

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

9 December 2009

this

SCHEME

will govern the charities

known as

1. PENSION CHARITY (206293)

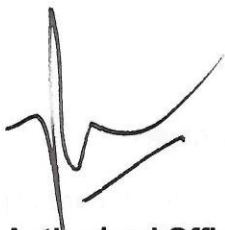
2. DUNWICH TOWN TRUST (206294)

which will be amalgamated pursuant to this scheme and thereafter known as

DUNWICH TOWN TRUST (206294)

at

Dunwich, Suffolk



Authorised Officer

1. Definitions

In this scheme:

“the area of benefit” means the parish of Dunwich and in exceptional circumstances if it is in the best interests of the charity the surrounding area of Dunwich.

“charity 1” means the Pension Charity governed by schemes dated 1 September 1899 and 20 October 1970.

“charity 2” means the Dunwich Town Trust governed by a scheme dated 29 September 1997.

“the charity” means Dunwich Town Trust (registered charity number 206294).

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

“the Charity Commission” means the Charity Commission for England and Wales.

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

ADMINISTRATION

2. Commencement

The provisions of this scheme will take effect at 00:01 hours on 1 January 2010.

3. Administration

The charities are to be administered as one charity (“the charity”) in accordance with this scheme. This scheme replaces the former trusts of the charities.

4. Property of charity 1

The property of charity 1 as described in part 1 to the schedule to this scheme is now to be administered and managed as a restricted fund of the charity. The trustees should transfer the real property and any assets of charity 1 to the charity within two months from the date of this scheme. Charity 1 will cease to exist when the real property and any assets have been transferred to the charity.

OBJECTS

5. Object of the restricted fund

The income from the restricted fund is to be applied for the following object:

- (1) The relief of persons resident in the area of benefit who are in need, hardship or distress.
- (2) The trustees may relieve such persons in need, hardship or distress by:
 - (a) making grants of money to them; or

- (b) providing or paying for goods, services or facilities for them; or
 - (c) making grants of money to other persons or bodies who provide goods, services or facilities to those in need.
- (3) In exceptional cases the trustees may decide to assist someone (who is otherwise qualified) who is:
- (a) resident outside the area of benefit; or
 - (b) only temporarily resident in the area of benefit.

6. Object of the charity

- (1) The object of charity is to further the general benefit of the inhabitants of the area of benefit in such charitable ways for the public benefit as the trustees think fit.
- (2) In exceptional cases the trustees may further the objects of the charity outside of the area of benefit if they are satisfied that to do so is in the best interests of the charity.

POWERS OF THE TRUSTEES

7. Powers of the trustees

In addition to any other powers which they have, the trustees may make rules and regulations consistent with this scheme for the management of the charity and the restricted fund.

TRUSTEES

8. Trustees

- (1) There should be:
 - 6 nominated trustees and
 - 3 co-opted trustees
 appointed in accordance with clauses 9 and 10.
- (2) The first nominated and co-opted trustees are the persons listed in part 3 of the schedule to this scheme. Subject to clause 13 (termination of trusteeship) they will hold office for the periods shown in the schedule.

9. Nominated trustees

- (1) The nominated trustees must be appointed by the Dunwich Parish Meeting.
- (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 for:

- (a) 3 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.

10. Co-opted trustees

- (1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 17.
- (2) An appointment may, but need not, be made before the date on which the term of office of an existing co-opted trustee comes to an end, to take effect on that date. In these circumstances:
 - (a) the appointment may not be made more than 3 months before the date on which the existing co-opted trustee's term of office is due to end; and
 - (b) any co-opted trustee whose term of office is about to come to an end must not vote in favour of their own re-appointment.
- (3) Each appointment must be for a term of 3 years.

11. New trustees

The trustees must give to 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.

12. 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.

13. 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 1 month's notice in writing of his or her intention to resign (but only if at least 4 trustees will remain in office when the notice of resignation is to take effect); or
- (4) becomes medically incapable (either mentally or physically) to discharge the function of trusteeship.

OFFICERS

14. 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.

15. Clerk and Treasurer

The trustees may appoint a clerk and treasurer (who may or may not be a trustee) and pay them such reasonable remuneration as they see fit.

MEETINGS OF TRUSTEES

16. Ordinary meetings

- (1) The first meeting after the date of this scheme must be called by 15 January 2010 or, if the current chairman does not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least two 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.

