

DECLARATION OF TRUST

constituting

THE KENT COUNTY FOOTBALL ASSOCIATION BENEVOLENT FUND

THIS DECLARATION OF TRUST is made the                      day of                      2001

BY

KENT COUNTY FOOTBALL ASSOCIATION LIMITED (Registered number 04088537)  
whose registered office is at 69 Maidstone Road Chatham Kent ME4 6DT ("the Trustee")

NOW THIS DEED WITNESSES as follows:

1.     Name and Objects

1.1    The name of the Charity is The Kent County Football Association Benevolent Fund

1.2    The objects of the Charity ("the Objects") are:

(a) To assist necessitous persons who are either, at the discretion of the Trustee, players and others directly connected with affiliated bodies or within the jurisdiction of the Association who may be injured whilst playing football, or who may become incapacitated through illness definitely attributable to participation in the game

(b) to assist other necessitous persons who have, in the opinion of the Trustee, rendered service to the game of football in the county of Kent, or to such persons' dependants

(c) to make grants to charitable and benevolent institutions with objects in alignment with the aims and purposes of the Charity if, in the Trustee's opinion, circumstances, including the state of the Charity, should warrant

2.     Powers

In addition to any statutory or other powers which it has by virtue of it being the Trustee, the Trustee may exercise the following powers in furtherance of the Objects:

2.1    Power to make grants to qualifying individuals and hospitals and other charitable institutions. (The Trustee may accept as valid a receipt from

someone appearing or claiming to be a properly authorised officer or other representative of such a hospital or institution.)

- 2.2 Power to co-operate with other charities, voluntary bodies and statutory authorities. The Trustee may exchange information and advice with them.
- 2.3 Power to raise funds. (The Trustee must not undertake any substantial permanent trading activity that would give rise to a charge to tax upon the profits earned thereby.)
- 2.4 Power to appoint staff (who must not be directors of the Trustee) and pay them reasonable remuneration, including pension provision for them and their dependants.
- 2.5 Power to acquire or hire property and to maintain and equip it for use. (The property must be needed to further the Objects.)
- 2.6 Power to sell, lease or otherwise dispose of 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, lease or disposal is excepted from these restrictions by section 39(9)(b) or (c) or section 36(10) of that Act.)
- 2.7 Power to borrow money and to charge the property of the Charity as security for any loan. (The Trustee must comply with the restrictions on mortgaging imposed by section 38 of the Charities Act 1993.)
- 2.8 Power to delegate the performance of any act, including the exercise of any power of discretion, to a committee consisting of at least two of the directors of the Trustee. (The Trustee must exercise reasonable supervision over any such committee and the committee must promptly report their acts and proceedings to the Trustee. The constitution and conduct of any committee may otherwise be determined at the discretion of the Trustee.)
- 2.9 Power to insure against public liability and, if appropriate, employers' liability; and to insure the buildings of the Charity to their full value against fire and all other usual risks (except to the extent that the buildings are insured against any of these risks by a tenant).
- 2.10 Power to make rules and regulations consistent with this Declaration of Trust for the management of the Charity and the assessment of applications for assistance.
- 2.11 Power to do anything else within the law which promotes or helps to promote the Objects.

### 3. The Trustee

The Trustee is the trustee of the Charity for the purposes of the Charities Act 1993.

### 4. Property and Funds

4.1 The Trustee must first apply:

- (a) the Charity's income; and
- (b) if the Trustee thinks fit, its capital;

in meeting the proper costs of administering the Charity and of managing its property.

4.2 After payment of these costs, the Trustee must apply the remaining income in furthering any or all of the Objects.

4.3 The Trustee may also apply capital of the Charity for the Objects.

### 5. Records and Accounts

5.1 The Trustee must comply with the requirements of the Charities Act 1993 relating to the keeping of financial records, the audit or independent examination of the accounts and the preparation and transmission to the Commission of:

- (a) annual reports
- (b) annual returns
- (c) annual statements of account

5.2 The Trustee must maintain proper records of:

- (a) all proceedings at meetings of the Trustee relating to the Charity
- (b) all reports of committees
- (c) all professional advice obtained

5.3 Financial records, annual reports and statements of account relating to the Charity must be available for inspection by any member of the Association

5.4 A copy of the latest available statement of account must be supplied to any person who makes a written request and pays the Trustee's reasonable costs (as required

by the Charities Act 1993).

## 6. Amendments

- 6.1 Subject to the provisions of this clause, the Trustee may amend the provisions of this Deed.
- 6.2 Any amendment must be made by a resolution of the Trustee.
- 6.3 The Trustee must not make any amendment which would:
- (a) vary this clause;
  - (b) vary clause 1.2 (Objects);
  - (c) vary clause 7 (Interpretation); or
  - (d) confer a power to dissolve the Charity.
- 6.4 The Trustee must obtain the prior written approval of the Commission before making an amendment which would vary the name of the Charity.
- 6.5 The Trustee must:
- (a) promptly send to the Commission a copy of any amendment made under this clause; and
  - (b) keep a copy of any such amendment with this Declaration of Trust.

## 7. Interpretation

In this Deed

- 7.1 The following expressions have the following meanings:
- "the Association" means the incorporated Kent County Football Association
  - "the Charity" is the Kent County Football Association Benevolent Fund
  - "the Commission" means the Charity Commission for England and Wales
- 7.2 References to an Act of Parliament are references to the Act as amended or re-enacted from time to time and to any subordinate legislation made under it.

IN WITNESS whereof the parties hereto have executed this instrument as a Deed on the date first before written

EXECUTED as a DEED by )  
THE KENT COUNTY FOOTBALL )  
ASSOCIATION LIMITED and )  
Signed by [a director and Secretary )  
[two directors] )

Director

[Secretary/Director]