to:

- (a) The terms and conditions upon which the trust property may be used by persons or bodies other than the committee for the purposes specified in this deed and the sum (if any) to be paid for such use;
- (b) The deposit of money at a proper bank and the safe custody of documents;
- (c) The appointment of an auditor or an independent examiner committee may consider necessary and the payment of such persons (not being members of the committee);
- (e) The summoning and conduct of meetings including the number of members who shall form a quorum thereat; provided that at meeting of the committee the quorum shall not be less than one-third of the total number of the members for the time being.


IN WITNESS whereof the said parties have executed this document as their deed the day and date first before written


SIGNED as a Deed by

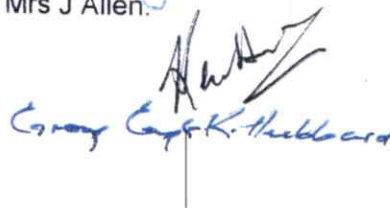
  
N Catling

  
Mrs M Montague

  
~~T Lond-Caulk~~  
M. Davis

  
Mrs J Allen.

  
G Lond-Caulk.

  
Gray Capt K. Hubbard