

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

22 DECEMBER 2009

this

SCHEME

will alter and affect the existing trusts of the charity

known as

HOWARD WATSON SYMINGTON MEMORIAL CHARITY (512708)

at

Market Harborough, Leicestershire



Authorised officer

1. Definitions

In this scheme:

"the area of benefit" means the former Urban District of Market Harborough, Leicestershire.

"the charity" means the charity identified at the beginning of this scheme.

"the Commission" means the Charity Commission for England and Wales.

"the existing trusts" means the conveyance dated 2 July 1946 and a scheme of the Commission dated 29 September 1981.

"the trustee" means the trustee of the charity acting under this scheme.

"the trusts" means the provisions which at any given time regulate the purposes and administration of the charity.

ADMINISTRATION

2. Administration

The charity is to be administered in accordance with the existing trusts as altered or affected by this scheme.

OBJECTS

3. Objects of the charity

The objects of the charity are to further such charitable purposes for the general benefit of the inhabitants in the area of benefit in one or more of the following ways, or in such ways as the trustee sees fit:

- (1) in relieving persons who are in need, hardship or distress;
- (2) in relieving persons who are sick;
- (3) in providing and supporting with the object of improving the conditions of life for the said inhabitants in the interests of social welfare, facilities for recreation and other leisure time occupation; and
- (4) in providing and supporting educational facilities.

CHARITY PROPERTY

4. Sale of land

- (1) The trustee may sell the land identified in the schedule to this scheme. It must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.

- (2) The proceeds of any such sale must be invested in trust for the charity.

5. Use of income and capital

- (1) The trustee must firstly apply:
- (a) the charity's income; and
 - (b) if the trustees thinks 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 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 as the Commission may direct in advance.

AMENDMENT OF SCHEME

6. Power of amendment

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

- (a) enabling it to spend permanent endowment or capitalise income of the charity;
 - (b) conferring a benefit of any kind on the trustee (or on members of its governing body) or on its successors;
 - (c) restricting the existing right of any person (other than the trustee) to appoint or remove a trustee, or to intervene in the administration of the charity, without the consent of that person;
 - (d) varying the name of the charity.
- (4) The trustee must:
- (a) prepare a written memorandum of each amendment that it makes;
 - (b) send to the Commissioners a certified copy of the memorandum within three months of the date of making the amendment; and
 - (c) retain the memorandum as part of the governing document.

GENERAL PROVISIONS

7. 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.

SCHEDULE

Land and buildings known as Brooklands Gardens in Market Harborough, Leicestershire being part of the land comprised in a conveyance dated 2 July 1946 and made between W. Symington and Company Limited on the one part and The Market Harborough Urban District Council on the other part.