

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

12 March 2009

this

SCHEME

will govern the charity

known as

GRAVES PARK (510841)

at

Sheffield



AUTHORISED OFFICER

Kate Wang

1. Definitions

In this scheme:

"the charity" means the charity identified at the beginning of this scheme, which includes the augmentation of land in 1936.

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

ADMINISTRATION

2. Administration

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

3. Name of the charity

The name of the charity is Graves Park.

OBJECT

4. Object of the charity

(1) The object of the charity is the provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life.

(2) Subject to clause 7 below, the land identified in part 1 of the schedule to this scheme must be retained by the trustee for use for the object of the charity.

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 lease any buildings in the park, subject to the prior written consent of the Commission, for purposes ancillary to the enjoyment of the park. The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the lease is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.

(2) Power to use part of the land identified in part 1 of the schedule to this scheme as an animal park.

(3) Power to make rules and regulations consistent with this scheme for the management of the charity.

TRUSTEE

6. Trustee

Sheffield City Council is the trustee of the charity.

CHARITY PROPERTY

7. Exchange of land

The trustee is authorised to dispose of the land described in part 2 of the schedule to this scheme in exchange for the replacement land described in part 3 of the schedule, even though this will be a disposal to a connected person (as defined in schedule 5 to the Charities Act 1993). The replacement land is to be held for the object declared in clause 4(1).

8. Use of income and capital

(1) The trustee must firstly apply:

- (a) the charity's income; and
- (b) if the trustee 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 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 Commission may approve by order in advance.

POWER OF AMENDMENT

9. 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 Commission 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 the 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 Commission 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

10. 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.

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SCHEDULE

PART 1 - CHARITABLE LAND

The following land in Sheffield, known as Graves Park:

1. Land described in a deed dated 2 December 1925 made between Bernard Alexander Firth and John George Graves of the first part and the Lord Mayor, Aldermen and Citizens of the City of Sheffield of the second part, being an area of approximately 620,860 square metres or thereabouts.
2. Land described in a deed dated 18 December 1936 made between Sir Ronald W Matthews and others of the first part and the Lord Mayor, Aldermen and Citizens of Sheffield of the second part, but excluding the land granted for housing for the elderly and known as 1-20 Graves Trust Homes, Little Norton Land, Sheffield. The land excluding the land granted for housing is an area of approximately 168,682 square metres or thereabouts.

PART 2 – AREA OF CHARITABLE LAND TO BE DISPOSED OF

Land in Sheffield known as Chantry Cottage and described within a lease dated 26 January 1995, which land forms part of the land described in the deed dated 18 December 1936, being an area of approximately 600 square metres or thereabouts.

PART 3 – REPLACEMENT LAND

The following land in Sheffield:

1. Land described in a deed dated 30 September 1970 made between the Board of Governors of the United Sheffield Hospitals of the first part and the Lord Mayor, Aldermen and Citizens of the City of Sheffield of the second part, less any land that at the date of this Scheme had previously been conveyed out of Council ownership (including that land described in a supplemental lease dated 3 November 1999) and less a further 135 square metres to be leased as identified by the City Council Surveyor in a report compiled under the Charities (Qualified Surveyor's Reports) Regulations 1992 dated 18 August 2006 and identified on the plan attached thereto. The replacement land is an area of approximately 90,554 square metres or thereabouts.
2. Land described in a deed dated 29 August 1931 made between the personal representatives of B & A Firth deceased of the first part and the Lord Mayor, Aldermen and Citizens of Sheffield of the second part, being approximately 32,802 square metres or thereabouts.