

Explanatory notes – please read before completing the s.282 Resolution

- The restriction on spending capital from **larger** Permanent Endowment Trust Funds with a market value **which exceeds £10,000 and gross income of more than £1,000** in the last financial year may be released so that the purpose of the Trust Fund can be better fulfilled.
- Only use this template if you want to expend some or all of the capital of a larger permanently endowed Trust Fund.
- 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 release of the restriction 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 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 EXPEND PERMANENT ENDOWMENT PURSUANT TO SECTION 282
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 repairs and improvements to the Parish Church.']**

3. The PCC is minded in the best interests of the Trust Fund that the purposes to which the Trust Fund is subject could be carried out more effectively if the restriction on expenditure of capital of the Trust Fund was released.

4. The market value of the Trust Fund exceeds £10,000, with gross income more than £1,000 in the last financial year, and the Trustee is empowered to pass a Special Resolution pursuant to section 282 of the *Charities Act 2011* to release the restriction with respect to the expenditure of capital.

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 and in the best interests of the Trust Fund to enable the object/s to which the Trust Fund is subject to be carried out more effectively that the restriction upon the expenditure of capital of the Trust Fund be released.'

And to submit notice of the same to the Charity Commission together with this reasoning in accordance with Section 282 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.
3. Go to the Charity Commission website, submit a pdf of the signed Resolution and Minutes together with details of the Trust Fund's current market value and gross income and any other supporting information such as whether or not the donor has passed away and how many years the Trust Fund has been in existence, to the Charity Commission as soon as possible using the online portal at <https://forms.charitycommission.gov.uk/spend-permanent-endowment/>. 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 3 months of receipt whether your application is either:
 - accepted; or
 - rejected on the basis that further information is required, or requires you to advertise details of the proposed release of restriction by way of a formal Public Notice procedure.
5. If there is no communication from the Charity Commission within the 3 month period, then the Resolution is deemed to have been approved, and the release of restriction will take effect as at the specified date.

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>.