

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

User Guide – Applications for Consent to Sanction an Exchange of Charity Property

Under section 34(1) of the Charities Act 1961 (as amended), if a charity does not have a power of sale or did not have such power then it took possession of a property, the trustees or persons acting in the administration of a charity may make an application to the Charities Regulator for authorisation to dispose of the property.

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 'Show Property Disposal Forms' and then click to open the 'Sanction an Exchange of Charity Property' form.

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

- (1) Property Details,
- (2) Title Holders,
- (3) Purchasers,
- (4) Attachments and
- (5) Confirmation.

IMPORTANT NOTE BEFORE YOU START:

The text which you enter in this form will create the Form of Authorisation relied upon in support of your application. As the Authorisation is a signed and sealed document please ensure that it 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 (a lowercase 'i' in a circle). Below "Type" are two radio button options: "Individual" and "Organisation". A red bar labeled "Required" spans across the form. Below the radio buttons are two buttons: "Save" (with a floppy disk icon) and "Cancel". The next field is "Location where Statutory Notice will be displayed", also marked with a red asterisk and an information icon. Below this field is a text input box containing the placeholder text "Place in a public area". At the bottom of the form is a "Save Draft (a)" button with a floppy disk icon. Three callout boxes provide explanations: 1. A box pointing to the red asterisk says "Any field marked with a red asterisk is mandatory." 2. A box pointing to the information icon says "The 'i' symbol indicates that there is further information available if you hold your mouse over it." 3. A box pointing to the "Save Draft" button says "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 the name and registered number of the charity which is making the application.

To search for the charity simply start to type the name of the charity or the registered charity number 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) Property Details

Enter the required information including details of the title, description and the value of the properties being acquired and being transferred in exchange together with details of the charitable trust under which the property/properties is held.

You must also upload a map of each property. Please note that documents for upload must be in PDF format and less than 10mbs in size.

(2) Title Holders

In this section enter the details of the title holder and save. The title holder should either be the charity or its property holding company (in the case of a property holding company, although the application should be made in the name of the registered charity, the property holding company should be named as the title holder). In the normal course, the title holder is the vendor to the disposition.

If there is more than one title holder, click on 'add' to open the pop-out window. When the window opens, enter details of the additional individual or organisation holding the title to the property, ensuring to click save to add the details to the application. Repeat this until the details of all title Holders have been added.

(3) Purchasers

In this section you must first indicate if the party exchanging property is an individual or an organisation. If an organisation, it must be registered charity. (If the organisation is not a registered charity, please contact the Charity Services Unit on 01 6331500 or by email to charityservices@charitiesregulator.ie).

Enter the required details and click save to add the details to the application.

If there is more than one purchaser, click on 'add' to open the pop-out window. When the window opens, enter details of the additional individual or organisation exchanging property, ensuring to click save to add the details to the application. Repeat this until the details of all relevant parties have been added.

(4) Attachments

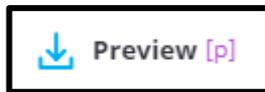
In this section you must upload a copy of the required document(s) relevant to the particular application, for example valuation report, proof of title, maps, lease, contract. You can also upload any optional supporting documents.

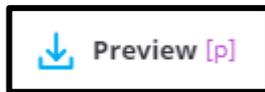
Click on the 'Upload file' button and proceed to upload.

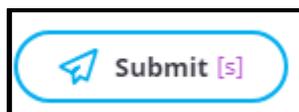
Please note that documents for upload must be in PDF format and less than 10mbs in size.

