

Constitution amended as passed by resolution of the committee of the Capel Community Trust on the 26th November 2007 and ratified by the Charity Commission in their letter reference 267775-655185-QRU, dated 17th January 2008.

Sealed 3rd July 1992

126(S)

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County	.	Suffolk
Parishes	.	Capel St. Mary and Little Wenham
Charities	.	1. Community Centre 2. Community Centre and Recreation Ground

CD(Ldn2)

267,775 A/1 304,725/1

Adjudged not chargeable
with stamp duty

Scheme including appointment of
Trustees

CHARITY COMMISSION

In the matter of the following Charities in the Parishes of Capel St. Mary and Little Wenham, in the County of Suffolk:-

1. The Charity for a Community Centre, comprised in a conveyance and transfer dated the 12th November 1969:
2. The Charity for a Community Centre and Recreation Ground, comprised in a conveyance and trust deed dated the 31st July 1959 and in a transfer dated the 16th January 1967; and

In the matter of the Charities Act 1960.

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 Charities:-

SCHEME

1. Administration of Charities. (1) The above-mentioned Charities and the property thereof specified in Part I of the schedule hereto and all other the property (if any) of the Charities shall be administered and managed together as one Charity (hereinafter referred to as the Charity) subject to and in accordance with the provisions of this Scheme by the Committee of Management hereinafter constituted as the Charity Trustees thereof within the meaning of section 46 of the Charities Act 1960:

Provided that until the end of the first annual general meeting to be held as hereinafter provided after the date of this Scheme the Charity shall be administered by the Capel St. Mary and Little Wenham Community Council, being the existing Trustees of the said Charities subject to and in accordance with the provisions of this Scheme.

(2) The name of the Charity shall be Capel Community Trust 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) The Capel St. Mary Parish Council shall be the Custodian Trustee of the Charity.

(2) The land with the building thereon specified in Part I of 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. Discharge of Official Custodian. The Official Custodian for Charities in whom the land with the buildings thereon specified in Part I of the said schedule is vested in trust for the above-mentioned Charities is hereby discharged from his trusteeship as respects the said land and buildings.

OBJECT

4. Object of Charity. (1) The object of the Charity shall be the provision and maintenance of recreation ground and community centre for the use of the inhabitants of the Parishes of Capel St. Mary and Little Wenham and the neighbourhood thereof (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) The said land and buildings shall be held upon trust for the purposes of a recreation ground and community centre as aforesaid.

COMMITTEE OF MANAGEMENT

5. Constitution. Subject as hereinafter provided, the Committee of Management (hereinafter referred to as the Committee) shall consist when complete of ten persons (hereinafter referred to as Members) being

Five Elected Members and
Five Representative Members.

6. 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.

7. Representative Members (1) One Representative Member shall be appointed by Capel St. Mary Parish Council.

(2) Two Representative Members shall be appointed by Capel Community Association.

(3) One Representative Member shall be appointed by the organisations specified as Hall Users in Part II of the schedule hereto and One Representative Member shall be appointed by the organisations specified as Playing Field Users in Part II of the schedule hereto (hereinafter referred to together as the organisations) acting jointly in accordance with rules which except at first as hereinafter provided shall be adopted from time to time by the Committee with the prior approval of the Commissioners.

(4) The said council and the organisations shall notify the name of each person appointed by it to the secretary of the Committee.

(5) 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.

(6) If the said council and the organisations fail to appoint a Representative Member 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.

8. First rules. The first rules providing for the appointment of Representative Members by the organisations shall be adopted by the existing Trustees of the Charity with the prior approval of the Commissioners before the said annual general meeting.

9. 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. Co-opted members are to have full voting rights and financial responsibilities.

10. 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 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.

11. Additional Organisations. 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 any organisation in the area of benefit not named in Part II of the said schedule to participate in the appointment of Representative Members under the provisions of clause 7 of this Scheme.

