

Executive

Wednesday July 29 2009

1.30 pm

Alfred Salter Primary School, Quebec Way, SE16

Supplemental Agenda

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5.	Approval of Cy-Pres Scheme for the Livesey Museum – Appendix 1	1 - 4
	This appendix relates to item 5 of the agenda, it was omitted from the initial agenda despatch circulation in error.	

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Date: July 27 2009

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

this

SCHEME

will govern the charity

known as

THE LIVESEY TRUST (4038336)

at

in the London Borough of Southwark

Commission References:

Sealing:

Case No:

1. Definitions

In this scheme:

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

“the area of benefit” means the Parish of Camberwell as in 1890.

“the former trusts” means

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

“the Commission” means the Charity Commission for England and Wales.

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 the Livesey Trust.

OBJECT

4. Object of the Charity

The object of the charity is the advancement of education of persons resident in the area of benefit with a preference for the provision of a library or library services for the public benefit.

POWERS OF THE TRUSTEE

5. Powers of the trustee

In addition to any other powers which they have, the trustee may make rules and regulations consistent with this scheme for the management of the charity.

TRUSTEE

6. Trustee

Southwark Council is the trustee of the charity.

CHARITY PROPERTY

7. Use of property

Subject to the provisions of clause 8 below the land identified in the schedule to this scheme must be retained by the trustee for use for the object of the charity.

8. Sale of land

- (1) Subject to the provisions of this clause the trustee may sell all or any part of the charity's property. The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the sale is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.
- (2) The trustee may dispose of all or any part of the land identified in the schedule only;
 - (a) If it decides that the land is no longer required for use for the object of the charity; or
 - (b) In order to acquire a new site on which to carry out the object of the charity.
- (3) Unless the Commission otherwise directs the proceeds of any such sale must be invested in trusts for the charity.

9. 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.

GENERAL PROVISION**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.

SCHEDULE

The Livesey Museum, 682 Old Kent Road in the London Borough of Southwark. The land is registered with HM land registry under title number TGL 273176.

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