

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

4 February 2008

this

SCHEME

will govern the charity

formerly known as

ROCK PARK

and now to be known as

ROCK PARK TRUST

at

Barnstaple, Devon

Commissioners' References:

Sealing: W28(S)/08

Case No: 462933



A handwritten signature in dark ink, appearing to be "J. M. J.", written in a cursive style.

1. Definitions

In this scheme:

“the charity” means the charity identified at the beginning of this scheme.

“the trustee” means the trustee of the charity acting under this scheme.

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 Rock Park Trust.

4. Object of the charity

- (1) The object of the charity is, in the interests of social welfare, to improve the conditions of life for the inhabitants of Barnstaple without distinction of political, religious or other opinions by the provision and maintenance of a park.
- (2) Subject to the provisions of this scheme, the land identified in part 2 of the schedule to this scheme must be retained by the trustee for use for the object of the charity.

5. Trustee

Barnstaple Town Council is the trustee of the charity.

6. Disposal of land

- (1) In furtherance of the object, the trustee may lease the land identified in part 1 and 2 of the schedule to this scheme to North Devon District Council for use as a recreation ground.
- (2) Subject to sub-clause (1) above the trustee may at any time sell the land identified in part 1 of the schedule to this scheme.
- (3) The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the disposal is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.
- (4) The proceeds of any such disposal must be invested.

7. 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 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 for the replacement of the amount spent as the Commission may approve by order in advance.

8. Questions relating to the Scheme

The Commissioners may decide any question put to them concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

PART 1

Land at Barnstaple, Devon with the building thereon known as the Lodge. The land is part of the land known as Rock Park described in the indenture dated 11 August 1879.

PART 2

Land at Barnstaple Devon known as Rock Park, excluding the land identified in part 1 above. The land is the remaining part of the land described in the indenture dated 11 August 1879 and also the land described in the indentures dated 5 July 1888 and 6 January 1886.