

Applications pursuant to the Charities Acts 1961 and 1973 (as amended)

User Guide – Appointment of new trustees under section 43 of the Charities Act 1961 (as amended)

Use this form if you are making an application for the appointment of trustees of a charitable trust either to fill a vacancy or as additional trustees under section 43 of the Charities Act 1961 (as amended). This usually occurs where a charity no longer has any living trustees to act as appointer or the deed governing the charitable trust expressly forbids appointment without consent of the Court or the Charities Regulator.

To submit an application you must have a user account and be logged into 'MyAccount' (please see the Technical User Guide available on our website for more information about MyAccount). Once you are logged in, scroll to the end of the screen and click on the button titled 'Charity Services'. Then click on the button titled 'Appointment of New Trustees'.

There are five sections to be completed in this form, in addition to the details of the filer in the Introduction section:

- (1) Deponent Details
- (2) Property
- (3) Existing Trustees
- (4) New Trustees and
- (5) Confirmation.

IMPORTANT NOTE BEFORE YOU START:

The text which you enter in this form will create the **Statutory Declaration** relied upon in support of your application. As this is a sworn and witnessed document please ensure that the information you enter in the form is accurate, coherent and contains sufficient detail for the purposes of the application.

Throughout the form you will see icons at some of the questions – the sample screenshot below explains what these icons mean:

The screenshot shows a web form titled "New Trustees". At the top, it says "No New Trustees in this list". Below that is a section "Add New Trustees". The first field is "Type", which is marked with a red asterisk and an information icon (i). There are two radio button options: "Individual" and "Organisation". Below these is a red bar with the word "Required". At the bottom of this section are "Save" and "Cancel" buttons. The second field is "Location where Statutory Notice will be displayed", also marked with a red asterisk and an information icon. Below it is a text input field containing the placeholder text "Place in a public area". At the bottom of the form is a "Save Draft [a]" button. Three callout boxes provide explanations: 1. Points to the red asterisk: "Any field marked with a red asterisk is mandatory." 2. Points to the information icon: "The 'i' symbol indicates that there is further information available if you hold your mouse over it." 3. Points to the "Save Draft" button: "The 'Save Draft' option appears at the end of each section of the form and allows you to save your progress. (Note: there is no automatic save so we recommend that you save draft regularly as you work through the form)."

The details of the filer (i.e. the firm or company submitting the application) must be entered in the Introduction section, along with details of the charity.

To search for the charity simply type the name of the charity or the registered charity number into the search option and the system will return a list of results for you to select from, click on the relevant one to populate the data into the fields.

When you are entering the filer details, you can enter the address or Eircode in the Search Address bar and then click the result to autofill the address. If there are a number of organisations operating from the same address you will need to click on the appropriate firm or company name from the list returned for that address. Alternatively, you can enter the full address manually.

(1) Deponent Details

You must enter the name, address and other details of the deponent (the deponent is the person who will swear the Statutory Declaration created on foot of the information provided).

You can enter the address or Eircode in the Search Address bar and then click the result to autofill the address. If the address is in an area with many non-unique addresses (such as a rural townland) you will need to enter the Eircode into the Search Address bar.

Alternatively you can enter the full address manually.

(2) Property

In this section you must enter the following:

- The name by which the property is commonly known e.g. St Mary's Church, Kilcommon.
- The address of the property - you can enter the address or Eircode in the Search Address bar and then click the result to autofill the address. Alternatively you can enter the full address manually.
- A description of the current use of the property and how the property is held – in fee simple (over registered land), by deed (over unregistered land, whether freehold or leasehold) or by way of possessory interest (if never conveyed or assigned or held on foot of an expired lease).
- A description detailing upon what trust the charity holds the legal interest in the property.
- A description of the history and title of the property including any relevant conveyances or assignments preceding the charity's title or interest.
- A technical description of the property – this should be taken from the narrative at Part 1 of the folio or the terms of the parcels clause/schedule of the relevant deeds. Where no deed(s) exist, full details of the property's situation and surroundings should be included.

You will also be required to upload a copy of the Deed or Folio evidencing the title to the property. Please note that documents for upload must be in PDF format and less than 10mbs in size.

If the application relates to property which is not 'real' property (i.e. it is not a building or parcel of land) please contact the Charity Services Unit on 01 6331500 or by email to charityservices@charitiesregulator.ie

(3) Existing Trustees

In this section you must enter information relating to any trustees who are deceased or retiring.

Enter the required details for each trustee who is either deceased or retiring and then save. Repeat this process by clicking on 'Add Trustee' until you have included all deceased or retiring trustees.

For each trustee you have entered, depending on the circumstances, you will also be required to upload death certificates or other evidence that the trustee(s) are deceased, or letter(s) of retirement, as appropriate.

Please note that documents for upload must be in PDF format and less than 10mbs in size.

(4) New Trustees

In this section you must enter information relating to the proposed new trustees which you are seeking to appoint.

Enter the required details for each new trustee - you can enter the address or Eircode in the Search Address bar and then click the result to autofill the address. If the address is in an area with many non-unique addresses (such as a rural townland) you will need to enter the Eircode into the Search Address bar. Alternatively you can enter the full address manually.

Then click on 'Save'.

