

CHARITY COMMISSIONERS FOR ENGLAND AND WALES

SCHEME

MITHIAN VILLAGE HALL

DATED 9TH OECEMBER 1985

AMENDED 18<sup>th</sup> MARCH 2025

Sealed 9th December 1985

County - Cornwall  
Parish - Saint Agnes  
Place - Mithian  
Charity-Mithian Institute

Adjudged not chargeable with stamp duty  
Scheme including appointment of Trustees

### **CHARITY COMMISSION**

In the matter of the Charity known as Mithian . Institute, at Mithian,  
in the Parish of Saint Agnes, in the County of Cornwall,  
comprised in a conveyance dated the 17th December 1929; and  
In the matter of the Charities Act 1960.

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES HEREBY  
ORDER that the following Scheme be approved and established as the Scheme  
for the regulation of the above-mentioned Charity:-

### **SCHEME**

#### **1. Administration of Charity.**

The above-mentioned Charity and the property thereof specified in the schedule hereto and all other the property (if any) of the Charity shall be administered and managed in conformity with the provisions of this Scheme under the title of Mithian Village Hall by the Committee of Management hereinafter constituted as the charity trustees thereof within the meaning of section 46 of the Charities Act 1960:

Provided that until the end of the first annual general meeting to be held as hereinafter provided after the date of this Scheme the Charity shall be administered by the existing Trustees of the Charity In accordance with the provisions of the Scheme.

#### **2. Vesting.**

The land with the building thereon specified in the said schedule is hereby vested in the Official Custodian for Charities for all the estate and interest therein belonging to or held in trust for the Charity.

## OBJECT

### 3. Object of Charity.

(1) The object of the Charity shall be the provision and maintenance of a village hall for the use of the inhabitants of Mithian and the neighbourhood thereof (hereinafter called "the area of benefit") without distinction of political, religious or other opinions, including use for meetings, lectures and classes, and for other forms of recreation and leisure-time occupation, with object of improving the conditions of life for the said inhabitants.

(2) The said land and building shall be held upon trust for the purposes of a village hall as aforesaid.

(3) To promote for the benefit of the inhabitants of Mithian and the surrounding area the provision of facilities and/or events for the public at large or those who by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances, have need of, or would benefit from, such facilities and/or events, in the interest of social welfare and with the object of improving the conditions of life for such persons.

## COMMITTEE OF MANAGEMENT

### 4. Constitution.

(1) Subject as hereinafter provided, the Committee of Management (hereinafter referred to as 'The Committee') shall be elected at the AGM and shall consist of up to 9 persons (hereinafter referred to as 'Members'), being the Elected Chair, Vice-Chair, Secretary and Treasurer, plus up to 5 other Elected Members.

(2) If an officer of the Committee is not elected at the AGM, then at the first meeting of the elected Committee, one Member shall be appointed into that vacant post, or another person may be co-opted onto the Committee to fill that post. The total number of Members shall not exceed 9 persons

### 5. Elected Members.

Subject as hereinafter provided for casual vacancies, the Elected Members shall be appointed at the annual General meeting to be held as hereinafter provided and shall hold office from the end of the annual general meeting at which they are appointed.

### 6. Co-opted Members.

The Committee may appoint, if they think fit, not more than 5 Co-opted Members. Each appointment of a Co-opted Member shall be made at a meeting of The Committee, to take effect from the date of that meeting. The total number of Committee Members shall not exceed 9

### 7. Termination of membership.

(1) Any Member who is adjudged bankrupt or makes a composition or arrangement with his or her creditors or who is incapacitated from acting or who communicates in writing to the Committee a wish to resign shall thereupon cease to be a Member.

(2) All the Members shall retire from office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed.

## **8. Additional Representative' Members.**

The Committee shall have power by a resolution passed at a duly constituted meeting by the votes of not less than two-thirds of the Members for the time being to allow the appointment of an additional Representative Member by any organisation in the area of benefit not already named in this Scheme.

## **9. Alteration of constitution of Committee.**

The constitution of the Committee as hereinbefore provided may on the application of the Committee be altered from time to time by Order of the Charity Commissioners.

## **10. Casual vacancies.**

(1) Upon the occurrence of a casual vacancy the Committee shall cause a note thereof to be entered in their minute book at their next meeting and in the case of a vacancy in the office of Representative Member shall cause notice thereof to be given as soon as possible to the organisation entitled to fill the vacancy.

(2) A casual vacancy in the office of Elected Member may be filled at a meeting of the Committee to take effect from the date of that meeting.

## **11. Failure to appoint.**

The proceedings of the Committee shall not be invalidated by any vacancy among its Members or by any failure to appoint or any defect in the appointment or qualification of a Member.

