

THE CHARITIES REGULATORY AUTHORITY

GUIDELINES FOR MAKING AN APPLICATION FOR CONSENT TO LEASE OF CHARITY PROPERTY

Application for Consent to Lease Forms are to be completed in duplicate by not less than two thirds of the Trustees. Brief particulars of the application should be set out on the form entitled Memo for the Authority.

The completed Forms and the Memo should be accompanied by:-

1. Copy of the Deed vesting the property in the charity applicants for the Authority'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 purposes for which the property is used on the form entitled "Memo for the Authority" at item 9).
3. An independent Auctioneer's Valuation certifying that the proposed Fine and Annual Rent represent the full current letting market value of the property.
4. The Trustees' proposals for the application of the Fine and Rent.
5. A copy of the proposed Lease.
It should be noted that in the case of a Lease for full value the Authority requires that the Lease contain a clause providing for regular rent reviews as well as a clause providing that the Lessee will insure the property at all times. It would be preferable that the policy of insurance of the premises be held in the name of the Charity and that the cost of the premia are recouped from the Lessee
In the case of a Lease between Charities the Authority will require that the Lease contain a clause providing that the property will be used only for charitable purposes and in the event that it ceases to be so used the property is to revert to the Lessor.
6. The Registered Charity Number should be provided on both the Memo for the Authority and the Consent to Lease 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.

Please note that only typed applications will be accepted.

It should be understood that the Authority will not deal with incomplete applications. Applications for consent to Surrender of Lease must be **completed in duplicate** and signed by not less than two-thirds of the trustees (see attached note on trustees).

Charity:

Registered Charity No.:

**MEMO FOR THE AUTHORITY FOR THE
PROPERTY:**

1. **APPLICATION** To Sanction Lease of Trust Property
(e.g. sale, lease, transfer)

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

3. **LESSEES:**

4. **TERM:**

5. **SOLICITORS:**

6. **PREMISES:**

7. **TENURE:**

- 8 **AUCTIONEERS REPORT:**
(Certifying the proposed Fine and
Annual Rent representing the full
current market Letting value of
the property)

9. **TRUST ATTACHING TO THE PREMISES:**

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

11 **TRUSTEES REASONS FOR MAKING THE LEASE:**

Solicitor.

Date

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 Authority.