Repeat this process by clicking on 'Add trustee' until you have included all proposed new trustees.

If the trustee type is 'individual', you must add at least two trustees.


All new trustees must sign a Statement of Willingness to Act and Section 55 Declaration that will generate upon completion of the application. The signed and dated form(s) must then be uploaded – see Confirmation section below for more information on completing this step.

Finally in this section you will need to provide details of the location where the Statutory Notice will be displayed e.g. notice board in St Patrick's National School, Main Street, Letterkenny.

(5) Confirmation

This section provides a review of the application. At this point it is recommended that you preview the Statutory Declaration which will be generated prior to taking any further steps.



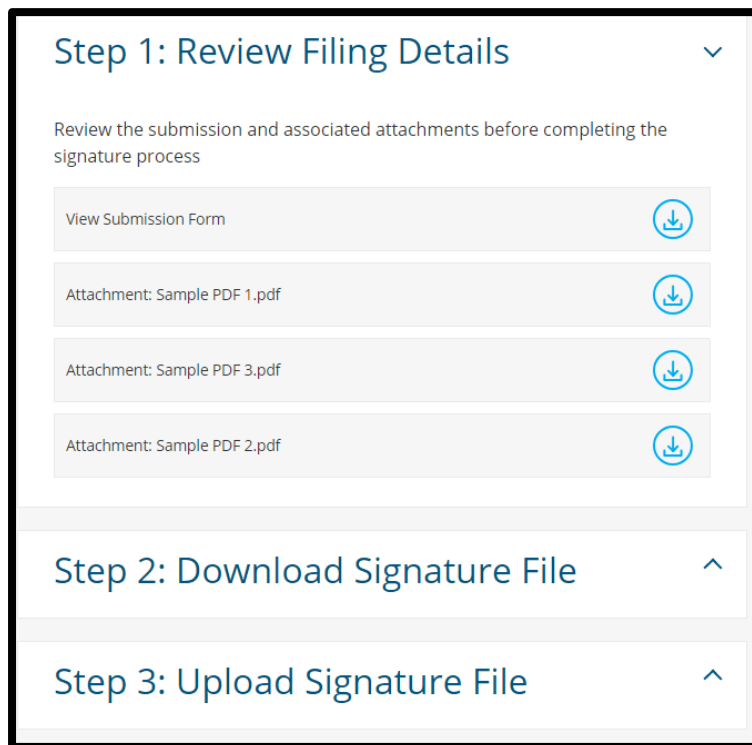
Click on  to open it as a PDF, review the content and satisfy yourself that it is accurate, coherent and contains sufficient details. Do not edit the PDF. If you wish to make any amendments, return to the form, amend as required by working through the sections (tabs) and then preview it again.



Once you are satisfied, click  to finalise the application.

Please note: once you click on the ‘Submit’ button you cannot edit your application further.

Once submitted, click on the button titled ‘Proceed to Signature’ to proceed to the next step.



Download the Signature File (this is the **Statutory Declaration**), print it then have it signed and witnessed as appropriate. Scan it to PDF and once you are ready to upload it, click on ‘Upload Signature File’ to upload the signed version. (If there are multiple signed documents, these must be scanned into a single PDF for upload).

If you are not in a position to complete the upload immediately, you can access the upload option at a later stage via your dashboard, by selecting '**Pending Signature**' under the '**Submission Filings**' heading, see screen shot below.

Welcome to the Charities Regulator's new-look MyAccount dashboard

We are delighted to announce that we have improved MyAccount with the following changes:

- We have improved the navigation and display of information;
- You can now select the 'Start New Filing' button above to begin filing a form for a new or existing charity;
- If you have filings (forms), you can find them, view their status and open them in an 'Overview' graphic below;
- You can see a list of all of the charities for which you are an 'Authorised Filer' by scrolling down the screen.

For a full list of all the new features in this update, click [here](#).

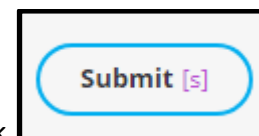
Overview

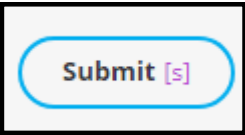
Submission Filings

| | |
|--------------------------|-----------|
| Draft | 4 |
| Pending Signature | 1 |
| Submitted | 2 |
| Returned | 2 |
| Rejected | 0 |
| Registered | 3 |
| Cancelled/Withdrawn | 0 |
| Total | 12 |

Events 5

- Submission Returned 09/04/2019
Message Received [Open](#)
- SR10466 Cy-Pres Applica... 09/04/2019
Returned Submission [Open](#)
- Submission Registered 08/04/2019
Message Received [Open](#)
- Submission Registered 08/04/2019
Message Received [Open](#)
- Submission Received 08/04/2019



Once you have uploaded the PDF of the **signed document(s)**, click  to submit the application to the Charities Regulator.

Please ensure to **post the original** signed Signature File (i.e. Statutory Declaration and Statement of Willingness to Act) to the office of the Charities Regulator at Charity Services Unit, Charities Regulator, 3 George's Dock, IFSC, Dublin 1, D01 X5X0. The application cannot be progressed until the Charities Regulator has received the original Signature File (Statutory Declaration and Statement of Willingness to Act.)