

APPENDIX 1

SCHEME DATED 30 NOVEMBER 1983 AS AMENDED [] 2024

PRESTEIGNE AND DISTRICT WAR MEMORIAL HALL (Charity number: 524469) (“the Charity”)

1. OBJECTS

- 1.1 The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of the area of benefit and the neighbourhood thereof 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.
- 1.2 The said land with the buildings thereon shall be held upon trust for the purpose of a village hall as aforesaid.
- 1.3 In this Scheme the expression “area of benefit” shall mean the area comprising the Communities of Presteigne and Whitton, both in the County of Powys and the Parishes of Byton, Combe, Kinsham, Knill, Stapleton and Rodd, Nash and Little Brampton all in the County of Hereford and Worcester.

2. ADMINISTRATION OF THE CHARITY

- 2.1 The Charity shall be administered and managed subject to and in conformity with the provisions of this Scheme (as amended) by not less than three and not more than nine individuals who shall be the trustees of the Charity.

2.2 Appointment of trustees

- 2.2.1 Every trustee shall be appointed by a resolution at a properly convened meeting of the Charity and shall serve for a term of two years.
- 2.2.2 In selecting individuals for appointment as trustees, the trustees must have regard to the skills, knowledge and experience needed for the effective administration of the charity.

2.2.3 The trustees must keep a record of the name and address and the dates of appointment, re-appointment and retirement of each trustee.

2.2.4 The trustees must make available to each new trustee, on his or her first appointment:

- (i) a copy of this Scheme and any amendments made to it;
- (ii) a copy of the charity's latest report and statement of accounts.

2.3 Eligibility for trusteeship

2.3.1 No one shall be appointed as a trustee:

- (a) if he or she is under the age of 18 years; or
- (b) if he or she would at once be disqualified from office under the provisions of clause 2.4 of this Scheme.

2.3.2 No one shall be entitled to act as a trustee whether on appointment or on any re-appointment as trustee until he or she has expressly acknowledged, in whatever way the trustees decide, his or her acceptance of the office of trustee of the charity

2.4 Termination of Trusteeship

A trustee shall cease to hold office if he or she:

2.4.1 is disqualified for acting as a trustee by virtue of sections 178 and 179 of the Charities Act 2011 or any statutory re-enactment or modification of that provision;

2.4.2 in the written opinion, given to the charity, of a registered medical practitioner treating that person, has become physically or mentally incapable of acting as a trustee and may remain so for more than three months;

2.4.3 is absent without the permission of the trustees from all their meetings held within a period of six months and the trustees resolve that his or her office be vacated; or

2.4.4 notifies to the trustees a wish to resign (but only if enough trustees will remain in office when the notice of resignation takes effect to form a quorum for meetings).

2.5 Vacancies

If a vacancy occurs the trustees must note the fact in the minutes of their next meeting. Any eligible trustee may be re-appointed. If the number of trustees falls below the quorum in Clause 5.5, none of the powers or discretions conferred by this Scheme or by law on the trustees shall be exercisable by the remaining trustees except the power to appoint new trustees.

3. POWERS

In addition to any other powers they have, the trustees may exercise any of the following powers in order to further the objects (but not for any other purpose):

3.1.1 to raise funds. In exercising this power, the trustees must not undertake any taxable permanent trading activity and must comply with any relevant statutory regulations;

3.1.2 to buy, take on lease or in exchange, hire or otherwise acquire property and to maintain and equip it for use;

3.1.3 to sell, lease or otherwise dispose of all or any part of the property belonging to the charity. In exercising this power, the trustees must comply as appropriate with sections 117 - 122 of the Charities Act 2011;

3.1.4 to borrow money and to charge the whole or any part of the property belonging to the charity as security for repayment of the money borrowed. The trustees must comply as appropriate with sections 124 - 126 of the Charities Act 2011 if they wish to mortgage land owned by the charity;

3.1.5 to co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;

3.1.6 to establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the objects;

3.1.7 to acquire, merge with or enter into any partnership or joint venture arrangement with any other charity formed for any of the objects;

3.1.8 to create such advisory committees as the trustees think fit;

3.1.9 to employ and remunerate such staff as are necessary for carrying out the work of the charity;

3.1.10 to do any other lawful thing that is necessary or desirable for the achievement of the objects.

3.2 Nothing in this Scheme restricts or excludes the exercise by the trustees of the powers given by the Trustee Act 2000 as regards investment, the acquisition or disposal of land and the employment of agents, nominees and custodians.

4. VESTING

Any land or property held by the Charity may be vested in the trustees or in the Official Custodian for Charities for all the estate and interest therein belonging to or held in trust for the Charity.

5. MEETINGS OF THE TRUSTEES

5.1 Ordinary meetings

The trustees must hold at least two ordinary meetings each year. One such meeting in each year must involve the physical presence of those trustees who attend the meeting. Other meetings may take such form, including videoconferencing, as the trustees decide provided that the form chosen enables the trustees both to see and to hear each other.

