

DATED THIS 22ND DAY OF JANUARY 1991

DEED OF DECLARATION OF TRUST

made by

THE PARISH COUNCIL OF THE
PARISH OF TODDINGTON

relating to

TODDINGTON VILLAGE HALL

This copy of the Deed has been reconstructed from scanned images of the original document, which was prepared by Batcheldors, 265 Bedford Road, Kempston, Bedfordshire, MK42 8BS

D M Dix, Hon. Secretary, TVHA - July 1999

THIS DEED OF DECLARATION OF TRUST is made the 22nd day of January One Thousand Nine Hundred and Ninety-one by THE PARISH COUNCIL OF THE PARISH OF TODDINGTON in the County of Bedford (hereinafter called "the Council") which expression shall where the context so admits include the Council's successors in title

WHEREAS by a Conveyance (hereinafter called "the Conveyance") dated the 29th June 1987 and made between THE COUNTY COUNCIL OF BEDFORDSHIRE of the one part and the Council of the other part, a copy whereof is annexed hereto, all that land situate at Leighton Road Toddington in the County of Bedfordshire, more particularly described in the Conveyance (hereinafter referred to as "the Land") was conveyed to the Council in fee simple free from encumbrances subject to the Lease covenants and obligations set out or referred to in the Conveyance

NOW THIS DEED WITNESSETH as follows

1. VILLAGE HALL TRUSTS

a) Custodian Trustee

The Council hereby declares that it holds the Land subject as aforesaid as Custodian Trustee of a Charity known as Toddington Village Hall Association and the provisions of Sub-Section 2 of Section 4 of the Public Trustee Act 1906 shall apply to the Council and to the Committee as hereinafter defined respectively in like manner as they apply to the Public Trustee and Managing Trustees

b) Objects

The land and property to be erected thereon shall be held for the benefit of the inhabitants of the Parish of Toddington in the County of Bedfordshire and neighbourhood (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 other leisure-time occupation, with the object of improving the conditions of life for the said inhabitants

2. ADMINISTRATION BY COMMITTEE

The Charity shall be administered in conformity with the provisions of this Deed by the Committee of Management hereinafter constituted (hereinafter called 'the Committee'), which shall be the Charity Trustee of the Charity 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 after the date of this Deed, the Charity shall be administered in accordance with the provisions of this Deed by the following persons, namely

Chairman JOHN FREDERICK WILLIS of 1 Wentworth Close, Toddington in the County of Bedford
Vice-Chairman BERNARD JAMES HYDE of 19 Meadow Road, Toddington aforesaid
Secretary and DOUGLAS MICHAEL DIX of 3 Elm Grove, Toddington aforesaid
Treasurer

3. COMMITTEE OF MANAGEMENT

- 3.1 Except as hereinafter in this paragraph provided the Committee shall consist of not more than twelve elected members and those representative members, appointed as in sub paragraphs 3.3 and 3.7 below, and may include not more than ten co-opted members one of whom may fill the office of President if desired
- 3.2 The elected members (other than those appointed under sub paragraph 3.8 of this paragraph to fill casual vacancies) shall be elected at the Annual General Meeting to be held as in this Deed provided

- 3.3 One representative member may be appointed by each of the organisations listed in the Appendix to this Deed. A representative member shall ordinarily be appointed not more than one month before the Annual General Meeting, provided that an organisation which fails to appoint a representative member before such a meeting shall make the appointment as soon as practicable thereafter. Each organisation shall notify to the Secretary of the committee the name of its representative
- 3.4 Co-opted Members shall be appointed at a duly constituted meeting of the Committee
- 3.5 Subject to the provisions of sub paragraphs 3.6 and 3.8 of this paragraph the period of office of members shall commence
- 3.5.1 In the case of elected members at the end of the Annual General Meeting, at which they are elected
- 3.5.2 In the case of representative Members appointed before the Annual General Meeting in any year, at the end of that Meeting, or in the case of a representative member appointed after such Annual General Meeting or to fill a casual vacancy, on the day on which notification of his appointment is received by the Secretary
- 3.5.3 In the case of co-opted members from the date of their co-option
- 3.6 All Members of the Committee 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 or subsequently re-co-opted as in sub paragraph 3.4
- 3.7 In the event of any application for representation on the committee being received from any existing or newly formed organisation in the area of benefit, the committee may (upon a resolution supported at a duly constituted meeting of the committee by the votes of a majority of not less than two thirds of all the members of the committee) allow such organisation to appoint a representative member of the committee in the same manner as if such organisation had been named in sub paragraph 3.3 of this paragraph. A minute of the relevant resolution authenticated by the Chairman and the Secretary should be placed with the Title Deeds and a copy kept with the committee's working papers
- 3.8 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 (if in the office of representative member) it shall be notified as soon as possible to the proper appointed organisation. A casual vacancy in the office of elected member may be filled by the committee, and the period of office of an elected member elected to fill a casual vacancy shall commence at the end of the meeting of the committee at which he was so elected
- 3.9 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

