

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

**10<sup>th</sup> June 2005**

the following

**SCHEME**

will govern the charity

known as

**THE STRATFIELD MORTIMER FAIR GROUND CHARITY**

at

Stratfield Mortimer



*I. Clarke*

**ASSISTANT COMMISSIONER**

Commissioners' References:

Sealing: N128(s)  
05

Case No: 384275 02/06/05

Version: 1.0

**1. Definitions**

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the area of benefit” means the Civil Parish of Stratfield Mortimer.

“the trustees” means the trustees of the charity acting under this scheme and “trustee” means one of the trustees.

“The Fairground” means the land more particularly described in part 2 of the schedule hereto.

**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 The Stratfield Mortimer Fairground Charity.

**OBJECT**

**4. Object of the charity**

1. The object of the charity is the relief in need of the residents of the Civil Parish of Stratfield Mortimer by applying the net income of the charity after payment of expenses of management, by relieving need generally or individual persons resident in the area of benefit who are in conditions of need, hardship or distress by making grants of money or providing or paying for items, services or facilities calculated to reduce the need, hardship or distress of such persons.

2. The Trustees may pay for such items, services or facilities by way of donations or subscriptions to institutions or organisations which provide or which undertake to provide such items, services or facilities for such persons.

## POWERS OF THE TRUSTEES

### 5. Powers of the trustees

In addition to any other powers which they have, the trustees 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 provide reasonable facilities for charitable events to take place on the fairground and to appropriate not more than 11 acres of their property for the purposes of a public recreation ground for the benefit of the inhabitants of the Civil Parish of Stratfield Mortimer.

## TRUSTEES

### 6. Trustees

- (1) There should be:  
5 nominated trustees  
appointed in accordance with clause 7.
- (2) The first nominated trustees are the persons listed in the schedule to this scheme. Subject to clause 11 (termination of trusteeship) they will hold office for the periods shown in the schedule.

### 7. Nominated trustees

- (1) The nominated trustees must be appointed:  
Two by the Parish Council of Stratfield Mortimer;  
One by the Parish Meeting of Stratfield Mortimer;  
One by The Englefield Estate Trust Corporation Ltd Berkshire;  
One by Clarke's Educational Foundation Charity, Stratfield Mortimer.
- (2) Any appointment must be made at a meeting held according to the ordinary practice of the appointing body.
- (3) Each appointment must be made or renewed for:
  - (a) 4 years; or

- (b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.
- (4) The appointment will be effective from the later of:
  - (a) the date of the vacancy; and
  - (b) the date on which the trustees or their secretary or clerk are informed of the appointment.
- (5) The person appointed need not be a member of the relevant appointing body.

**8. New trustees**

The trustees must give each new trustee, on their first appointment:

- (1) a copy of this scheme and any amendments made to it;
- (2) a copy of the charity's latest report and statement of accounts.

**9. Register of trustees**

- (1) The trustees must keep a register of the name and address of every trustee and the dates on which their terms of office begin and end. Every trustee must sign the register before acting as a trustee, whether on their first appointment or on any later re-appointment.
- (2) The trustees must promptly report any vacancy in the office of nominated trustee to the body entitled to appoint the trustee.

**10. Trustees not to have a personal interest**

Except with the prior written approval of the Commissioners no trustee may:

- (1) receive any benefit in money or in kind from the charity; or
- (2) have a financial interest in the supply of goods or services to the charity; or
- (3) acquire or hold any interest in property of the charity (except in order to hold it as a trustee of the charity).

**11. Termination of trusteeship**

A trustee will cease to be a trustee if he or she:

- (1) is disqualified from acting as a trustee by section 72 of the Charities Act 1993; or

- (2) is absent without the permission of the trustees from all their meetings held within a period of 6 months and the trustees resolve that his or her office be vacated; or
- (3) gives not less than one month's notice in writing of his or her intention to resign (but only if at least 2 trustees will remain in office when the notice of resignation is to take effect).

## OFFICERS

### 12. Chairman

- (1) At their first ordinary meeting in each year the trustees must elect one of their number to be chairman of their meetings.
- (2) The trustees present at a meeting must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

### 13. Secretary or clerk

The trustees may appoint a secretary or clerk. The office may be held by:

- (1) a trustee (who must not receive any reward for acting and who may be dismissed as secretary or clerk at any time); or
- (2) some other suitable person (who may be employed upon such reasonable terms, including terms as to notice, as the trustees think fit).

## MEETINGS OF TRUSTEES

### 14. Ordinary meetings

- (1) The first meeting after the date of this scheme must be called by the trustees jointly or, if they do not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least 2 ordinary meetings in each 12 month period.
- (3) Ordinary meetings require at least 10 days' notice.
- (4) The chairman, or any 2 trustees, may call an ordinary meeting at any time.

### 15. Special meetings

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.

- (2) Special meetings require at least 4 days' notice, except that meetings consider:
  - (a) the appointment of a co-opted trustee, or
  - (b) the amendment of this scheme under clause 21,require at least 21 days' notice.
- (3) The notice calling a special meeting must include details of:
  - (a) the business to be transacted at the meeting; and
  - (b) any amendment to be made to this scheme (under clause 21).
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

**16. Quorum**

No business may be transacted at a meeting unless at least 3 trustees are present.

**17. Voting**

- (1) Every matter must be decided by majority decision of the trustees present and voting at a duly convened meeting of the trustees.
- (2) The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

**18. Recording of meetings**

The trustees must keep a proper record of their meetings.

**19. Trustees to act jointly**

- (1) Subject to the exception stated in sub-clause (2) of this clause, the trustees must exercise their powers jointly, at properly convened meetings.
- (2) The trustees may appoint a committee of not less than two of their number to deal with applications for assistance from the charity which cannot await the trustees' next meeting. The decisions of such a committee must be reported to the trustees at their next meeting.

## CHARITY PROPERTY

### 20. Transfer of property

The title to the land described in part 2 of the schedule to this scheme is transferred by this scheme to the Official Custodian for Charities in trust for the charity.

## AMENDMENT OF SCHEME

### 21. Power of amendment

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

- (4) An amendment may be made only by a resolution passed at a meeting of the trustees of which not less than 21 days notice has been given. The notice must set out the terms of the proposed amendment.
- (5) The trustees must:
- (a) prepare a written memorandum of each amendment that it makes, which must be signed at the meeting at which the amendment is made by the person chairing the meeting;
  - (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

#### 22. 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

#### PART 1

#### Nominated Trustees

Name	Term of office
Graham Beer	4 years
John Mazillius	4 years
John Bull	3 years

Commissioners' References:

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Graham Puddephatt	2 years
Christopher Lewis	1 year

**PART 2**

Land containing 80937.2 square metres or thereabouts, situate on Mortimer Common, near the Horse and Groom public house, in the Parish of Stratfield Mortimer and known as the Fair Ground