5.2 Calling meetings

The trustees must arrange at each of their meetings the date, time and place of their next meeting, unless such arrangements have already been made. Ordinary meetings may also be called at any time by the person

elected to chair meetings of the trustees or by any two trustees. In that case not less than ten days' clear notice must be given to the other trustees.

5.3 Special meeting

A special meeting may be called at any time by the person elected to chair meetings of the trustees or by any two trustees. Not less than four days' clear notice must be given to the other trustees of the matters to be discussed at the meeting. However, if those matters include the appointment of a trustee or a proposal to amend any of the trusts of this Scheme, not less than 21 days' notice must be given. A special meeting may be called to take place immediately after or before an ordinary meeting.

5.4 Chairing of meetings

5.4.1 The trustees at their first ordinary meeting in each year must elect one of their number to chair their meetings. The person elected shall always be eligible for re-election. If that person is not present within ten minutes after the time appointed for holding a meeting, or if no one has been elected, or if the person elected has ceased to be a trustee, the trustees present must choose one of their number to chair the meeting.

5.4.2 The person elected to chair meetings of the trustees shall have no other additional functions or powers except those conferred by this Scheme or delegated to him or her by the trustees.

5.5 Quorum

5.5.1 Subject to the following provision of this clause, no business shall be conducted at a meeting of the trustees unless at least one-third of the total number of trustees at the time, or two trustees (whichever is the greater) are present throughout the meeting.

5.5.2 The trustees may make regulations specifying different quorums for meetings dealing with different types of business.

5.6 Voting

At meetings, decisions must be made by a majority of the trustees present and voting on the question. In the case of an equality of votes, the person who chairs the meeting shall have a casting vote.

6. CONFLICTS OF INTERESTS AND CONFLICTS OF LOYALTIES

6.1 A charity trustee must:

6.1.1 declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not been previously declared; and

6.1.2 absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest).

6.2 Any charity trustee absenting himself or herself from any discussions in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.

7. SAVING PROVISIONS

7.1 Subject to sub-clause (2) of this clause, all decisions of the charity trustees, or of a committee of the charity trustees, shall be valid notwithstanding the participation in any vote of a charity trustee:

- (a) who is disqualified from holding office;
- (b) who had previously retired or who had been obliged by this Scheme to vacate office;
- (c) who was not entitled to vote on the matter, whether by reason of a conflict of interests or otherwise

if without the vote of that charity trustee and that charity trustee being counted in the quorum, the decision has been made by a majority of the charity trustees at a quorate meeting.

7.2 Sub-clause (1) of this clause does not permit a charity trustee to keep any benefit that may be conferred upon him or her by a resolution of the charity

trustees or of a committee of charity trustees if, but for sub-clause (1), the resolution would have been void, or if the charity trustee has not complied with clause 6 (Conflicts of interests and conflicts of loyalties).

8. MINUTES

The trustees must keep minutes, in books kept for the purpose or by such other means as the trustees decide, of the proceedings at their meetings. In the minutes the trustees must record their decisions and, where appropriate, the reasons for those decisions. The trustees must approve the minutes in accordance with the procedures, laid down in regulations made under clause 9 of this Scheme.

9. REGULATIONS

9.1 Within the limits prescribed by this Scheme, the trustees may from time to time make and alter regulations for the management of the said village hall including rules setting out the terms and conditions upon which the same may be used and the sum (if any) to be paid for such use.

9.2 The trustees may from time to time make regulations for the management of the charity and for the conduct of their business, including

- (a) the calling of meetings;
- (b) methods of making decisions in order to deal with cases or urgency when a meeting is impractical;
- (c) the deposit of money at a bank;
- (d) the custody of documents; and
- (e) the keeping and authenticating of records. (If regulations made under this clause permit records of the charity to be kept in electronic form and requires a trustee to sign the record, the regulations must specify a method of recording the signature that enables it to be properly authenticated.)

9.3 The trustees must not make regulations which are inconsistent with anything in this Scheme.

10. INSURANCE

The trustees shall insure the said building and the furniture and effects therein to the full value thereof against fire and other usual risks and shall suitably insure against risks arising out of the ownership of property and employment of persons.

11. APPLICATION OF INCOME

11.1 The trustees must apply the income and, at their discretion all or part of the capital, of the charity in furthering the objects.

11.2 A trustee is entitled to be reimbursed out of the property of the charity or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the charity.

11.3 A trustee may benefit from trustee indemnity insurance cover purchased at the charity's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011.

