

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

6TH SEPTEMBER 2004

the following

SCHEME

will affect the trusts of the charity known as

MASTER PARK (200846)

at

Oxted, Surrey

Commissioners' References:

Sealing No: 149(s)04

Case No: 394484

SCHEME

1. Definitions

In this scheme:

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

“the existing governing document” means the conveyances dated 16th March 1923, and 1st July 1946, as amended by Schemes of the Charity Commissioners dated 20th August 1982, and 6th November 2001.

2. Administration

The charity is to be administered in accordance with the existing governing document as affected by this scheme.

3. Provision of Indemnity Insurance

- (1) The power conferred by this scheme shall be exercisable by the charity trustees only if the declaration made by the trustees at the time of application for this scheme (in the form of that reproduced in the schedule to this scheme) remains materially accurate and true.
- (2) Notwithstanding any provision to the contrary in the existing governing document the charity trustees of the charity may provide indemnity insurance for themselves out of the funds of the charity as and when required, provided that the policy will contain a provision which has the effect that the insurance shall not indemnify the trustees against:
 - (a) fines;
 - (b) the costs of unsuccessfully defending criminal prosecutions for offences arising out of the fraud or dishonesty or wilful or reckless misconduct of a trustee; and
 - (c) liabilities to the charity which result from conduct which the trustee knew, or must be assumed to have known, was not in the interests of the charity, or which the trustee did not care was in the interests of the charity or not.
- (3) The charity trustees shall exercise the duty of care set out in clause 4 (below) whenever they exercise this power.

4. The duty of care

The duty of care referred to in clause 3(3) of this scheme requires the trustees to exercise such care and skill as is reasonable in the circumstances, having regard in particular:

- (1) to any special knowledge or experience that they have or hold themselves out as having; and

- (2) if a person acts as a trustee in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

5. Questions under the scheme

Any questions as to the construction of this scheme or as to the regularity or the validity of any acts done under this scheme shall be determined by the Charity Commissioners upon such application made to them for the purposes they think sufficient.

SCHEDULE

WE DECLARE as follows:

1. The above mentioned charity is a trust or an unincorporated association.
2. Where the charity has a membership, the members have agreed to this application being made.
3. The trustees are satisfied that:
 - (i) there is a restriction in the charity's governing document expressly prohibiting trustee benefit;
 - (ii) they have identified the risks of personal liability to which the trustees are potentially exposed;
 - (iii) the risk or risks identified cannot be dealt with by any other means including other types of insurance or improved governance procedures;
 - (iv) they are aware of what trustee indemnity insurance normally will and will not cover
 - (v) the cost of the insurance is reasonable in relation to the income of the charity and that it will not restrict the trustees' ability to carry out the charity's objects; and
 - (vi) they have concluded that the purchase of trustee indemnity insurance out of the funds of the charity will be in its best interests.
4. The trustees will ensure that any trustee indemnity insurance purchased by the trustees will contain a provision which has the effect that the insurance shall not indemnify the trustees against:
 - (i) fines;
 - (ii) the costs of unsuccessfully defending criminal prosecutions for offences arising out of the fraud or dishonesty or wilful or reckless misconduct of a trustee; and

(iii) liabilities to the charity which result from conduct which the trustee knew, or must be assumed to have known, was not in the interests of the charity, or which the trustee did not care was in the interests of the charity or not.