

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Order that from today, the

9th February 2006

the following

SCHEME

will govern the charity known as

H J SEXTON NORWICH ARTS TRUST (311111)

at

Norwich, Norfolk

Commissioners' References:

Sealing: N26(S)

06

Case No: 439506

SCHEME

1. Definitions

In this scheme:

"the charity" means the charity identified at the beginning of this scheme.

"the company" means the charitable company The Assembly House Trust (1111391).

"the beneficiaries" means members of the public with a preference for individuals residing in the Counties of Norfolk and Suffolk.

"the former governing document" means a deed of 12th March 1945.

"the group of buildings" means the land and buildings described in the schedule to this scheme.

ADMINISTRATION

2. Administration

The charity is to be administered in accordance with this scheme. This scheme replaces the former governing document of the charity.

3. Direction under s.96(5)

Subject to any further direction, the Commissioners direct that the charity as at the date of this Scheme shall be treated as forming a part of the company for the purposes of Part II (registration) and Part VI (accounting) of the Charities Act 1993.

OBJECTS

4. Objects of the charity

The objects of the charity are:

To use the group of buildings and cause or permit the same to be used for all or any of the following purposes so far and to such an extent as the same shall be charitable purposes:

- (1) The performance of plays and dramatic works.
- (2) The performance of music (including operatic works).

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- (3) The performance of ballet.
- (4) The performance of other works of art.
- (5) The exhibition of cinematographic films of a dramatic, scientific, artistic or other nature.
- (6) The exhibition of pictures, drawings sculpture and other works of art.
- (7) Scientific exhibitions.
- (8) The exhibition of collections of an artistic scientific literary or educational nature.
- (9) Other artistic scientific literary or educational displays.
- (10) Library.
- (11) Meetings and gatherings whether connected with civil functions or being the meetings of learned or scientific societies or being social meetings or gatherings so far as the same are of a charitable nature.
- (12) Such other purposes of a similar nature for the benefit of the public in the area of benefit as are charitable and as to the trustee may seem desirable.

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:

- (a) To make and alter any regulations regarding the use of the group of buildings.
- (b) To let the group of buildings or any part thereof upon such terms and for such periods as the trustee shall deem proper for the furtherance of the charitable purposes in clause 3 and either subject to or without any payment therefor.
- (c) To borrow money and to charge the whole or any part of the property belonging to the charity as security for the repayment of the money borrowed. In exercising this power, the trustee must comply as appropriate with section 38 and 39 of the Charities Act 1993.

- (d) To lease or hire out all or any part of the charity's property which is not required to be retained for use for the objects of the charity. The trustee must comply with the restrictions on disposal imposed by section 36 of the Charities Act 1993, unless the lease is excepted from these restrictions by section 36(9)(b) or (c) or section 36(10) of that Act.
- (e) To make such charge for admission to the group of buildings or any part thereof during such times or periods and subject to such conditions as trustee deems appropriate.

TRUSTEE

6. Trustee

The company is the trustee of the charity.

CHARITY PROPERTY

7. Transfer of property

The title to the land described in the schedule to this scheme is transferred by this scheme to the company in trust for the charity.

8. 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 endowmentin 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 Commissioners may approve by order in advance.

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AMENDMENT OF SCHEME

9. Amendment of scheme

- (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
 - (c) retain the memorandum as part of the governing document.

GENERAL PROVISIONS

10. 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

1. Land and buildings known as the Assembly House, Theatre Street, Norwich NR2 1RQ. The land is described in a conveyance of 15th April 1945 made between H J Sexton and Sir G E White (1) the said Sir G E White (2) Sir B E Mayhew and H A G Salter (3) the said H J Sexton, E J Sexton and Others (4) BUT EXCLUDING the land now forming part of the property immediately to the West known as Noverre House. The land as is contained in a deed of exchange dated 22nd June 1955 made between the said E H Sexton and Others (1) R W King (2) BUT TOGETHER WITH (i) the adjacent accessway known as Chantry Lane and (ii) all other property (if any) conveyed by the Conveyance dated 15th April 1945.
2. Land forming part of the gardens to the Assembly House comprising approximately 98.60 square metres adjoining Theatre Street, Norwich. The land is described in a conveyance of 11th December 1950 made between the Lord Mayor Alderman and Citizens of the City of Norwich (1) H J Sexton & Others (2).
3. A small piece of land on the Western side of the gardens fronting the Assembly House adjacent to Noverre House. The land is described in the 1955 deed of exchange.

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