## **12. Declaration of Members.**

No person shall be entitled to act as a until of Member whether on a first or on any subsequent entry into office after signing in the minute book of the Committee a declaration acceptance and of willingness to act in the trusts of this Scheme.

## **13. Members not to be personally interested.**

Except ' in special circumstances with the approval in writing of the Commissioners no Member shall take or hold any interest in any property belonging to the Charity otherwise than as a trustee for the purposes thereof, or receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charity.

## **MEETINGS AND PROCEEDINGS OF THE COMMITTEE**

## **14. Meetings of the Committee.**

The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by the chairman or by any two Members upon seven clear days' notice being given to all the other Members of the matters to be discussed.

## **15. Chairman.**

(1) At the first meeting in each year after the annual general meeting the Committee shall elect one of their number to be chairman of their meetings until the commencement of the first meeting after the annual general meeting in the following year and may also elect one of their number to be vice-chairman. The chairman and vice shall always be eligible for re-election.

(2) If the chairman and vice-chairman (if any) are absent from any meeting of the Committee the Members shall choose one of their number to be chairman of the meeting before any other business is transacted.

#### **16. Voting.**

Except as hereinbefore provided every matter shall be determined by the majority of votes of the Members present and voting on the question but in the case of equality of votes the chairman of the meeting shall have a second or casting vote.

#### **17. Minutes and accounts.**

Meeting minutes and full accounting details shall be recorded and made available to all Members and Local Residents.

#### **18. Rules.**

Within the limits prescribed by this Scheme the Committee may from time to time make and alter rules for the conduct of their business and for the summoning and conduct of their meetings and in particular with reference to:

- (1) The terms and conditions upon which the said building may be used for the purposes specified in this Scheme by persons or bodies other than the Committee and the sum (if any) to be paid for such use;
- (2) the appointment of an auditor, treasurer and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office.
- (3) the engagement and dismissal of such paid officers and servants as the Committee may consider necessary; and
- (4) the number of Members who shall form a quorum at meetings of the Committee, provided that the number of Members who shall form a quorum shall not be less than one-third of the total number of Members for the time being.

### **INSURANCE**

#### **19. Insurance.**

The Committee shall insure the said building and the furniture and effects therein to the full value thereof against fire and other usual risks and shall suitably insure against risks arising out of the ownership of property and the employment of persons.

### **APPLICATION OF INCOME**

#### **20. Receipts and expenditure.**

- (1) The income of the Charity including all payments for the use of the said building and all donations for the benefit thereof shall be paid into a trust account at such bank as the Committee shall from time to time prescribe.
- (2) The moneys standing to the credit of the said account shall be applied as the Committee shall decide in insuring as aforesaid, in maintaining and repairing the said building and furniture and effects therein and in paying all rent (if any), rates, taxes, salaries of paid officers and servants and other outgoings and in otherwise furthering the object of the Charity.

## **21. Surplus cash.**

Sums of cash at any time belonging to the Charity and not needed for immediate working purposes shall be invested in the name of the said Official Custodian unless the Commissioners Otherwise direct.

## **ANNUAL GENERAL MEETING**

### **22. Annual general meeting.**

- (1) There shall be an annual. General meeting in connection with the Charity which shall be held in the month of February in each year or as soon as practicable thereafter.
- (2) All inhabitants of the area of benefit of 18 years of age and upward shall be entitled to attend and vote at the annual general meeting
- (3) The first annual general meeting shall be convened by the existing Trustees of the Charity and every subsequent annual general meeting shall convened by the Committee.
- (4) Public notice of every annual general meeting shall be given in the area of benefit at least 14 days before the date thereof.
- (6) The Committee shall present to each annual general meeting the report and accounts of the Charity for the preceding year.

## **GENERAL PROVISIONS**

### **23. Donations.**

The Committee may accept any donations or property for the general purposes of the Charity and they may also accept donations or property for any special objects connected with the Charity not inconsistent with the provisions of this Scheme.

### **24. Questions under Scheme.**

Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined by the Commissioners upon such application made to them for the purpose as they think sufficient.

## **SCHEDULE**

Land situate at Mithian in the Parish of St. Agnes in the County of Cornwall with the buildings thereon known as the Mithian Institute and being the land comprised in a conveyance made the 17th December 1929 between Lydia James of the one part and Frank Ennor and four others of other part.

Together with:

Land adjacent to said Mithian Institute, being comprised in a conveyance made on 27th February 2014 between Graham William Viant and June Gwendolyn Violet Viant of the one part and Derek Rowland Skinner and Kenneth Smyth Adams and Christopher Kenneth Marden Bones and Elizabeth Anne Brooke of the other part as Trustees on behalf of said Mithian Institute, together with the building thereon.

£135 cash on current account at the Truro branch of Lloyds Bank Plc.

This schedule is made up to the 1st October 1985.

Sealed by Order of the Commissioners this 9th day of December 1985