4. FAILURE TO APPOINT

The proceedings of the committee shall not be invalidated by any failure to appoint or any defect in the appointment election or qualification of any member

5. DECLARATION OF MEMBERS

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

6. MEMBERS NOT TO BE PERSONALLY INTERESTED IN THE CHARITY

Except in special circumstances, and with the approval in writing of the Charity Commissioners, no member of the committee shall take or hold any interest in any property belonging to the charity otherwise than as a trustee for the purposes thereof, nor receive any remuneration or be interested in the supply of work or goods at the cost of the charity

7. DETERMINATION OF MEMBERSHIP

Any member who is adjudged bankrupt, or who makes a composition or arrangement with his 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

8. MEETINGS OF THE COMMITTEE

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

9. OFFICERS OF THE COMMITTEE

The committee, at their first meeting in each year after the Annual General Meeting shall elect one of their number to be Chairman of their meetings, and may elect others of their number to fill whatever offices are deemed to be appropriate. Those so elected shall continue in office until their respective successors are elected, except that in the event of a casual vacancy occurring in any such office the committee shall take whatever steps it considers necessary to fill the vacancy prior to the next Annual General Meeting. If the Chairman is absent from any meeting the Vice Chairman (if any) shall preside, otherwise the members present shall before any other business is transacted choose one of their number to preside at that meeting

10. VOTING IN COMMITTEE

Every matter shall (except as in this Deed provided) be determined by the majority of the members of the committee present and voting on the question. In case of equality of votes the chairman of the meeting shall have a second or casting vote.

11. ANNUAL GENERAL MEETING

- 11.1 There shall be an Annual General Meeting in connection with the charity which shall be held in October in each year or as soon as practicable thereafter
- 11.2 All inhabitants of the area of benefit of eighteen years of age and upwards shall be entitled to attend and vote at the Annual General Meeting
- 11.3 The first Annual General Meeting after the date of this Deed shall be convened by the persons named in paragraph 2. hereof, and subsequent Annual General Meetings by the committee. Public notice of every Annual General Meeting shall be given in the area of benefit at least fourteen days before the date thereof, by affixing a notice to some conspicuous part of the trust property or other conspicuous place in the area of benefit, and by such other means as the conveners think fit
- 11.4 The persons who are present at the First Annual General Meeting after the date of this Deed shall, before any other business is transacted, appoint a chairman of the meeting. The chairman of subsequent Annual General Meetings shall be the Chairman for the time being of the committee. In his absence the Vice Chairman (if any) shall take the chair but if neither is present the persons present shall before any other business is transacted appoint a chairman of the meeting. In case of equality of votes the chairman of the meeting shall have a second or casting vote
- 11.5 The committee shall present to each Annual General Meeting the report and accounts of the charity for the preceding year

12. REPAIRS AND INSURANCE

The committee shall cause all the buildings and other property of the charity at all times to be kept in repair and sufficiently insured against all insurable risks, including fire theft and public liability, and shall whenever necessary procure (and act upon) a professional valuation for insurance purposes of the said buildings and property of the charity

13. APPLICATION OF INCOME

After satisfying its obligations under paragraph 12 hereof the committee shall as and when it thinks fit apply the net yearly income for the purposes of the charity

14. SURPLUS CASH

Any sum of cash at any time belonging to the charity and not needed as a balance for working purposes shall (unless otherwise directed by the Charity Commissioners) be invested

15. FURTHER ENDOWMENTS

The committee may receive any additional donations or endowments for the general purposes of the charity, and it may also accept donations or endowments for any special objects connected with the charity which are not inconsistent with the provisions of this Deed

16. MINUTES AND ACCOUNTS

The committee shall provide and keep a minute book and books of account. All proper statements of account in relation to the charity shall in each year be prepared as prescribed by Section 32 of the Charities Act 1960, and copies thereof shall be sent to the Parish Council of Toddington

