

Explanatory notes – please read before completing the s.280 Resolution

- The administrative powers or procedures for Trustees managing a Trust Fund may be amended in order to facilitate and improve ongoing management of the Trust Fund.
- Only use this template if you want to amend the administrative powers or procedures which have been specified in the originating document. ***You are only required to notify the Charity Commission of the amendment if your Trust Fund is individually registered as a Charity.***
- Please insert your PCC logo in the top left hand corner, or print the Resolution on PCC letterhead.
- The 'objects' of the Trust Fund are the specific terms of the restriction specified in your originating documents, i.e. the Will or Trust Deed.
- If the PCC itself is specified as the Managing Trustee of your Trust Fund, please delete the reference to **'INCUMBENT/RECTOR/VICAR AND CHURCHWARDENS'** in the Resolution heading.
- Wherever **[highlighted square brackets]** appear, please insert the relevant information from your originating documents, i.e. the Will clause or Trust Deed clause - the square brackets can then be deleted.
- You can specify a date upon which the amendment of powers or procedures will take effect (which should be **at least 4 months** after the date of your PCC meeting to allow time for approval by the Diocese.

[insert PCC logo here or print on PCC letterhead]

**THE PAROCHIAL CHURCH COUNCIL OF [YOUR PARISH NAME] OR
[RECTOR/INCUMBENT/VICAR AND CHURCHWARDENS OF THE PAROCHIAL CHURCH
COUNCIL OF [YOUR PARISH NAME]**

Acting in capacity as Trustee of the [NAME OF TRUST FUND]

(Registered Charity No. [if the Trust Fund itself is registered as a charity, insert the registration number here] (nb. if the Trust Fund is not registered as a charity, then delete).

(an unincorporated Charitable Trust)

**SPECIAL RESOLUTION TO AMEND ADMINISTRATIVE POWERS OR PROCEDURES
PURSUANT TO SECTION 280 OF THE CHARITIES ACT 2011**

WHEREAS:

The Trust Fund:

1. A Trust Deed ('the Deed') made between **[name of donor of Trust Fund]** as Settlor and the Leeds Diocesan Board of Finance ('LDBF') as Custodian Trustee and the **[insert either Rector/Incumbent/Vicar and Churchwardens of the / or your Parish Name]** Parochial Church Council as Trustee dated **[date of Trust Deed]** established a trust fund known as the **['name of Trust Fund']** ('the Trust Fund').

2. The charitable object/s of the Trust Fund are as set out in the Deed as follows:

The sum of **£[insert original donation]** to the **[insert Managing Trustee, either Rector/Incumbent/Vicar and Churchwardens of the / or your Parish Name]** Parochial Church Council **[insert TERMS OF RESTRICTION of the Trust Fund here, for example: 'to provide for the maintenance of the Parish Churchyard by unanimous agreement'.]**

3. The Trustee is minded in the best interests of the Trust Fund and in order to to better facilitate administration of the Trust Fund that the Deed be amended in order to **[insert reason for amendment here, eg. replace the requirement for unanimous agreement with a majority decision].**

NOW THEREFORE:

At a General Meeting of the Trustee duly convened and held on **[insert date of PCC meeting]**, the Trustee acting in the capacity of Trustee of the Trust Fund did hereby pass the following Special Resolution with a majority of at least two-thirds of those present and voting signifying their consent, such Resolution to take effect as from the **[insert a date at least 4 months from the date of this Resolution]:**

The Trustee of the [name of trust fund] ('the Trust Fund') hereby RESOLVES as follows:

Acting in the belief that it is expedient in the interests of the Trust Fund and to better facilitate administration of the Trust Fund that the Trust Deed be amended as follows:

[insert proposed amendment here].

[If the Trust Fund is registered with the Charity Commission as a Charity, then insert the following paragraph also]:

And to submit notice of the same to the Charity Commission together with this reasoning in accordance with Section 280 of the *Charities Act 2011*.

Proposer: _____ Seconder: _____
(Signature) (Signature)

Name: _____ Name: _____
[insert either Incumbent/Priest in Charge/Chair] **[insert officebearer, eg. Secretary]**

Date: _____ **[insert date]** Date: _____ **[insert date]**

[If the LDBF is Custodian Trustee:

Resolution approved by Custodian Trustee:

Signed for and on behalf of the Leeds Diocesan Board of Finance: _____

Signature: _____

Name: _____ Diocesan Secretary

Date: _____]

What to do next?

1. If the Leeds Diocesan Board of Finance is the Custodian Trustee of your Trust Fund, then send your draft Resolution together with a copy of the **signed** Minutes of your PCC Meeting to the Diocese by email (wherever possible) for approval/signature by the Diocese as Custodian Trustee. *(The Diocesan staff will contact you if there are queries concerning information in the Resolution – if the PCC is both the Custodian and Managing Trustee, then you will not require the Board's signature for the Resolution).*
2. The Diocese will return the approved signed Resolution to you by email or post, at which time the Resolution will take effect as at the nominated date.
3. There is no obligation to notify the Charity Commission ***unless your Trust Fund is registered with the Charity Commission as a Charity*** in which case you will need to notify the Charity Commission of the amendment - go to the Charity Commission website, submit a pdf of the signed Resolution and Minutes to the Charity Commission as soon as possible using the online portal at <https://www.gov.uk/change-your-charitys-details>. You may also forward these by post to: **Charity Commission, P.O. Box 211, Bootle, L20 7YX.**

If you need further assistance, please contact the Diocese, or check the Charity Commission website at <https://www.gov.uk/government/organisations/charity-commission/about-our-services#help-with-using-online-forms-and-services>.