

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

this

SCHEME

will replace the trusts of the charity

known as

PROPERTIES AT COW LANE, BRAMCOTE

and now to be known as

THE LT COLONEL N. PEARSON FUND

Held in connection with

SOUTHWELL AND NOTTINGHAM DIOCESAN BOARD OF FINANCE (249359)

DRAFT

1. Definitions

In this Scheme:

"the charity" means the charity named in this scheme

"the Diocese" means the Diocese of Southwell and Nottingham

"the existing trusts" means the trusts contained in various documents and set out particularly in Minute 234 from the minutes of a meeting of the Executive Committee of the Southwell Diocesan Board of Finance held on Monday 27 April 1953

"the properties" means the properties described in the Schedule

"Bramcote Primary School" means Bramcote Church of England Primary School, Hanley Avenue, Bramcote, Nottingham NG9 3HE

"the trustee" means the trustee of the charity

2. Administration

The charity is to be administered in accordance with this Scheme. This scheme replaces the existing trusts of the charity.

3. Objects

The trustee may apply the clear proceeds of sale of the properties towards the following objects

- i) A sum not in excess of £300000 to be paid to Bramcote Primary School for the purpose of constructing two classrooms
- ii) the remainder of the proceeds to be invested in trust for the Southwell and Nottingham Diocesan Board of Finance, and the income from that investment to be used for the relief of need of retired clergy within the Diocese.

4. Name

The name of the charity is the Lt. Colonel N. Pearson Fund

5. Trustee

The trustee of the charity is the Southwell and Nottingham Diocesan Board of Finance (249359)

6. Power of sale

The trustee may sell, lease or otherwise dispose of all or any part of the charity's property. (The trustee 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.)

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 endowmentin meeting the proper costs of administering the charity and of managing its assets.
- (2) After payment of these costs, the trustee must apply the remaining income in furthering the objects of the charity.
- (3) The trustee may also apply for the objects 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 by order in advance.

8. Power of amendment

- a. The trustee (subject to the provisions of this clause) may from time to time amend the trusts if they are satisfied that it is expedient in the interests of the charity to do so.
- b. The trustee must not make any amendment which would have the effect directly or indirectly of:
 - i. altering or extending the purposes of the charity;
 - ii. authorising the trustee to do anything which is expressly prohibited by the trusts of the charity;
 - iii. causing the charity to cease to be a charity at law;
 - iv. altering or extending the power of amendment that is conferred by this clause.
- c. The trustee must obtain the prior written approval of the Commission before making any amendment which would have the effect directly or indirectly of:

- i. enabling them to spend permanent endowment or capitalise income of the charity;
 - ii. varying the name of the charity.
- d. An amendment may be made only by a resolution passed at a meeting of the trustee of which not less than 21 days notice has been given. The notice must set out the terms of the proposed amendment.
- e. The trustee must:
 - i. prepare a written memorandum of each amendment that it makes, which must be signed at the meeting at which the amendment is made by the person chairing the meeting;
 - ii. send to the Commission a certified copy of the memorandum within three months of the date of the meeting; and
 - iii. retain the memorandum as part of the governing document.

9. Questions relating to the Scheme

The Commission 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

The properties situated at Cow Lane, Bramcote.