

Subject: 20191001 - Cooksbridge Recreation Ground and Village Hall (206200) CRM:0413956

Dear Ms Beaton

Cooksbridge Recreation Ground and Village Hall (206200)

Thank you for your email and for setting out so clearly the changes the charity wants to make to its governing document.

We understand that the Parish Council will be appointed as sole trustee.

The current trustees will need to pass a resolution to make the changes. This resolution will need to sit alongside the Scheme (and other resolutions previously passed by the trustees). It is a copy of the resolution that should be sent to the Commission.

There is nothing to stop the trustees from creating a working copy which includes the relevant provisions from the Scheme and resolutions (and we have seen a draft version of this working document, which will need to be amended slightly to take account of the below advice).

Our consent is not needed to make the changes to the Amendments clause. This is because the trustees have had the agreement of all nominating bodies to remove their right to appoint a trustee. Therefore, there are no nominating bodies in place and clause 24 (3) (c) is then meaningless and the change to delete this clause is administrative. Changing the title of this clause is also administrative and makes no difference to the powers available to the trustees.

The Commission cannot consent to the addition of the proposed "Disposal of Property" clause. This is because we do not have the power to do so. There is no statutory power in the Charities Act 2011 to add a dissolution clause where there is designated land. The power of amendment in the scheme also states that no changes can be made to the purposes and this would include adding dissolution clause (as a dissolution clause, in the same way as a purpose clause, deals with how charity property can be used). The proposed power of disposal should also be changed to reflect that there is no clause 15.

However, the charity's property is still protected at dissolution. The charity's land must be used for the charity's purposes as set out in clause 4. If the property was no longer needed for this purpose (and there is specific legal test that must be met) then the trustee must apply for a Commission scheme to amend the purpose. Any new purpose must be charitable and close to the original. As part of making a scheme the Commission would expect the trustee to consult and this would include seeking the views of local inhabitants.

The next step is for the trustees to pass the resolution to make the changes. Please then send me a copy at this address. I will update the charity's file and the Central Register.

Kind regards

Nia Jones

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