17. 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 to consider the appointment of a co-opted trustee require at least 21 days' notice.
- (3) The notice calling a special meeting must include details of the business to be transacted at the meeting.
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

18. Quorum

No business may be transacted at an ordinary meeting unless at least 4 trustees are present and no business may be transacted at a special meeting unless at least 3 trustees are present.

19. 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.

20. Recording of meetings

The trustees must keep a proper record of their meetings.

21. 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

22. Transfer of property

The title to the land described in parts 1 and 2 of the schedule to this scheme is transferred by this scheme to the Official Custodian for Charities in trust for the charity.

23. Disposal of land

- (1) The trustees may sell, lease or otherwise dispose of all or any part of the charity's property described in the schedule to this scheme. They must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale, lease or disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.
- (2) The net proceeds of any such sale must be invested in trust for the charity or if the property formed part of the restricted fund's property, in trust for that fund.

24. Use of income and capital – the restricted fund

- (1) The trustees must firstly apply:
 - (a) the income of the restricted fund; and
 - (b) if the trustees think fit, expendable endowment; and
 - (c) when the expenditure can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the restricted fund and of managing its assets (including the repair and insurance of its buildings).

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

25. Use of income and capital – the charity

- (1) The trustees must firstly apply:
 - (a) the income of the charity; and
 - (b) if the trustees think fit, expendable endowment; and
 - (c) when the expenditure can properly be charged to it, its permanent endowment

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

- (2) After payment of these costs, the trustees must apply the remaining income in furthering the object of the charity.

- (3) The trustees 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 in advance or is permitted by law.

GENERAL PROVISION

26. Questions relating to the Scheme

The Commission may decide any question put to it 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

Property of charity 1 now to be held as part of the restricted fund of the charity

- (1) Freehold land and buildings known as The Flora Tea Rooms and Car Park in Dunwich and subject to the following leases: The Flora Tea Rooms for 99 years from 18 March 1989 and Car Park for 21 years from 18 March 1989.
- (2) Freehold land known as Gallows Field, Dunwich registered with HM Land Registry under title number SK242900.

PART 2

Property of the charity

- (1) Freehold land and buildings known as No. 1 Maison Dieu, Westleton Road, Dunwich registered with HM Land Registry under title number SK275188 and subject to a periodic assured shorthold tenancy from 1 July 2004.
- (2) Freehold land and buildings known as No. 2 Maison Dieu, Westleton Road, Dunwich registered with HM Land Registry under title number SK275188 and subject to a periodic assured shorthold tenancy from 7 June 2002.
- (3) Freehold land and buildings known as No. 1 Town House, Westleton Road, Dunwich registered with HM Land Registry under title number SK275188 and subject to a secured tenancy from 15 December 1985.
- (4) Freehold land and buildings known as No. 2 Town House, Westleton Road, Dunwich registered with HM Land Registry under title number SK275188 and subject to a periodic assured shorthold tenancy from 25 May 2008.
- (5) Freehold land and buildings known as The Spinney, High Street, Dunwich comprised in a conveyance made 29 June 1987 and made between J E Benfield of the first part and the trustees of charity numbered 2, at the beginning of this scheme, of the other part subject to an assured shorthold periodic tenancy from 17 July 2008.
- (6) Freehold land known as the Allotment at Dunwich and subject to a periodic tenancy in favour of Mr Steven Aldous.
- (7) Freehold land extending to 6.5 kilometres or thereabouts known as the Shingle and Foreshore, Dunwich with all wreckage rights granted under a Charter of 3 Edward IV.
- (8) Freehold land containing 43 hectares or thereabouts known as Corporation Marsh (including the Skirts and the Saltings (or the Glows)) in Dunwich and subject to a lease for ten years from 1 September 2003.
- (9) Freehold land at the rear of No.2 Town Cottages comprised in a conveyance made 10 April 1987 and made between Peter John Fairs of the first part and the trustees of charity numbered 2, at the beginning of this scheme, of the other part.

- (10) Freehold land and buildings known as the Mortuary, Dunwich.
- (11) 9 Winch tolls let to various tenants at yearly rents of £1.00 each.
- (12) 10 Boat tolls let to various tenants at yearly rents of £1.00 each.
- (13) 5 Hut tolls let to various tenants at yearly rents of £1.00 each.

PART 3

Nominated trustees

Name	Term of office
Angela Abell	Three years
John Salusbury	Three years
Veronica Donovan	Two years
Ray Bessell	Two years
Michael Palmer	One year
David Cook	One year

Co-opted trustees

Name	Term of office
Vacant	Three years
Vacant	Two years
Vacant	One year