

## Preliminary Declaration of Trust

**DATE: 30<sup>th</sup> April 2014**

**BY:**

**PAUL TYLER of 5 AVONWICK GREEN, AVONWICK, SOUTH BRENT, DEVON TQ10 9NR**

**ELIZABETH RIDER of OAKFIELD, 3 THE RUN, AVONWICK, TQ10 9LY**  
and

**LISETTE GRANADOS of 4 AUNE CLOSE, AVONWICK, SOUTH BRENT, DEVON TQ10 9LZ**

(hereinafter called "Trustees" which expression shall include their successors and assigns)

**WHEREAS:**

(A) The Trustees have resolved to constitute a fund to enable the provision of a community hall in the Parish of **NORTH HUISH** in the county of **DEVONSHIRE**.

(B) The Trustees have raised the sum of £ **NIL** and intend to raise other funds and collect and receive donations for the said purpose.

**NOW THIS DEED WITNESSES:**

1. The Trustees hereby declare that:

1.1 the said fund and all other funds and property (real or personal) collected or received by, or transferred to, the Trustees for the said purpose shall be known as the **AVONWICK AND NORTH HUISH COMMUNITY HALL PROJECT** (hereinafter called "Fund");

1.2 they hold the Fund upon trust to provide or assist in the provision of a community hall to be held upon charitable trusts, namely for meetings, lectures and classes or other forms of recreation and leisure time occupation in the interests of social welfare and with the object of improving the conditions of life for the benefit of the inhabitants of the Parish of **NORTH HUISH** in the county of **DEVONSHIRE** (hereinafter called "area of benefit") and for other charitable purposes for the benefit of the inhabitants in the area of benefit.

2. The Trustees shall have power in furtherance of the charitable trusts declared in Clause 1.2 hereof to raise funds and to invite and receive contributions from any person or persons whatsoever by way of subscription donation and otherwise.

3. The Trustees shall each year convene a public meeting in the area of benefit at which they shall present a written report of the Fund, including a balance sheet and accounts, to such meeting and shall take note of, but not be bound by, any resolutions passed thereat.

4. The title to any real or personal property (other than cash) which may be acquired for the purposes of the Fund shall be vested as follows:

4.1 in a corporation lawfully entitled to act as Custodian Trustee or in not less than two or more than four individuals (not being the Trustees) upon trusts to be declared in accordance with the appropriate Model Trust Deed for village halls issued by ACRE,

Somerford Court, Somerford Road, Cirencester, GL7 1TW, with such modifications as may be approved by the Charity Commission. Upon the execution of a charitable Trust Deed for the operation of the community hall the Trustees shall meet for the purposes of winding up the Fund and passing or formally transferring the Fund to the charity trustees of the community hall;

4.2 in circumstances where the Trustees wish to establish a charitable company limited by guarantee or a charitable incorporated organisation, in such charitable company limited by guarantee or charitable incorporated organisation whose Articles of Association or Constitution, as the case may be, conform to the model Articles of Association or Constitution issued by ACRE, Somerford Court, Somerford Road, Cirencester, GL7 1TW, with such modifications as may be approved by the Charity Commission.

5. The Trustees shall pay all monies comprised in the Fund into an account operated by them in the name of the **AVONWICK AND NORTH HUISH COMMUNITY HALL PROJECT** at such bank as they shall from time to time decide. All cheques drawn on the account shall be signed by at least two Trustees. The Fund shall be applied only in furtherance of the objects stated in Clause 1.2.

6. The Trustees shall comply with the obligations of the Charities Act 2011 (or any statutory re-enactment or modification of that Act) with regard to:

- 6.1 the keeping of accounting records for the Charity
- 6.2 the preparation of annual statements of account
- 6.3 the auditing or independent examination of the statements of account, and
- 6.4 the preparation of an annual report.

7. A Trustee shall cease to hold office if he or she:

- 7.1 is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision)
- 7.2 becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;
- 7.3 is absent without the permission of the other Trustees from all their meetings held within a period of six months and the Trustees resolve that his or her office be vacated; or
- 7.4 notifies the other Trustees of his or her wish to resign (but only if at least two Trustees will remain in office when the notice of resignation is to take effect).

8. The Trustees may appoint new trustees at a meeting of the Trustees called for this purpose or at the annual public meeting called in accordance with Clause 3. Each such appointment shall take immediate effect. Nobody shall be appointed as a trustee who is aged under 18 or who would, if appointed, be disqualified under the provisions of Clause 7. The Trustees shall keep minutes of the proceedings of their meetings.

9. The following provisions apply in circumstances where the purposes of the Fund cannot be realised:

9.1 Subject to the provisions of this Clause, the Trustees may offer any identifiable donations back to the donors and/or pay or apply the capital and income thereof to or for the benefit or otherwise in support of such charitable purposes in **NORTH HUISH PARISH** and in such manner and in such proportions as the Trustees shall in their absolute discretion from time to time determine.

9.2 The Trustees may only do so if:

- 9.2.1 they decide at any time that it is necessary or advisable to wind up the Fund and

9.2.2 the decision to do so is confirmed by a resolution passed at a special public meeting of the inhabitants in the area of benefit the age of 18 years and upward called in accordance with clause 3

and

9.2.3 such resolution is passed by two-thirds of such inhabitants present and voting at such meeting;

10. All the inhabitants in the area of benefit aged 18 years and over shall be entitled to attend annual general meetings and special public meetings. Such meetings shall be convened by giving not less than 14 days' notice, such notice to be posted on the parish notice board or in a conspicuous place and advertised in a newspaper circulating in the area of benefit. The Trustees may allow inhabitants who are under 18 to attend (but not vote at) such meetings

11. In support of the purposes and intentions of this Declaration of Trust a constitution document has been adopted and is appended to this Declaration of Trust to assist in the operation of the Avonwick and North Huish Community Hall Project. The detailed operation and management of the Avonwick and North Huish Community Hall Project shall be conducted in accordance with the Constitution hereby appended to this document and which may from time to time be amended by the Trustees as appropriate.

**IN WITNESS** whereof the Trustees have executed this Declaration of Trust as their Deed the day and year first before written.

**EXECUTED AS A DEED**

**By Paul Tyler** Trustee's signature: \_\_\_\_\_

**in the presence of:**

Witness signature \_\_\_\_\_

Witness full Name \_\_\_\_\_

Witness address \_\_\_\_\_

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**EXECUTED AS A DEED**

**By Elizabeth Rider** Trustee's signature: \_\_\_\_\_

**in the presence of:**

Witness signature \_\_\_\_\_

Witness full Name \_\_\_\_\_

Witness address \_\_\_\_\_

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**EXECUTED AS A DEED**

**By Lisette Mai Granados** Trustee's signature: \_\_\_\_\_

**in the presence of:**

Witness signature \_\_\_\_\_

Witness full Name \_\_\_\_\_

Witness address \_\_\_\_\_