

11/16/71

THE PARISH COUNCIL OF
BRANDSTON

DECLARATION
OF TRUST

relating to—

Brandston Village Hall
and Recreation Ground

[Signature]
Chair

DEPARTMENT OF EDUCATION AND SCIENCE

ORDER No. 71/1643 L

The Secretary of State for Education and Science, in pursuance of Section 23 of the Charities Act 1960, hereby authorises the execution of the within-written Deed a copy of which numbered 11,265 is deposited in the Office of the Department.

Given under the Official Seal of the Secretary of State for Education and Science on 1st October 1971.



[Handwritten Signature]

Authorised under Section 3 of the Education Act 1944.



DECLARATION OF TRUST is made
the *eleventh* day of *October*

One thousand nine hundred and seventy one by the PARISH COUNCIL OF BRANDESTON (hereinafter called "the Council")—

WHEREAS :-

(1) By a Conveyance dated the Twentyfirst day of August One thousand nine hundred and fifty three and made between Charles Austin of the one part and the Council of the other part the property described in the first and second parts of the First Schedule hereto was conveyed to the Council in fee simple—

(2) The said property is held by the Council upon trusts which are regarded as charitable and pursuant thereto the Charity created by the said Conveyance was entered by the Secretary of State for Education and Science in The Register of Charities in accordance with the provisions of Section 4 of the Charities Act 1960 on the twenty-seventh of June One thousand nine hundred and sixty seven—

(3) The purpose of this Deed is to amplify and declare the specific charitable trusts on which the said property is held—

(4) This deed is executed under the Authority of an Order of the Secretary of State made under Section 23 of the Charities Act 1960 and endorsed hereon—

NOW THIS DEED WITNESSETH as follows:-

1. The Interpretation Act 1889 applies for the interpretation of this Deed as it applies for the interpretation of an Act of Parliament—

2. The Council hereby declares that the property described in the first part of the First Schedule hereto is held by the Council upon trust for the provision and maintenance thereon of a recreation ground for the benefit of the inhabitants of the Parish of Brandeston in the County of Suffolk—

3. The said property described in the first part of the First Schedule shall be administered by a Committee of Management which shall be constituted in accordance with Clause 3(1) of the Second Schedule hereto—

4. The Council hereby further declares that it will henceforth hold the property described in the second part of the First Schedule hereto upon the trusts and subject to the powers and provisions set out in the Second Schedule hereto—

IN WITNESS WHEREOF Ronald Garvey and James Ernest Lowex two members of the Council have pursuant to a resolution of the Council passed on the

twenty-first day of *March* One thousand nine hundred and

seventy one hereunto set their hands and seals the day and year first before written—

THE FIRST SCHEDULE

First Part

ALL THAT piece or parcel of land comprising part of Enclosure Number 166 on the Ordnance Survey Map for the Parish of Brandeston in the County of Suffolk and now used as a recreation ground as the same is for the purpose of identification only delineated on the plan annexed hereto and thereon edged in red—

Second Part

ALL THAT piece or parcel of land comprising part of Enclosure Number 166 on the Ordnance Survey Map for the Parish of Brandeston bounded on the North East and South sides by the property described in the First part of this Schedule TOGETHER with the building erected on some part thereof and now used as a village Hall as the same is for the purpose of identification only delineated on the said plan annexed hereto and thereon edged in green—

All the said property described in this First Schedule is subject to the rights (if any) of the public and all other persons entitled over and along the pathway along the western boundaries thereof and subject to Tithe Redemption Annuity of nine shillings and twopence (forty six pence) per annum—

THE SECOND SCHEDULE

VILLAGE HALL TRUSTS

1. (1) The property described in the second part of the First Schedule hereto (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 Brandeston in the County of Suffolk (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—

ADMINISTRATION BY COMMITTEE

(2) The charity shall be administered in conformity with the provisions of this Deed by the Committee of Management hereinafter constituted (and hereinafter called "the Committee") who shall be the charity trustees of the charity within the meaning of section 46 of the Charities' Act 1960—

CUSTODIAN TRUSTEE

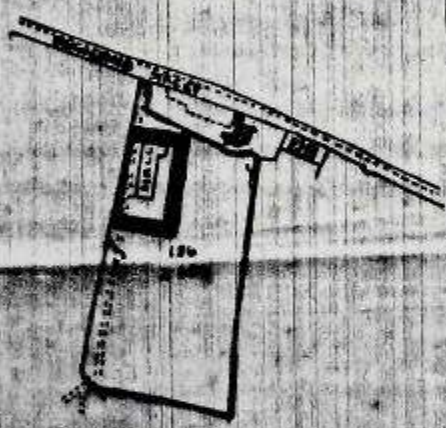
2. The Parish Council of Brandeston shall be the custodian trustee of the charity and the provisions of sub-section (2) of section 4 of the Public Trustee Act 1906 shall apply to the said Council and to the Committee respectively in like manner as they apply to the Public Trustee and

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managing trustees —

COMMITTEE OF MANAGEMENT

3.(1) Except as hereinafter in this clause provided the Committee shall consist of five elected members and eight representative members and may include not more than two co-opted members —

