

FB 26035

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

5th February 2002

the following

SCHEME

will govern the charity

previously known as

Swinton Miners' Recreation or Pleasure Ground

And now to be known as

SWINTON RECREATION GROUND (523965)

at

Swinton, South Yorkshire



This Scheme has been adjudged as not liable to stamp duty.

Commissioners' References:

Sealing: N30 (S)

02

Case No: 29164

ASSISTANT COMMISSIONER



Case No: 29164 06/04/00
Version: 1.0

1. **Definitions**

In this scheme:

"the area of benefit" means Swinton and the surrounding neighbourhood.

"the charity" means the charity identified at the beginning of this scheme.

"the trustee" means Rotherham Metropolitan Borough Council.

"CISWO" means the Coal Industry Social Welfare Organisation (registered charity number 1015581)

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 Swinton Recreation Ground.

OBJECT

4. **Object of the charity**

- (1) The object of the charity is, in the interests of social welfare, to improve the conditions of life for the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of a recreation ground.
- (2) The land identified in the schedule to this scheme must be retained by the trustee for use for the object of the charity.

POWERS OF THE TRUSTEE

5. **Powers of the trustee**

In addition to any other powers which they have, the trustee may exercise the following powers in furtherance of the objects of the charity:

- (1) Power to acquire or hire property and to maintain and equip it for use. (The property must be needed to further the object of the charity.)
- (2) Power to appoint staff and pay them reasonable remuneration, including pension provision for them and their dependants.

- (3) Power to insure against public liability and, if appropriate, employers' liability; and to insure the buildings of the charity to their full value against fire and all other usual risks (except to the extent that the buildings are insured against any of these risks by a tenant).
- (4) Power to delegate the performance of any act, including the exercise of any power or discretion, to a committee consisting of not less than two members of the trustee body and such other persons as the trustee considers necessary. (The trustee must exercise reasonable supervision over the committee and the committee must promptly report their acts and proceedings to the trustee.)
- (5) Power to raise funds. (The trustee must not undertake any permanent trading activity.)
- (6) Power to co-operate with other charities, voluntary bodies and statutory authorities. The trustee may exchange information and advice with them.
- (7) Power to make rules and regulations consistent with this scheme for the management of the charity.

TRUSTEE

6. Discharge of official custodian

The Official Custodian for Charities is discharged from its custodian trusteeship of the charity.

7. Trustee

Rotherham Metropolitan Borough Council is the trustee of the charity.

CHARITY PROPERTY

8. Transfer of property

The title to the land described in the schedule to this scheme is transferred by this scheme to the trustee in trust for the charity.

9. Use of income and capital

- (1) The trustee must firstly apply:
 - (a) the charity's income; and
 - (b) if the trustee thinks fit, expendable endowment;

in meeting the proper costs of administering the charity and of managing its property (including the repair and insurance of its buildings).

- (2) After payment of these costs, the trustee must apply the remaining income in furthering the object of the charity.
- (3) The trustee may also apply for the object of the charity:
 - (a) expendable endowment; and
 - (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

10. Letting

- (1) Subject to the condition that the use of the remainder of the land used for the object of the charity shall not be unduly interfered with, the trustee may with the prior written consent of the trustees of CISWO, let any part of the land not required for the object of the charity.
- (2) The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.

11. Mortgage

The trustee shall have power, if so recommended in writing by CISWO, to mortgage the recreation ground or any part thereof subject to such consents as are required by law.

12. Sale of land

If the recreation ground or any part of it is no longer required for use in furthering the object of the charity the trustee shall have power, if so recommended in writing by CISWO, to sell it subject nevertheless to complying with the restrictions on disposition imposed by section 36 of the Charities Act 1993, unless the sale is excepted from such restriction under section 36(9)(b) or (c).

13. Proceeds of Sale

The trustee shall pay the net proceeds of any such sale to CISWO for application for such charitable purposes within the objects of CISWO as CISWO shall determine.

AMENDMENT OF SCHEME

14. Amendment of scheme

- (1) Subject to the provisions of this clause, the provisions of this scheme may be amended.
- (2) The trustee must not make any amendment which would:
 - (a) vary this clause;

- (b) vary the definitions clause and clauses 4, (objects clause) 10, (letting) 11, (mortgage) 12, (sale) and 13 (proceeds of sale);
 - (c) confer a power to dissolve the charity;
 - (d) enable permanent endowment of the charity to be spent.
- (3) The prior written approval of the Commissioners must be obtained to any amendment which would vary the powers of investment exercisable by the trustee.
- (4) The trustee must:
- (a) promptly send the Commissioners a copy of any amendment made under sub-clause 1 of this clause; and
 - (b) keep a copy of any such amendment with this scheme.

GENERAL PROVISIONS

15. 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

Land containing 2.6 hectares or thereabouts being part of the land described in a conveyance of 28th February 1927 which was made between the Right Honourable William Charles de Meuron Earl Fitzwilliam of the first part the Most Honourable Lawrence Marquis of Zetland and another of the second part Arthur Thomas Thomson and five others of the third part Guy Hamilton Ashwin and nine others of the fourth part and Arthur Thomas Thomson and five others of the fifth part.