

**THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Order that from today, the

the following

**SCHEME**

will govern the charity

known as

**NEWSTEAD COLLIERY MINERS' WELFARE TRUST (522255)**

at

Newstead, Nottinghamshire

Commissioners' References:

Sealing:

Case No: 334186

## **1. Definitions**

In this scheme:

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

“the area of benefit” means Newstead and the surrounding neighbourhood.

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

“affiliated organisation” means a sub section which is a bona fide sectional activity of the charity where the financial activities are consolidated within the main accounts of the charity.

“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 Newstead Colliery Miners Welfare Trust.

## **OBJECT**

### **4. Object of the charity**

The object of the charity is

- (1) The provision of an Institute and recreational facilities for the benefit of the inhabitants (and in particular, but not exclusively, such of the said inhabitants as are members of the mining community) of the area of benefit without distinction of political, religious or other opinions with the object of improving the conditions of life for the said inhabitants;
- (2) The land identified in part 2 of the schedule to this scheme must be retained by the trustees for use for the object of the charity,
- (3) In so far as the land and buildings in part 2 of the schedule to this scheme, or other assets of the charity, are not required for the said object in (1) above, then provided that the trustees shall have consulted and obtained the agreement of the trustees of CISWO in advance, the Trustees may use the charity's land and other assets for such other purposes as are exclusively charitable at law for the direct benefit of the inhabitants of the area of benefit.

## **POWERS OF THE TRUSTEES**

### **5. Powers of the trustees**

In addition to any other powers which they have, the trustees 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 to any one or more of the trustees the transaction of any business or the performance of any act required to be transacted or performed in the execution of the trusts of the charity and which is within the professional or business competence of such trustee or trustees: Provided that the trustees shall exercise reasonable supervision over any trustee or trustees acting on their behalf under this provision and shall ensure that all their acts and proceedings are fully and promptly reported to them.
- (5) Power to raise funds. (The trustees must not undertake any permanent trading activity.)
- (6) Power to co-operate with other charities, voluntary bodies and statutory authorities. The trustees may exchange information and advice with them.
- (7) Power, with the prior written approval of CISWO (such approval not to be unreasonably withheld), to make rules and regulations consistent with this scheme for the management of the charity.

## **TRUSTEES**

### **6. Trustees**

- (1) There should be:

10 nominated trustees and

2 co-opted trustees (if the trustees determine that it is in the interests of the charity so to do and subject to the prior written consent of CISWO),

appointed in accordance with clauses 7 and 8 and the number of trustees should not fall below the quorum required by clause 17 herein;

- (2) The first nominated trustees are the persons listed in part 1 of the schedule to this scheme. Subject to clause 12 (termination of trusteeship) they will hold office for the periods shown in the schedule.

**7. Nominated trustees**

- (1) The nominated trustees must be appointed as follows:

3 shall be appointed by the Union of Democratic Mineworkers; and

3 shall be appointed by CISWO; and

4 shall be appointed at a meeting to be convened by the Secretary of the Charity on or about the nearest convenient date to the 1<sup>st</sup> April each year (or at any time in the case of casual vacancies), to be attended by one representative of each organisation affiliated to the charity. Subject to clause 12 herein, they shall hold office until the next meeting called under this provision, but may, if eligible, be reappointed.

- (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) 4 years; or

(b) 1 year in the case of trustees nominated at a meeting of the affiliated organisations; or

(c) 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 date the nominated trustee declares a willingness to act, and signs the minute book.

- (5) The person appointed need not be a member of the relevant appointing body.

**8. Co-opted casual vacancies**

- (1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 16.

- (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 three 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 made for the shorter of:
  - (a) four years; or
  - (b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.

**9. New trustees**

The trustees must give 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.

**10. 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.

**11. Trustees not to have a personal interest**

Except with the prior written approval of the Commissioners no trustee may:

- (1) receive any benefit in money or in kind from the charity; or
- (2) have a financial interest in the supply of goods or services to the charity; or
- (3) acquire or hold any interest in property of the charity (except in order to hold it as a trustee of the charity).

**12. 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 one 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).

## OFFICERS

### 13. Chairperson and Vice Chairperson

- (1) At their first ordinary meeting in each year the trustees must elect one of their number to be chairperson of their meetings.
- (2) At their first ordinary meeting in each year the trustees must elect one of their number to be the vice chairperson of their meetings.
- (3) The trustees present at a meeting must elect one of their number to chair the meeting if the chairperson or vice chairperson is not present within 15 minutes of the scheduled start of the meeting or the offices of chairperson and vice chairperson are vacant.

### 14. Secretary

The trustees may appoint a secretary. The office may be held by:

- (1) a trustee (who must not receive any reward for acting and who may be dismissed by the trustees as secretary at any time); or
- (2) some other suitable person (who may be employed upon such reasonable terms, including terms as to notice, as the trustees think fit).

