



# NORTHWOOD HOUSE CHARITABLE TRUST

DRAFT CHARITABLE SCHEME

DRAFT

November 24, 2011

**THE CHARITY COMMISSION FOR ENGLAND AND WALES**

Under the power given in the Charities Act 1993

Orders that from today, the

**[ DATE ]**

this

**SCHEME**

will govern the charity

known as

**NORTHWOOD HOUSE TRUST (276153)**

at

Cowes, Isle of Wight

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**Authorised Officer**

## 1. Definitions

In this Scheme:

- “the charity” means the charity identified at the beginning of this Scheme;
- “the Commission” means the Charity Commission for England and Wales;
- “the area of benefit” means Cowes and the parishes of Gurnard and Northwood and, at the discretion of the trustee, any adjoining area;
- “the Company” means *Northwood House Charitable Trust Company Limited* company number ##### ##;
- “former trusts” means the deed of gift and conveyance dated 19 August 1929 as affected by the Schemes of 11 March 1987 and 31 July 2002;
- “the trustee” means the trustee of the charity acting under this Scheme;

## 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 Northwood House Trust.

## OBJECTS

### 4. Objects of the charity

The objects of the charity are, for the public benefit

- (1) the provision, maintenance and support of a public pleasure garden or park (including the provision of facilities for playing games, sports and other recreational or leisure facilities and amenities) in the area of benefit. Subject to clause 5(1) of this Scheme, the property described in Part 2 of the schedule to this Scheme must be retained for use for this purpose;
- (2) the provision maintenance and support of public amenities for such charitable purposes as the trustee from time to time thinks fit (including the provision of public car parks);
- (3) the restoration, preservation and maintenance of those the property of the charity which are of historic or architectural merit or importance;
- (4) if and in so far as income is not required for the above purposes, for any charitable purpose for the benefit of the inhabitants of the area of benefit.

## POWERS OF THE TRUSTEE

### 5. Powers of the trustee

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

- (1) power to sell, lease or otherwise dispose of all or any part of the charity's property which is no longer required to be retained for use for the object(s) of the charity. (The trustees 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.) The proceeds of any such sale must be invested in trust for the charity and may only be applied in accordance with clause 8(3)(iii) of this Scheme;
- (2) power to charge such fees as trustees deem are appropriate.

## TRUSTEE

### 6. Trustee

The Company acting in accordance with its usual procedures is the trustee of the charity.

## CHARITY PROPERTY

### 7. Transfer of property

- (1) The Official Custodian for Charities is discharged from his trusteeship of the land identified in part 1 of the schedule to this Scheme.
- (2) The title to the land described in part 1 of the schedule to this Scheme is transferred by this Scheme to the trustee as custodian trustee in trust for the charity.

### 8. 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; and
  - (c) when the expenditure can properly be charged to it, its permanent endowmentin 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 trustee must apply the remaining income in furthering the object(s) of the charity.
- (3) The trustee may also apply for the object(s) of the charity:
  - (a) expendable endowment; and

- (b) permanent endowment, but only:
- (i) where it is permitted in accordance with, and subject to the conditions in, section 75, section 75A or section 75B of the Charities Act 1993 (*power of unincorporated charities to spend capital*); or
  - (ii) on such terms, including for the replacement of the amount spent, as the Commission may approve in advance; or
  - (iii) where the permanent endowment arises from a disposal under clause 5(1) of this Scheme and it is to be applied in acquiring replacement land for the purposes of the charity or improving or maintaining land held for that purpose.

## GENERAL PROVISIONS

### 9. 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.

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## SCHEDULE

### PART 1

The land and buildings including Northwood House and Church Lodge registered at HM Land registry under title number IW55215

### PART 2

The land which has been used as a public pleasure park being part of the land registered at HM Land Registry under title number IW55215.