Defunct Organisations. 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 remove any organisation named in Part II that is no longer in the area of benefit of the said schedule by virtue of the society being disbanded and as such not eligible to appoint Representative Members under the provisions of clause 7 of this Scheme. The schedule shall be revised annually, two months prior to the AGM and any changes shall be made at a duly constituted meeting by the votes of not less than two-thirds of the Members for the time being.

12. Alterations to constitution of Committee. The constitution of the Committee as hereinbefore provided may on the application of the Committee be altered from time to time by Order of the Commissioners.

13 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.

14. 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.

15. 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.

16. 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

17. Meetings of the Committee. The Committee shall hold at least six 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.

18. 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.

19. 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.

20. Minutes and accounts. A minute book and books of account shall be provided and kept by the Committee.

21. 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 buildings 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 three-fifths of the total number of Members for the time being.

INSURANCE

22. Insurance. The Committee shall insure the said building and the furniture and effects therein to the full value thereof against fire and other usual risks arising out of the ownership of property.

APPLICATION OF INCOME

23. Receipts and expenditure. (1) The income of the Charity including all payments for the use of the said building 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 insuring as aforesaid, in maintaining and repairing the said building and the 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.

24. 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

25. Annual general meeting. (1) There shall be an annual general meeting in connection with the Charity which shall be held in the month of February 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 Michael John Hole, of 4 Thorney Road, Capel St. Mary 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

26. Letting. Subject to the condition that the use of the remainder of the said land and building for the object of the Charity shall not be unduly interfered with, the Committee may let any part thereof not for the time being required for use for the said object but the Committee shall not without the sanction of the Commissioners or a competent court create any tenancy wholly or partly in consideration of a fine or for a term ending more than 22 years after it is granted or for less than the best rent obtainable.

27. Sale. If at any time the Committee decide that on the grounds of expense or otherwise it is necessary or advisable to discontinue the use of the whole or part of the said land and building for the purposes of a village hall, and that decision is confirmed by a resolution passed by a majority of the inhabitants of the area of benefit of 18 years of age and upward attending and voting at a meeting of which public notice has been given in the area of benefit at least 14 days before the date thereof, the Committee may subject to the authority of a further Order or Orders of the Commissioners sell the said land and buildings or any part thereof and may do and execute all proper acts and assurances for carrying any such sale into effect.

28. 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

29. 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.

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

PART I

Charity numbered 1 above

Land situate in the Parish of Capel St. Mary, in the County of Suffolk, and located at the junction of The Street and Vine Lane being part of the land numbered 272 on the Ordnance Survey map (1926 edition), and being the land comprised in the above-mentioned deeds of conveyance and transfer made on the 12th November 1969 between Comben and Wakeling Limited of the one part and Capel St. Mary Parish Council of the other part.

Charity numbered 2 above

Land situate in the Parish of Capel St. Mary, in the County of Suffolk, being the land registered under the Land Registration Acts 1925 to 1986 under Title Nos. P68722, P69008, P69801, P69803, P70269, P70877, P72522, P72523, P89890, P182898 and SK6058.

Note. (1) The above-mentioned land belonging to the Charity numbered 1 was vested in the Official Custodian by an Order of the Commissioners of the 8th May 1974.

(2) The above-mentioned land belonging to the Charity numbered 2 was vested in the said Official Custodian by an Order of the Commissioners on the 18th January 1968.

PART II

HALL USERS

The Orchard Players
Joans Coffee Shop
Beacon Trust Coffee Shop
Over 60's
Capel St Mary Carpet Bowls Club
Capel St Mary Sports Club
Line Dancing
Mini Tennis
Badminton Wednesday
Capel Ladies Badminton
Capel Ladies
Womens Institute
Capel St Mary Garden Club
Capel St Mary Allotment Association

PLAYING FIELD USERS

Capel St Mary Bowls Club
Capel Plough Football Club
Capel St Mary Tennis Club
Capel Colts
Capel Cheetahs running club

Sealed by Order of the Commissioners this 3rd day of July 1992