## MEETINGS OF TRUSTEES

### 15. Ordinary meetings

- (1) The first meeting after the date of this scheme must be called by Samuel Brian Downes or, if he does not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least 6 ordinary meetings in each 12 month period, usually at two monthly intervals, unless there are exceptional circumstances.
- (3) Ordinary meetings require at least 10 days' notice.

### 16. Special meetings

- (1) The chairperson, 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:
  - (a) the amendment of this scheme under clause 27,

require at least 21 days' notice.

- (3) The notice calling a special meeting must include details of:
  - (a) the business to be transacted at the meeting; and
  - (b) any amendment to be made to this scheme (under clause 27).
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

#### **17. Quorum**

No business may be transacted at a meeting unless at least 4 trustees are present when the meeting proceeds to business.

#### **18. Voting**

- (1) Every matter must be decided by majority decision of the trustees present and voting at a duly convened quorate meeting of the trustees.
- (2) The chairperson of the meeting may cast a second or casting vote only if there is a tied vote.

#### **19. Recording of meetings**

The trustees must keep a proper record of their meetings.

#### **20. Trustees to act jointly**

The trustees must exercise their powers jointly, at properly convened quorate meetings.

### **CHARITY PROPERTY**

#### **21. Transfer of property**

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

#### **22. Use of income and capital**

- (1) The trustees must firstly apply:
  - (a) the charity's income; and
  - (b) if the trustees think fit, expendable 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.

**23. 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 trustees 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 trustees 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.

**24. Mortgage**

The trustees shall have power, if so recommended in writing by the trustees of CISWO, to mortgage the property of the charity, or any part thereof subject to such consents as are required by law.

**25. Sale of land**

If the land and buildings or any part of it, owned by the charity is no longer required for use in furthering the object of the charity the trustees shall have power, if so recommended in writing by the trustees of 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).

**26. Proceeds of sale**

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

**AMENDMENT OF SCHEME**

**27. Amendment of scheme**

- (1) Subject to the provisions of this clause, the trustees may amend the provisions of this scheme.
- (2) Any amendment must be made by a resolution passed at a special meeting of the trustees. The notice of the special meeting must include notice of the resolution, setting out the terms of the amendment proposed.
- (3) The trustees must not make any amendment which would:



- (a) vary this clause;
  - (b) vary clause 1, clause 4, clause 7, clause 22, clause 23, clause 24, clause 25 or clause 26;
  - (c) confer a power to dissolve the charity;
- (4) The trustees must obtain the prior written approval of the Commissioners before making any amendment which would:
- (a) affect the composition of the trustees or the terms on which they hold office;
  - (b) remunerate the trustees or effect indemnity insurance;
  - (c) vary clauses 11 or 17 of this scheme;
  - (d) vary the name of the charity.
- (5) The trustees must:
- (a) Prior to the execution of any amendment under this power, obtain the written approval of CISWO to any such amendment (such approval not to be unreasonably withheld)
  - (b) promptly send to the Commissioners and CISWO, a copy of any amendment made under this clause; and
  - (c) keep a copy of any such amendment with this scheme.

### **GENERAL PROVISIONS**

#### **28. 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

### PART 1

#### Nominated trustees

Name	Nominating Body	Term of office
Peter Greensmith	UDM	4 years
Samuel Brian Downes	UDM	3 years
Anthony Barclay	UDM	2 years
Michael Andrew Ball	CISWO	4 years
Patricia Ann Wise	CISWO	3 years
Betty Peat	CISWO	2 years
Vacancy	Affiliated Organisations	1 year
Vacancy	Affiliated Organisations	1 year
Vacancy	Affiliated Organisation	1 year
Vacancy	Affiliated Organisation	1 year

### PART 2

1. Leasehold land containing 2.58 hectares or thereabouts situate in the Parish of Newstead in the County of Nottinghamshire having a frontage on the north to Tilford Road of 64.62 metres or thereabouts and on the south to Webb Street of 79.86 metres or thereabouts with the buildings thereon held for the residue of the term of 99 years from the 1<sup>st</sup> March 1931 at the yearly rent of £1 created and reserved by the lease dated 3<sup>rd</sup> May 1937 made between The Newstead Colliery Company Limited of the one part and Anthony Henry Mather Jackson and three others of the other part.
2. Land with the buildings thereon known as The Miners' Welfare Institute and Village Hall containing 2063.90 square metres or thereabouts situate at Newstead in the County of Nottinghamshire having a frontage on the North to Tilford Road of 43.28 metres or thereabouts being the land comprised in the conveyance dated 6<sup>th</sup> August 1925 and made between Charles Ian Fraser of the one part and Thomas Godfrey Lees and three others of the other part.

Note; The land numbered 1 & 2 above was vested in the Official Custodian for Charities by a scheme dated 20<sup>th</sup> June 1979.

## Document History

Date	Reason for Change	Ver	Author
Recent	Do not Delete any text in this line	1.0	

*To remove an update, select the entire row and then Table|Delete Rows*

*Do not delete anything below this line.*

Ordinary

0