

CHARITIES REGULATORY AUTHORITY

Guidelines for making an application for the consent to a Transfer of Charity property between charities

Applications for consent must be completed in duplicate and signed by not less than two-thirds of the trustees (see note on trustees).

Brief particulars of the application should also be set out in the form entitled “Memo for the Authority”.

When returning the completed forms and memo, I would be obliged for:

1. Copy of the Deed vesting the property in the charity applicants for the Authority’s consent.
2. A copy of the Deed or other Instrument setting out the Charitable Trusts affecting the property (in the absence of a declared charitable trust please specify the charitable purpose for which the property is used on the form entitled “Memo for the Authority” at item 9).
3. An independent Auctioneer’s Valuation certifying the full **open** market value of the property. In the case where the Transfer is between Charities at an under value the “Memo for the Authority” must set out at paragraph 11 a clear statement showing: -
 - (i) That the disposition is for the benefit of a specified charitable purpose other than the purpose of the Charity of which the Applicants are trustees.
 - (ii) That the disposition would operate for the public benefit.
 - (iii) To comply with Section 11 (2) of the Charities Act, 1973. The Commissioners require a minimum nominal consideration of €5.00.
4. The Trustees’ proposals for the application of the consideration.
5. The Registered Charity Number should be provided on both the Memo for the Authority and the Forms of Authorisation of Transfer.

Photocopies of documents submitted with applications will not be returned when the application has been processed unless a specific request to return them is received.

Please note that only typed applications will be accepted.

It should be understood that the Authority will not deal with incomplete applications.

APPLICANTS Registered Charity No.: TRANSFEREES Registered Charity No:
--

MEMO FOR THE AUTHORITY FOR THE

CHARITY:

PROPERTY:

1. **APPLICATION:** To Sanction Transfer of Trust Property.
(e.g. sale, lease, transfer)

2. **APPLICANTS:**
(Applicants who must be
at least two-thirds in
number of the Trustees)

3. **TRANSFeree:**

4. **CONSIDERATION:**

5. **SOLICITORS:**

6. **PREMISES:**

7. **TENURE:**

8(a). **AUCTIONEERS REPORT:**
(Certifying the Open Market value of the property)

8(b). **Price Determined under statute**
(Section 7 (5) of the Landlord and Tenant (Amendment) Act, 1984.

9. **TRUST ATTACHING TO THE PREMISES:**

10. **TRUSTEES PROPOSALS FOR THE APPLICATION OF THE PURCHASE MONEY:**

11(a). **TRUSTEES REASONS FOR SELLING THE PROPERTY:**

PLEASE CONFIRM OR DELETE AS APPLICABLE:

11(b) The purchaser has a statutory right to acquire the fee-simple compulsorily under the Landlord and Tenant (Ground Rent)(No. 2) Act, 1978:

- | | | |
|--|------------|-----------|
| (a) <u>The property is a dwelling house and does not exceed 1 acre in area and</u> | Yes | No |
| (b) <u>There is not less than 15 years to run in the Purchaser's Lease, or he holds as a yearly tenant.</u> | Yes | No |

Solicitor.

Date

Dated this day of

(In the case of a Transfer between Charities a clear statement showing:-

- (i) That the disposition is for the benefit of a specified charitable purpose **other** than the purpose of the Charity of which the applicants are trustees.

AND

- (ii) That the disposition would operate for the public benefit.

NOTE ON TRUSTEES

A Deed appointing New Trustees should be signed by:-

- (a) a person said to have been given a power of appointment in the Original Trust Deed, or
- (b) a surviving or continuing Trustee who signed the Deed at a time when there was a vacancy for a new Trustee or,

if there were no Trustees available to make the application and the personal representative of the last surviving Trustee is alive, he may make the application for liberty to sell the property in his capacity as a personal representative of the last surviving Trustee, or he should appoint new trustees. If this is not possible, an application should be made to the Board.