17. MORTGAGES AND CHARGES

The committee may with the consent of the Charity Commissioners from time to time, by mortgage or otherwise, obtain such advances on the security of the trust property or any part thereof as may be required for maintaining, extending or improving the same or any part thereof, or erecting any building thereon, or for the work carried on therein, and may continue or may repay in whole or in part and from time to time any existing mortgage or charge on the trust property

18. LETTING OR SALE

If the committee decides at any time that, on the grounds of expense or otherwise, it is necessary or advisable to discontinue the use of the trust property in whole or in part for the purposes stated in paragraph 1, it shall call a meeting of the inhabitants of the age of eighteen years and upwards of the area of benefit (of which meeting not less than fourteen days notice, stating the terms of the resolution that will be proposed thereat, shall be posted in a conspicuous place or places on the trust property and advertised in a newspaper circulating in the area of benefit), and if such decision shall be confirmed by three-quarters of such inhabitants present and voting at such meeting, the committee may (with the consent of the Charity Commissioners) let or sell the trust property or any part thereof. All monies arising from such letting or sale (after satisfaction of any liabilities properly payable thereout) shall with such consent as aforesaid be applied either in the purchase of other property approved by the committee and to be held upon the trusts for the purposes and subject to the provisions hereinbefore set forth (including this power) or as near thereto as circumstances shall permit, or towards such other charitable purposes or objects for the benefit of the inhabitants of the area of benefit as may be approved by the Charity Commissioners, and meanwhile such monies shall be invested, and any income arising therefrom shall either be accumulated (for such time as may be

allowed by law) by investing the same and the resulting income thereof, in like manner as an addition to and to be applied as the capital of such investments, or shall be used in furthering the purposes specified in this Deed

19. RULES

Within the limits prescribed by this Deed the committee may from time to time make and alter rules for the management of the charity and in particular with reference to

- 19.1 The terms and conditions upon which the trust property may be used by persons or bodies other than the committee for the purposes specified in this Deed, and the sum (if any) to be paid for such use
- 19.2 The deposit of money at a proper bank and the safe custody of documents
- 19.3 The appointment of an auditor
- 19.4 The engagement and dismissal of such officers, servants and agents as the committee may consider necessary, and the payment of such persons (not being members of the committee)
- 19.5 The summoning and conduct of meetings, including the number of members who shall form a quorum thereat, provided that at meetings of the committee the quorum shall not be less than one third of the total number of the members for the time being

IN WITNESS WHEREOF the Trustees hereto have executed this document as a Deed

SIGNED and DELIVERED as a Deed by C R Day and P J Kane, both Members of Toddington Parish Council and authorised by a Resolution of the Council to execute these presents on behalf of the Council in the presence of E J Black, Clerk to the Council.

TODDINGTON VILLAGE HALL ASSOCIATION

Appendix to Deed of Declaration of Trust

The following organisations may appoint a representative member (see paragraph 3.3)

St. Elizabeth's Roman Catholic Church	Toddington Parish Council
TADS Theatre Group	Toddington Parochial Church Council
Toddington Badminton Club	Toddington Pigeon Club
Toddington Baptist Church	Toddington Poetry Society
Toddington Bridge Club	Toddington Pre-school Playgroup
Toddington Christian Council	Toddington Rambling Club
Toddington Festival Society	Toddington Recreation Association
Toddington Forty One Club	Toddington and District Riding Club
Toddington Girl Guides	Toddington Road Safety Training Committee
Toddington Handicapped Club	Toddington Round Table
Toddington Historical Society	Toddington Rovers Football Club
Toddington Housewives	Toddington Royal British Legion
Toddington Junior Netball Club	Toddington Scout Group
Toddington Ladies Circle	Toddington Social and Services Club
Toddington Leisure Gardens Association	Toddington Table Tennis Club
Toddington Methodist Church	Toddington Tangent Club
Toddington Mother Baby and Toddler Group	Toddington Tennis Club
Toddington Mothers Union	Toddington Town Band
Toddington Netball Club	Toddington Wives Fellowship Group
Toddington Old Boys Association	Toddington Womens Institute
Toddington Old Farmers	Toddington and District Young Farmers
Toddington Old Peoples Welfare Association	Toddington Youth Club
Toddington Old Scholars	Toddington Youth Football Club
Toddington Over Sixties Club	

Organisations subsequently appointed under paragraph 3.7 are

Toddington Carpet Bowls Club	September 1999
Toddington Children's Book Group (<i>Family Reading Group</i>)	November 1996
Toddington Karate Club	November 1993
Toddington University of the Third Age	May 2002
Wyvern Wheelers Square Dance Club	February 2002