



Application

for an Order authorising a disposal of charity land to a connected person

Notes to the form

The information requested on this form will enable us to assess your application for an Order where you need our authorisation to dispose of charity land to a connected person within the meaning of Schedule 5 of the Charities Act 1993. Please ensure the form is completed accurately because:

- the trustees are responsible for its accuracy;
- we will be making our assessment of your application on the information supplied on the form; and
- in cases where the disposal appears more complex or needs closer consideration, we may need to ask for more information and documents or to make enquiries about any action the trustees have taken.

Anyone who knowingly or recklessly provides false or misleading information on this form will be guilty of an offence under section 11(1)(b) of the Charities Act 1993.

Before completing this form please refer to: the guidance notes that accompany this form. We also strongly recommend you read our booklet 'Sales, leases, transfers or mortgages: What trustees need to know about disposing of charity land' (CC28) (available to download from our website at <http://www.charitycommission.gov.uk/publications/cc28.asp> or in hard copy from our order line 0845 300 0218).

How should this form be completed?

This form can be signed by:

- (a) one or more of the trustees; and/or
- (b) some other person having a competent knowledge of the facts such as the clerk or secretary to the trustees and signing on the trustees' behalf.

Section 1 Charity Details and Reference

Charity registration number

Charity name

Please enter the name, address and telephone number of the person we can contact about this matter

Contact email address

Charity Commission case number

Your reference number

Section 2 Why do you need an Order?

Tick the box if any of these apply:

Section 2A Do you need to use this form?

The application is for a mortgage

The charity is an exempt charity

Section 2**Why do you need an Order? - continued**

The proposed disposal is sanctioned by an Act of Parliament or Scheme or is subject to an exception under section 36(9) or (10) of the Charities Act 1993

If any of the three boxes above is ticked, you may not need to use this form – see accompanying notes.

Section 2B**Is this disposal to a connected person?**

The disposal is to a connected person

If this box is not ticked, you will not need to complete the rest of this form – but see the accompanying notes.

We now need to know about the connected person – go to Section 3

Section 3**Details of the Connected Person****Section 3A****Personal details of the connected person**

Full name and address of the connected person

Section 3B**How is this person connected?**

Tick the appropriate box – you may wish to refer to Section K1 in our guidance CC28 for a full list of who is defined as a connected person in Schedule 5 of the Charities Act 1993. He or she is:

- (i) a trustee of or for the charity
- (ii) a donor of any land to the charity
- (iii) a close relative of either above, eg child, parent, grandchild, grandparent, brother or sister
- (iv) an officer, agent or employee of the charity
- (v) the husband, wife or civil partner of any of the above
- (vi) an institution controlled by any of those in (i)-(v) above
- (vii) a body corporate in which any of those in (i)-(vi) above has a substantial interest

Section 3C**Is this in the best interests of the charity?**

Why is it in the best interests of the charity to dispose of the land to a connected person?

Section 3D**Dealing with conflicts of interest**

What steps have you taken to ensure:

- any conflict of interest has been managed; and
- the person has not had access to information in connection with other bids or offers for the land

You will now need to tell us information about your surveyor – go to Section 4

Section 4**Your Surveyor and the Surveyor's Report****Section 4A****Details of your surveyor**

If your surveyor is not qualified, if you do not intend to use a surveyor or if the surveyor cannot recommend the terms of the transaction, tick here and only fill in the other parts of this section if and where appropriate

(i) Name and address of your surveyor and firm if appropriate

(ii) Surveyor's qualifications

(iii) Daytime telephone no

(iv) Email address

(v) Surveyor's report ref no

(vi) Date of the report

Section 4B**Details of the report**

The main points in the survey are summarised as follows:

(i) Surveyor's advice as to the appropriate terms for the disposal of the land (including the sale price or price/terms of the lease)

(ii) Have the trustees acted on the surveyor's recommendations at 4B(i) above?

Yes No

(iii) Surveyor's advice on how best to market the land

(iv) Have the trustees acted on the surveyor's recommendations at 4B(iii) above?

Yes No

(v) If you have answered 'Yes' to 4B(iv) above, how, where and when have you advertised the disposal?

Section 4**Your Surveyor and the Surveyor's Report - continued**

- (vi) If you have answered 'No' to 4B(ii) or (iv) above, please give details and your reasons

We do not need to see the Surveyor's report at this stage but we may request it in the future.

We now need to know about the details of the land in question – go to Section 5

Section 5**Details of the Land****Section 5A****Description of the land**

Please give a brief description of the land – if necessary continue on a separate sheet

Section 5B**Ownership and terms on which the land is held**

HM Land Registry title number

(if registered)

If the land is not registered, give details of the conveyance or lease by which it was acquired

If the land is leasehold, please give details of the terms of the lease

If the land is subject to any charges or restrictive covenants, please give details

Section 5C**Designated land**

Do the trusts on which the land is held (whether within the charity's governing document or in the title deeds) require the land to be used for a specific purpose (designated land, sometimes referred to as 'specie land')?

Yes No

We need to know about the terms of the transaction – go to Section 6

Section 6 Type and Terms of the Transaction

Section 6A The type and terms of the disposal

Please tick the type of disposal you are proposing and give details of the actual terms or price

Type of disposal	Actual terms/price
(i) Sale of land <input type="checkbox"/>	<input type="text"/>
(ii) Easement or grant of right of way <input type="checkbox"/>	<input type="text"/>
(iii) Lease for more than 7 years <input type="checkbox"/>	<input type="text"/>
(iv) Lease for 7 years or less with a fine or <input type="checkbox"/>	<input type="text"/>
(v) Lease for 7 years or less with no fine or <input type="checkbox"/>	<input type="text"/>
(vi) Other – please specify <input type="checkbox"/>	<input type="text"/>

Section 6B Have you achieved the recommended value for the disposal?

Where the actual selling price (or terms of the transaction) is less than the valuation, please give details and explain why this is in the best interests of the charity

Section 6C Have you any opposition to the disposal?

Are you aware of any opposition to the proposed disposal, for example from beneficiaries?

Yes No

If you have answered 'Yes' to the question above, please give details and state what steps you have taken to resolve these issues

You now need to make your declaration – go to Section 7

Section 7 Declaration

I/WE declare that, to the best of our knowledge and belief:

- (a) All the facts and information supplied by or on behalf of this charity on this form are correct
- (b) The trustees are satisfied they have been properly appointed
- (c) The charity owns the legal interest in the property which the trustees are proposing to dispose of (that is, the property described in Section 5)
- (d) The surveyor named in Section 4 has reported in accordance with The Charities (Qualified Surveyors' Reports) Regulations 1992