12. ACCOUNTS, ANNUAL REPORT AND ANNUAL RETURN

12.1 The trustees must comply with their obligations under the Charities Act 2011 with regard to:

- (a) the keeping of accounting records for the charity;
- (b) the preparation of annual statements of account for the charity;
- (c) the auditing or independent examination of the statements of account of the charity;
- (d) the transmission of the statements of account of the charity to the Commission;
- (e) the preparation of an Annual Report and its transmission to the Commission;
- (f) the preparation of an Annual Return and its transmission to the Commission.

13. SALE

If the said land and buildings or any part thereof shall no longer be required for use in furthering the object of the Charity the trustee may sell the same or any such part as aforesaid subject nevertheless to the authority of any further Order or Orders of the Charity Commission.

14. PROCEEDS OF SALE

The trustees shall apply the clear proceeds of any such sale as aforesaid either in the purchase of other land and buildings to be held upon the trusts of the Scheme or for such other charitable purposes for the benefit of the inhabitants of the area of benefit as the Commissioners may approve.

15. AMENDMENT OF SCHEME

15.1 The trustees may amend the provisions of this Scheme, provided that:

- (a) no amendment may be made to clause 1 (Objects) or this clause without the prior consent in writing of the Commission; and
- (b) no amendment may be made that would have the effect of making the Charity cease to be a charity at law.
- (c) no amendment may be made to alter the objects if the change would undermine or work against the previous objects of the charity.

15.2 Any amendment of this Scheme must be made by a decision of the trustees made at a special meeting.

15.3 The trustees must send to the Commission a copy of the Scheme effecting any amendment made under this clause within three months of it being made.

APPENDIX 2

Sealed 30th November 1983.

N332(S).
83.



County - Powys.
Place - Presteigne.
Charity - Presteigne and
District War
Memorial Hall.

L3.
524,469/1.

Stamp 50p

Scheme including appointment of
Trustee and vesting.

CHARITY COMMISSION.

In the matter of the Charity known as the Presteigne
and District War Memorial Hall, at
Presteigne, in the County of Powys, regulated
by a declaration of trust dated the 1st
September 1953; 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 Charity:-

S C H E M E.

1. Administration of Charity. - 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
conformity with the provisions of this Scheme by the
Radnor District Council who shall be the Trustee of the
Charity.

2. Vesting. - The land specified in the said schedule
is hereby vested in the Trustee for all the estate and
interest therein belonging to or held in trust for the
Charity and the Official Custodian for Charities is
hereby discharged from his trusteeship with respect to
the said land.

N956 7.9.83CHx(1)

3. Area of benefit. - In this Scheme the expression "area of benefit" shall mean the area comprising the Communities of Presteigne and Whitton, both in the County of Powys and the Parishes of Byton, Combe, Kinsham, Knill, Stapleton and Rodd, Nash and Little Brampton all in the County of Hereford and Worcester.

4. Object. - (1) The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of the area of benefit and the neighbourhood thereof 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 with the buildings thereon shall be held upon trust for the purposes of a village hall as aforesaid.

5. Regulations. - Within the limits prescribed by this Scheme the Trustees may from time to time make and alter regulations for the management of the said village hall including rules setting out the terms and conditions upon which the same may be used and the sum (if any) to be paid for such use.

6. Insurance. - The Trustee shall insure the said building and the furniture and effects therein to the full value thereof against fire and other usual risks and shall suitably insure against risks arising out of ownership of property and employment of persons.

7. Application of income. - The Trustee shall apply the clear income of the Charity in furthering the said object.

8. Sale. - If the said land and buildings or any part thereof shall no longer be required for use in furthering the object of the Charity the Trustee may sell the same or any such part as aforesaid subject nevertheless to the authority of any further Order or Orders of the Charity Commissioners.

9. Proceeds of sale. - The Trustee shall apply the clear proceeds of any such sale as aforesaid either in the purchase of other land and buildings to be held upon the trusts of this Scheme or for such other charitable purposes for the benefit of the inhabitants of the area of benefit as the Commissioners may approve.

10. 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.

The following adjoining land situate at Presteigne in the County of Powys being the land comprised in a conveyance dated the 4th December 1952 and made between the Presteigne Produce Company Limited of the first part John Gilbert Owens of the second part and Ralph James Walker and Norman Frederick Reay of the third part with the building since erected thereon known as Presteigne and District War Memorial Hall:

1. Land containing 1 rood and 4 perches or thereabouts being part of the land numbered 87 on the Ordnance Survey map (1928 edition).
2. Land containing 320 square yards or thereabouts being part of the land numbered 86 on the said edition of the said map.

£605 cash on deposit account at the Presteigne branch of Lloyds Bank plc being accumulations of income.

Note. - The above-mentioned land is vested in the Official Custodian for Charities by virtue of an Order of the Charity Commissioners of the 11th May 1954 as affected by the provisions of the Charities Act, 1960.

Sealed by Order of the Commissioners this 30th day
of November 1983.



Nail M. Makengy.

ASSISTANT COMMISSIONER

N956 CHx(1)