

Guidelines for making an application for the Commissioners' consent to a Sale of Charity property for full value

Applications for consent to Sale 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 Board".

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

1. A copy of the Deed vesting the property in the charity applicants for the Board'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 original charitable trust attaching to the funds out of which the property was acquired on the form entitled "Memo for the Board" at item 9).**
3. Copy of Contract for Sale.
4. An independent auctioneers valuation predating the Contract, certifying the full open market value of the property, confirmation of the recommended asking price and a copy of the brochure for sale. If the purchaser is redeeming his ground rent and has a statutory right to acquire the fee simple compulsorily under the Landlord and Tenant (Ground Rent) No. 2) Act, 1978 it is not necessary to produce a valuation report if:
 - (a) the property in question is a dwelling house and does not exceed 1 acre in area, and
 - (b) there is not less than 15 years left to run in the purchaser's Lease, or he holds as a yearly tenant.
5. The trustees' proposals for the application of the proceeds of the sale.
6. A map of the property in sale together with details of the area.
7. The Registered Charity number should be provided on both the Memo for the Board and the Authorisation of Sale Forms.

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.

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

MEMO FOR THE BOARD FOR THE

1. **APPLICATION:** To Sanction Sale of Trust
Property.

(e.g. sale, lease, transfer)

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

3. **PURCHASER:**

4. **PURCHASE PRICE:**

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

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.