

For Discussion - Change to DPHT Charity Objective and Articles of Association

Background.

The current Charity objective is:

“The objects are to protect and preserve as a species for the benefit of the public the native ponies of Dartmoor and to promote such other charitable purposes as the Trustees from time to time think fit.”

The Charity overview states:

“Established in response to widespread concern about the viability and long-term survival of the traditional Dartmoor Heritage pony on Dartmoor. We provide: direct grants to breeders and keepers, grazing on Bellever, organisation of multi-year scientific studies, educational walks and talks on Heritage Ponies, advocacy of Heritage Ponies breeders. In addition we promote the sale of Heritage Ponies.”

The overview makes clear that the intent of the DHPT as a charity is Dartmoor Heritage Ponies defined as true to type as defined by the DPS that are not fully registered as Native registered ponies. The definition Heritage pony would include SR ponies being not fully pedigree and registered.

There is therefore scope for confusion between the wording of the objective ‘species’ and ‘native’ and our intent ‘Heritage Dartmoor Pony’. Heritage Ponies technically are not a species and are not Native.

Issue

At the time the current objective was written there was less focus and less well defined definitions of ‘native’ and ‘species’. However ‘native’ in terms of the equine world is attributed to pedigree and registered, which the Heritage Pony falls outside. The Heritage pony is also not a species but a population on Dartmoor. The continued use of the existing terms is a minor cause of friction with other organisations on Dartmoor and is a potential source of confusion to benefactors and the public.

It should be noted that the Friends of the Dartmoor Hill Pony use similar language to the DPHT

Friends of the Dartmoor Hill Pony

THE OBJECTS OF THE ORGANISATION ARE: TO PROTECT AND PRESERVE **AS A SPECIES** FOR THE BENEFIT OF THE PUBLIC, **THE NATIVE PONIES OF DARTMOOR**; AND TO PROMOTE AND ADVANCE EDUCATION OF THE PUBLIC IN ALL MATTERS RELATING TO THE DARTMOOR HILL PONY BREED AND ITS ENVIRONMENT

Whereas the Dartmoor Pony Society use the term 'pure Dartmoor pony'

Dartmoor Pony Society

THE CHARITY'S OBJECTS ('THE OBJECTS') ARE SPECIFICALLY RESTRICTED TO THE FOLLOWING: TO ENCOURAGE, PROMOTE AND IMPROVE THE BREEDING OF THE DARTMOOR PONY TO ENSURE THE PRESERVATION OF THE BREED FOR THE PUBLIC BENEFIT. IN FURTHERANCE OF THIS PURPOSE THE SOCIETY WILL: (A) ENCOURAGE AND PROMOTE THE BREEDING OF REGISTERED PURE DARTMOOR PONIES THROUGHOUT THE WORLD; (B) ENCOURAGE THE BREEDING OF PURE DARTMOOR PONIES ON DARTMOOR;

For Discussion

The Board and Trustees are considering changing the objective to:

*"The objects are to protect and preserve as a **population** for the benefit of the public the **Dartmoor Heritage pony native to Dartmoor** and to promote such other charitable purposes as the Trustees from time to time think fit."*

This change would have no impact on our work, beneficiaries and other aims and objectives. It will bring the objective in line with the Charity Description.

If this is agreed we would also change the objective in the Articles of Association to reflect this word substitution.

Membership Action

The Trustees of the DPHT invite the membership of the DPHT to express their views on this change. Note at this stage this is not a resolution with a binding vote. The purpose is to seek the views of the membership on the change and for the Board to gain better insight from those that have worked with the DPHT for a long period of time to provide guidance on the founding intent of the DPHT.

Impact of Change

The Board feel that we should change the wording and that this would both aid clarity to benefactors and remove sources of confusion and friction with other organisations on Dartmoor. Whilst relationships with the other key organisations on Dartmoor is good and will remain so whether the recommendation is accepted or rejected; the greater impact is with potential benefactors. We have three charities that overlap on the Moor: the DPS, the DHPA and the DPHT. The Board feel that it is important that we are able to distinguish ourselves in all our communications with each of the others whilst respecting the positive work they do to support farmers and breeders on Dartmoor.

Charity Commission

If we do wish to change the objective a Special Resolution would need to be raised and the Charity Commission have provided guidance on the process.

They have stated:

1. To amend the objects of your charity, we will need to pass a special resolution of the members following the processes set out in your governing document.
2. We will then need to inform Companies House about the change of objects within 15 days of the resolution being passed. We will need to send to Companies House a copy of the amended articles, a copy of the special resolution, a copy of the Commission's consent and completed form CC04 (guidance and form CC04 are available on Companies House's website).
3. Following receipt of confirmation that the new objects have been registered by Companies House, we will need to access the amendment service on the Commission's website and provide the date the new objects were registered at Companies House.
4. We will need to upload a pdf copy of the special resolution. Charity trustees are under a legal duty to provide this information to the Commission.