

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

24th October 2005

the following

SCHEME

will govern the charity

known as

THE BRIAN HATTON GALLERY (1097738)

at

Herefordshire

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.

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 Brian Hatton Gallery.

OBJECT

4. Object of the charity

The object of the charity is the provision and maintenance within suitable premises of a gallery space to be known as The Brian Hatton Gallery, for the display of works by Brian Hatton for the education and enjoyment of the public and the care and collections management of these works.

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 objects of the charity:

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

TRUSTEE

6. Trustee

The County of Herefordshire District Council is the trustee of the charity.

CHARITY PROPERTY

7. Use of income and capital

- (1) The trustee must first apply:
 - (a) the charity's income; and
 - (b) if the trustee think fit, expendable endowmentin meeting the proper costs of administering the charity and of managing its assets.
- (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 expendable endowment for the object of the charity.

AMENDMENT OF SCHEME

8. 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 Commissioners 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 Commissioners a certified copy of the memorandum within three months of the date of making the amendment; and
 - (a) retain the memorandum as part of the governing document.

GENERAL PROVISIONS

9. 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

The charity has a 27% interest in the Brian Hatton Gallery which is part of the property known as Churchill House, Hereford. This property is owned by Herefordshire District Council and let at an annual rental of £12,000 as at the date of this scheme. £972 of this rental amount is attributable to the charity each year.

9%
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Commissioners' References:

Sealing: N233(s)
05

Case No: 343165

Version: 1.0