

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

(The Commissioners may consent to such application only where made between Charities)

Applications for consent to Sale under Section 11 (2) of the Charities Act, 1973, 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, I would be obliged for:

1. 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 charitable purpose for which the property is used on the form entitled "Memo for the Board" 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 Board" 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.

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

Title:

Registered Charity No.:

RE:

1. APPLICATION
(e.g. sale, lease, transfer)

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

2.(b) CHY No.

3.(a) TRANSFEREE(S):

3.(b) CHY No.

2. CONSIDERATION:

3. SOLICITORS:

4. PREMISES:

5. TENURE:

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

9. TRUST ATTACHING TO THE PREMISES:

**10. TRUSTEES PROPOSALS FOR THE APPLICATION OF THE
CONSIDERATION:**

11(a) TRUSTEES REASONS FOR MAKING THE TRANSFER:

Solicitor.

Date

(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.