

Requirements for the Appointment of New Trustees

An application for the appointment of new trustees is made under section 43 of the Charities Act 1961, as amended by section 14 of the Charities Act 1973, and section 82 of the Charities Act 2009.

- A. The application is made by way of a **Statutory Declaration** by a person having an interest in or knowledge of the property and should contain the following averments:
- 1) The area and geographical situation of the property to be described in the **Schedule** to such declaration. The description should be in accordance with the parcels clause/Schedule of the relevant Deed. Where no deed exists such description and address should be as full as possible.
 - 2) The Charitable Trusts under which the property is held.
 - 3) The history of the property and a statement of its title.
 - 4) **Note: Un-Registered Land** - In the case of an application for its consent in relation to the appointment of new trustees the Authority has decided in cases of unregistered land that such consent shall vest the land for such estate and interest as the previous trustees held without identifying the nature of the estate or interest. Particulars of draft approved wording are enclosed below. Please note that all vesting orders in relation to unregistered land are treated on this basis.
 - 5) A statement confirming the death of the former Trustees accompanied by death certificates, or if applicable, a statement confirming the intention of such old trustees to retire from the Trust accompanied by letters of retirement.
 - 6) The names, addresses and descriptions of the proposed new trustees (the Authority requires at least two) or in any instance where the proposed new trustee is a Charitable Trust Company the name and address of the Registered Office of that Company.
 - 7) A statement confirming that there is no restriction on alienation which would prevent the appointment of new trustees.
 - 8) The trusts upon which it is desired that the property be vested by the Authority in the said trustees.