

Non Charitable Deed of Dedication (Local Authority Protection)

FIELDS IN TRUST – QUEEN ELIZABETH II FIELDS
Non-Charitable Deed of Dedication
Local Authority Protected

Southampton City Council (1)

and

National Playing Fields Association (2)

THIS DEED OF DEDICATION is made on the day of 2012

BETWEEN

- (1) Southampton City Council, Civic Centre, Southampton, SO14 7FP and its successors in title (the **Council**); and
- (2) **NATIONAL PLAYING FIELDS ASSOCIATION**, operating as Fields in Trust, of Kings Chambers, 15 Crinan Street, London N1 9SQ a Royal Charter Organisation established for charitable purposes (registered charity number 306070) and its successors in title (**FIT**)

(the Council and FIT being together called the **Parties**)

WHEREAS:

1. The property more particularly specified in the Schedule (the Property) forms part of the corporate property of the Council.
2. The parties have contracted in correspondence that the Property will be dedicated in the manner and for the purposes set out below (but without any intention to create any charitable trust), and in accordance with the mutual undertakings given by the parties.
3. The Council gives the following undertakings:
 - 3.1 Not to use the property or permit the Property to be used for any purpose other than as a park, public playing field and recreation ground, including use by schools and the local community for sports and recreation purposes;
 - 3.2 Subject to clause 4, not (in so far as it has the power to do so) to dispose of the Property without the consent of FIT;
 - 3.3 It will not (in so far as it has the power to do so) erect any building or structure on the Property the use of which falls outside the permitted use as stated in Clause 3.1 without the consent of Fields in Trust. Consent will not be required in relation to temporary structures erected for the purpose of community or civic events (e.g. temporary seating or refreshment facilities for concerts etc) or for buildings or structures which are ancillary to and enhance the amenity of the playing field or recreation ground (such as changing facilities, public conveniences, play equipment etc);
 - 3.4 To inform FIT without delay of any proposals, intentions or decisions to dispose of or erect any structures on the Property;
 - 3.5 To maintain the Property and so far as is consistent with its duties as a local authority to have regard to any advice given from time to time by FIT on the management and running of the Property;

3.6 To erect a notice on the Property in the form of a signage provided by FIT relating to the background of FIT and the Queen Elizabeth II Fields and giving recognition of financial support where required;

3.7 To apply within three months of the date of this Deed on form RX1 annexed hereto for the registration in the proprietorship register of the registered title of the Property at the Land Registry of a restriction to the following effect:

“No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written certificate signed by FIT of 15 Crinan Street, London N1 9SQ or by its conveyancer that the provisions of paragraph 4 of The Deed of Dedication dated [] between [] (1) and National Playing Fields Association (2) have been complied with”;

3.8 To apply within three months of the date of this Deed on form AN1 annexed hereto for the registration in the charges register of the registered title of the Property at the Land Registry of a notice to the following effect:

“ A Deed of Dedication dated [] between [] (1) and National Playing Fields Association (2)”;

3.9 To notify FIT immediately once the registrations referred to in clauses 3.7 and 3.8 have been completed.

4. Notwithstanding clause 3.2, FIT may at its absolute discretion consent to the disposal of the Property provided that the Council at the request of FIT:

4.1 Replaces or agrees to replace the Property with a piece of freehold land approved by FIT which is of equivalent or better quality than the Property, with equivalent or better facilities than the Property, of the same or greater dimensions than the Property, in the same catchment area as the Property, and as accessible to the public as the Property (the **Replacement Site**) and applies such of the proceeds of any sale of the Property as are necessary to do so; and

4.2 Enters into another deed of dedication on the same terms as this Deed in respect of the Replacement Site.

5. FIT undertakes that it will:

5.1 Not unreasonably withhold consent to disposal of the Property or the erection of any structures upon it, subject to its duty to perform its charitable objects and provided that the provisions of clause 4 of this Deed have been complied with;

5.2 Respond without delay to any notifications of intended disposal or erection of structures, or to any requests for advice; and

5.3 Notify the Council without delay of any concerns or matters of advice to which it requires the Council to have regard.

6. The Council DEDICATES the property in celebration of the Diamond Jubilee of Her Majesty Queen Elizabeth II as a public playing field and recreation ground for the benefit of the inhabitants of Southampton and thereabouts and the site will be titled the Queen Elizabeth II Field Portswood Recreation Ground

IN WITNESS whereof this Deed of Dedication is executed the day and year first before written

