

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

22ND APRIL 2002

the following

SCHEME

will govern the charities

previously known as

1. **CHARITY OF FREDERICK FRANKLIN FOR A PUBLIC PARK (299470)**
2. **THE CHARLES SPORTS GROUND (1015537)**

and now to be known as

CHARITY OF FREDERICK FRANKLIN FOR A PUBLIC PARK

in

the former Borough of Deal in the County of Kent

Commissioners' References:

Sealing: 51(s)02

Case No: 196319



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A handwritten signature in ink, appearing to be a stylized name.

ASSISTANT COMMISSIONER

SCHEME

1. Definitions

In this Scheme:

“the charity” means the charity created by clause 2 of this Scheme.

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

“charity 1” means the charity numbered 1 at the beginning of this Scheme.

“charity 2” means the charity numbered 2 at the beginning of this Scheme.

“the area of benefit” means the former Borough of Deal in the County of Kent.

“the trustee” means the trustee of the charity.

“the former trusts” means: for charity 1, a Will proved at Canterbury on 26th February 1916 and a Scheme of the Charity Commissioners dated 8th November 1994; for charity 2, a Scheme of the Charity Commissioners dated 4th October 1991.

ADMINISTRATION

2. Administration

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

3. Name of the charity

The name of the charity is Charity of Frederick Franklin for a Public Park.

OBJECT

4. Object of the charity

- (1) The object of the charity is, in the interests of social welfare, the provision of, or to assist in the provision of facilities for recreation or other leisure time occupation to improve the conditions of life for the inhabitants of the area of benefit without distinction of political, religious or other opinions.
- (2) Subject to the provisions of clause 8 of this Scheme the land identified in Parts 2 and 3 of the Schedule to this Scheme must be retained by the trustee for use as a recreation ground.

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 object 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 (who must not be members of the trustee) 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 raise funds. (The trustee must not undertake any permanent trading activity.)
- (5) Power to co-operate with other charities, voluntary bodies and statutory authorities. The trustee may exchange information and advice with them.
- (6) Power to make rules and regulations consistent with this Scheme for the management of the charity.

TRUSTEE

6. Trustee

Dover District Council is the trustee of the charity.

CHARITY PROPERTY

7. Use of income and capital

- (1) The trustee must firstly apply:
 - (a) the charity's income; and
 - (b) if the trustee 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 trustee must apply the remaining income in furthering the object of the charity.
- (3) The trustee 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 Commissioners may approve by order in advance.

8. Disposal of property

- (1) Subject to the provisions of this clause, the trustee may sell, lease or otherwise dispose of the property identified in Part 1 of the Schedule to this Scheme. (The trustee 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.)
- (2) Subject to the provisions of this clause the trustee may let and otherwise manage all the land and buildings belonging to the charity identified in Part 2 of the Schedule to this Scheme during such periods as they are not occupied for the purposes thereof. (The trustee 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.)
- (3) The trustee may only dispose of the property identified in Part 1 of the Schedule to this Scheme if the trustee decides that the property is no longer required for use for the object of the charity.
- (4) The trustee must invest the proceeds of any such sale in trust for the charity.

AMENDMENT OF SCHEME

9. Amendment of scheme

- (1) Subject to the provisions of this clause, the provisions of this Scheme may be amended.
- (2) Any amendment must be made by a resolution passed at a meeting of the trustee.
- (3) The trustee must not make any amendment which would:
 - (a) vary this clause;
 - (b) vary clause 1 (definitions);
 - (c) vary clause 4 (object);

- (d) vary clause 8 (disposal of property); or
- (e) confer a power to dissolve the charity.
- (4) The prior written approval of the Commissioners must be obtained to any amendment which would change the name of the charity.
- (5) The trustee must:
 - (a) promptly send the Commissioners a copy of any amendment made; and
 - (b) keep a copy of any such amendment with this scheme.

GENERAL PROVISIONS

10. 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

Land situate at Walmer in the County of Kent with the buildings thereon known as Franklin House at 56 Liverpool Road, as described in a conveyance dated 30th September 1957 between William Alfred Adamson of the first part and the Mayor Aldermen and Burgesses of the Borough of Deal of the second part, subject to a 10 year lease from 1st December 1993 dated 26th November 1993 at an initial rent of £1040 per annum.

PART 2

Marke Wood Recreation Ground, containing 6.539 hectares situate at Walmer, Deal in the County of Kent. One part of the land is registered at HM Land Registry under title number K803695. The remaining part of the land is described in a conveyance dated 5th June 1957 which was made between Esther Rosamond (widow of the Conte di Sant'Elia) of the first part and the Mayor Aldermen and Burgesses of the Borough of Deal of the second part.

PART 3

Land containing 1.041 hectares at the rear of 59 and 61 Mill Road, Deal, in the County of Kent and forming part of the Victoria Park Recreation Ground, being the whole of the land comprised within a conveyance dated 24th May 1963 which was made between James Joshua Spinner of the first part and the Mayor Aldermen and Burgesses of the Borough of Deal of the second part.