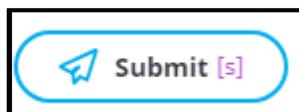
(5) Confirmation

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



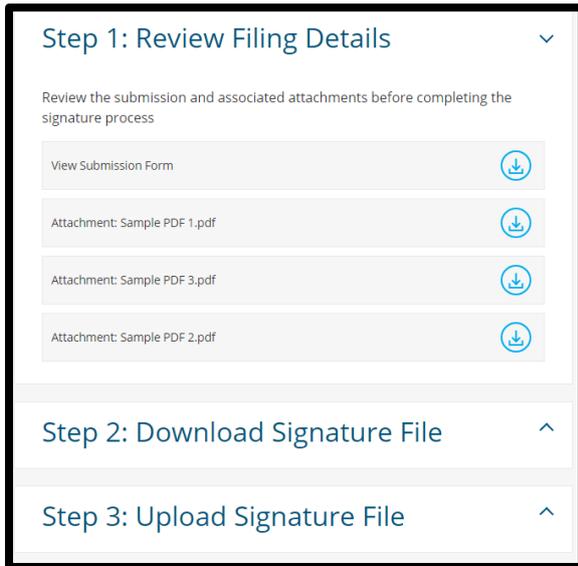
Click on  to open the document as a PDF, review the content and satisfy yourself that it is accurate, coherent and contains sufficient details. Do not edit the PDF. If you wish to make any amendments, return to the form, amend as required by working through the sections (tabs) and then preview it again.



Once you are satisfied, click  to finalise the application.

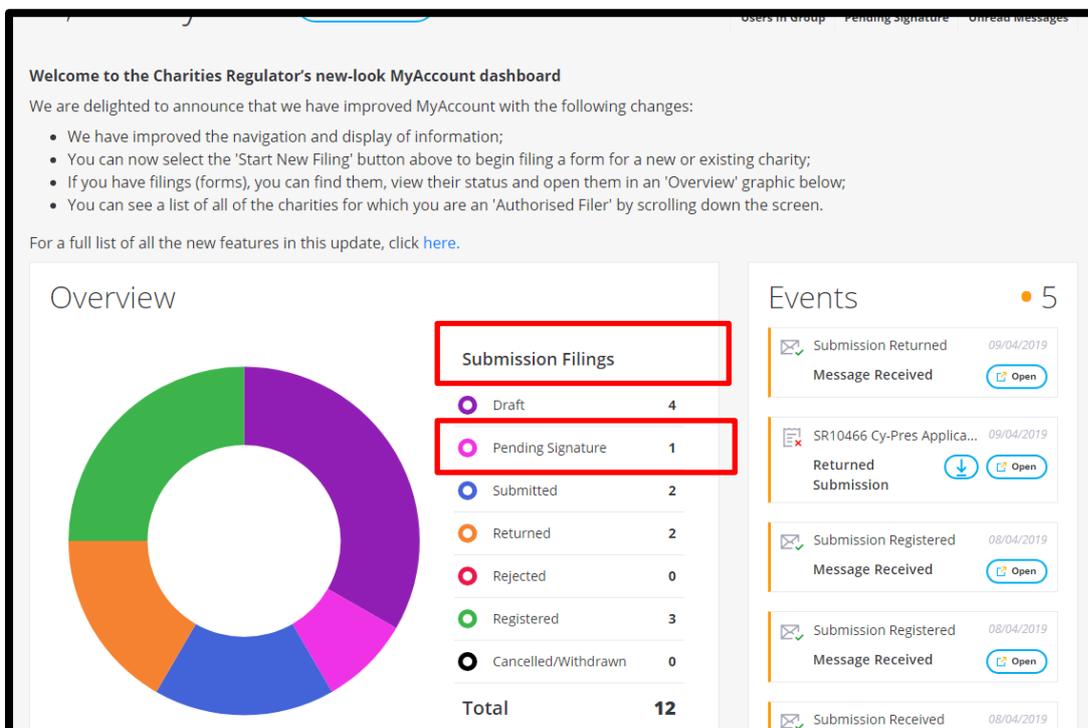
Please note: once you click on the 'Submit' button you cannot edit your application further.

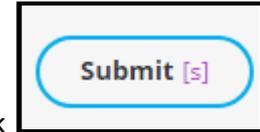
Once submitted, click on the button titled 'Proceed to Signature' to proceed to the next step.

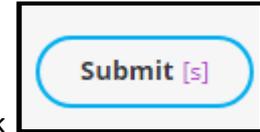


Download the Signature File (this is the 'Form of Authorisation' for signing and, depending on the corporate structure of the charity, sealing), print it then have it signed and sealed in duplicate (both having original signatures). Scan it to PDF and once you are ready to upload it click on 'Upload 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.





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

Please ensure to **post two copies of the** original signed Signature File (Form of Authorisation) to the Charities Regulator: 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 two copies of the Signature File (Form of Authorisation).