(2) The elected members (other than those appointed under sub-clause (3) of this clause to fill casual vacancies) shall be elected at the annual general meeting to be held as in this deed provided —

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

- Womens Institute
- Honeyden Youth Club
- Honeyden Football Club
- Conservative Association
- Brandeston School
- Brandeston Church Mothers' Union
- Boys Club
- Workers Educational Association

A representative member shall ordinarily be appointed not more than one month before the Annual General Meeting provided that an organisation which fails to appoint a representative member before such meeting shall make the appointment as soon as practicable thereafter. Each organisation shall notify to the Secretary of the Committee the name of its representative —

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

(5) Subject to the provisions of sub-clauses (6) and (8) of this clause 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 representative members appointed before the annual general meeting in any year at the end of that meeting or in the case of a representative 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 —

(c) in the case of co-opted members from the date of their co-option

(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 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-clause (3) of this clause—

(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 representative member it shall be notified as soon as possible to the proper appointing organisation. 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 Constitution of the Committee as hereinbefore provided may on the application of the Committee be altered from time to time by order of the Charity Commissioners or the Secretary of State (for Education and Science (hereinafter called "the Secretary of State")) —

FAILURE TO APPOINT

4. 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 member—

DECLARATION OF MEMBERS

5. 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 this Deed —

MEMBERS NOT TO BE PERSONALLY INTERESTED IN THE CHARITY

6. Except in special circumstances with the approval in writing of the Charity Commissioners or the Secretary of State no member of the Committee 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—

DETERMINATION OF MEMBERSHIP

7. Any member who is adjudged bankrupt or who makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the Committee a wish to resign shall thereupon cease to be a member—

MEETINGS OF THE COMMITTEE

8. The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by the Chairman or any two members upon seven clear days' notice being given to all the other

members of the matters to be discussed—

CHAIRMAN AND VICE-CHAIRMAN OF THE COMMITTEE

9. The Committee at their first meeting in each year after the annual general meeting shall elect one of their number to be Chairman of their meetings and may elect one of their number to be Vice-Chairman. The Chairman and Vice-Chairman shall continue 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 preside at that meeting—

VOTING IN COMMITTEE

10. Every matter shall (except as in this Deed provided) be determined by the majority of the members of the Committee present and voting on the question. In case of equality of votes the Chairman of the meeting shall have a second or casting vote—

ANNUAL GENERAL MEETING

11. (1) There shall be an annual general meeting in connection with the charity which shall be held in the month of June 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 Clause 1(2) 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 conveners 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—

REPAIRS AND INSURANCE

12. 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 fire theft public liability and other insurable risks —

APPLICATION OF INCOME

13. After satisfying its obligations under Clause 12 hereof the Committee shall as and when it thinks fit apply the net yearly income for the purposes of the Charity —

SURPLUS CASH

14. Any sum of cash at any time belonging to the Charity and not needed as a balance for working purposes shall (unless otherwise directed by the Charity Commissioners or the Secretary of State) be invested —

FURTHER ENDOWMENTS

15. The Committee may receive any additional donations or endowments for the general purposes 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 —

MINUTES AND ACCOUNTS

16. The Committee shall provide and keep a minute book and books of account. All proper statement of accounts in relation to the Charity shall in each year be prepared as prescribed by Section 32 of the Charities' Act 1960 and copies thereof shall be sent to the Council —

MORTGAGES AND CHARGES

17. The Committee may with the consent of the Charity Commissioners or the Secretary of State from time to time by mortgage or otherwise obtain such advances on the security of the trust property or any part thereof as may be required for maintaining extending or improving the same or any part thereof or erecting any building thereon or for the work carried on therein and may continue or may repay in whole or in part and from time to time any existing mortgage or charge on the trust property

LETTING OR SALE

18. If the Committee decides at any time on the ground 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 Clause 2 of this Deed or in paragraph 1(1) of this Schedule as the case may be it shall call a meeting of the inhabitants of the age of eighteen years or 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 and if such decision shall be confirmed by three-quarters of such inhabitants present and voting at such meeting the Committee may with the consent of the

Charity Commissioners or the Secretary of State let or sell the trust property or any part thereof. All moneys arising from such letting or sale (after satisfaction of any liabilities properly payable thereout) shall with such consent as aforesaid be applied either in the purchase of other property approved by the Committee and to be held upon the trusts declared either by Clause 2 of this Deed or by paragraph 1(1) of this Schedule as the case may require and otherwise for the purposes and subject to the provisions hereinbefore 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 or the Secretary of State and 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 either in this Deed or this Schedule as the case may require —

RULES

19. 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 or any part thereof 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 —
- (d) The engagement and dismissal of such officers servants and agents as the 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 meetings of the Committee the quorum shall not be less than one-third of the total number of the members for the time being —

UNDO SEALD AND DELIVERED by the said
WALD OWLEY in the presence of

*C. Pees in
Broadhurst Grandstra
Jan. 1911*

UNDO SEALD AND DELIVERED by the said
JES ERNEST LOMER in the presence of:-

*C. Pees in
Broadhurst Grandstra*

R. H. Hawley

James B. Lomax