

Explanatory notes – please read before completing the s.268 Resolution

- Trust Funds with similar purposes ('objects') can be consolidated (merged) into one Trust Fund to enable a larger pot of funds to be used for the same purpose, and reduce administration time and expense.
- Only use this template if you want to consolidate a Trust Fund which is either a 'Restricted Fund' or an 'Expendable Endowment Trust Fund' (*for consolidation of Permanent Endowment Trust Funds, use the s.273 Resolution*).
- The Trust Fund must have had a gross income of **less than £10,000** in the last financial year to be eligible for consolidation.
- Please insert your PCC logo where indicated, or print the Resolution on letterhead.
- The 'Trust Fund' is the first Trust Fund to be consolidated (i.e. merged) into the second Trust Fund known as the 'Receiving Trust Fund'.
- 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.
- The Receiving Trust Fund must have confirmed in writing that it is willing to receive the assets of the Trust Fund – this can be a signed letter from the Trustee of the Receiving Trust Fund dated prior to the date of your PCC meeting.
- You can specify a date upon which the consolidation of funds 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 and to satisfy any Charity Commission requirements).

[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 CONSOLIDATE TRUST FUNDS WITH SIMILAR OBJECTS
PURSUANT TO SECTION 268 OF THE CHARITIES ACT 2011

WHEREAS:

The Trust Fund:

Choose either Option 1 below as appropriate:

If the Trust Fund was created by a Will:

1. Pursuant to the Will of **[name of Donor]** dated **[date of Will]**, for which Probate was granted on **[if known, insert date Probate granted]** a trust fund was established and known as the **[name of Trust Fund]**, with the **[insert either Rector/Incumbent/Vicar and Churchwardens of the / or your Parish Name]** Parochial Church Council appointed as Trustee **[and for which the Leeds Diocesan Board of Finance ('LDBF') is Custodian Trustee – include only if applicable]** ('the Trust Fund').

OR

If the Trust Fund was created by a Trust Deed:

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 appointed 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 **[insert either 'Will' or 'Deed' here as appropriate]** 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: 'for the maintenance and upkeep of the graveyard of the Parish Church.']**

The Receiving Trust Fund:

Choose either Option 3 below as appropriate:

If the Receiving Trust Fund was created by a Will:

3. Pursuant to the Will of the late **[name of donor of Receiving Trust Fund]** dated **[date of Will]** for which Probate was granted on **[if known, date Probate granted]**, a trust fund was established and known as the **[name of Receiving Trust Fund]**, with the **[insert either Rector/Incumbent/Vicar and Churchwardens of the / or your Parish Name]** Parochial Church Council appointed as Trustee **[and for which the Leeds Diocesan Board of Finance ('LDBF') is Custodian Trustee – include only if applicable]** ('the Receiving Trust Fund').

OR:

If the Receiving Trust Fund was created by a Trust Deed:

3. A Trust Deed ('the Deed') made between **[name of donor of Receiving 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 appointed as Trustee dated **[date of Trust Deed]** established a trust fund known as the **[name of Receiving Trust Fund]** ('the Receiving Trust Fund').
4. The charitable object/s of the Receiving Trust Fund are as set out in the **[insert either 'Will' or 'Deed' here as appropriate]**, 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: 'for the maintenance and upkeep of the Churchyard of the Parish Church.']**

5. One or more of the charitable object/s of the Receiving Trust Fund is/are substantially similar to those of the Trust Fund.
6. The Trustee is minded, in the best interests of the Trust Fund and enabling the Trust Fund to be expended more effectively, to transfer the assets of the Trust Fund to the Receiving Trust Fund.
7. The gross income of the Trust Fund was less than £10,000 in the last financial year and does not comprise any designated land. The Trustee is empowered to pass a Special Resolution pursuant to Section 268 of the *Charities Act 2011* for the purposes of transferring the assets of the Trust Fund to the Receiving Trust Fund.
8. The Trustee of the Receiving Trust Fund has provided written confirmation of its willingness to receive the assets of the Trust Fund.

NOW THEREFORE:

At a General Meeting of the Trustee duly convened and held on the **[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:

Following receipt of written confirmation of acceptance from the Trustee of the [insert name of Receiving Trust Fund] ('the Receiving Trust Fund'), and acting in the belief that

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 and confirmation letter from the Receiving Trust Fund 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.
3. Go to the Charity Commission website, submit a pdf of the signed Resolution, Minutes and confirmation letter 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.
4. The Charity Commission is required to advise you within 60 days of receipt whether your application is either:
 - accepted; or
 - rejected on the basis that further information is required, or the Charity Commission requires you to advertise details of the proposed consolidation by way of a formal Public Notice procedure.
5. If there is no communication from the Charity Commission within the 60 day period, then the Resolution is deemed to have been approved, and the transfer of funds to the Receiving Trust Fund can occur on or after the specified date.
6. You are also required to notify the Charity Commission once the actual transfer of funds has been completed, either again via its online portal or by post.

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>.