

Powers of Unincorporated Charities – overview of using the procedures				
	Section 268 Transfer of Property including transfer of permanent endowment (section 273) or a mixture of permanent endowment and unrestricted property		Section 275 Replacing Purposes	Section 280 Modify Procedures for the Administration of a Charity
Charities to which the provisions apply	<ul style="list-style-type: none"> gross income in last financial year does not exceed £10,000. does not hold designated land. not a company or body corporate. 		<ul style="list-style-type: none"> gross income in last financial year does not exceed £10,000. does not hold designated land. not a company or body corporate. 	<ul style="list-style-type: none"> any charity that is not a company or body corporate.
Making the resolution	<p>Unrestricted property</p> <p>Trustees must pass a resolution stating that all the property of the charity:</p> <ul style="list-style-type: none"> is transferred to another charity as specified in the resolution. is transferred to 2 or more charities, identified in the resolution with the division of property clearly specified. <p>The receiving charity/ charities may be registered or be charities not required to register.</p> <p>The resolution must be passed:</p> <ul style="list-style-type: none"> by a majority of not less than two-thirds of the trustees of the charity and who vote on the resolution at a properly constituted meeting at which a quorum is present (where the governing document provides for a quorum). <p>The trustees must pass the resolution only where they are satisfied that:</p> <ul style="list-style-type: none"> it is in the best interests of the transferring charity in furthering its purposes; and the purposes (or any of the purposes) of the receiving charity or charities are substantially similar to any of those of the transferring charity. 	<p>Permanent endowment</p> <p>The trustees must pass a resolution that refers to the permanent endowment and any unrestricted property and confirms that the property:</p> <ul style="list-style-type: none"> is transferred to another charity as specified in the resolution. is transferred to 2 or more charities, identified in the resolution with the division of property clearly specified. <p>The receiving charity/ charities may be registered or be charities not required to register.</p> <p>The resolution must be passed:</p> <ul style="list-style-type: none"> by a majority of not less than two-thirds of the trustees of the charity and who vote on the resolution at a properly constituted meeting at which a quorum is present (where the governing document provides for a quorum). <p>The trustees must pass the resolution only where they are satisfied that:</p> <ul style="list-style-type: none"> it is in the best interests of the transferring charity in furthering its purposes; in the case of a single receiving charity, the purposes of that charity must be substantially similar to all of the purposes of the transferring charity; in the case of more than one charity, the purposes of the receiving charities, taken together, must be substantially similar to all the purposes of the transferring charity; and each of the receiving charities must have purposes that are substantially similar to one or more purposes of the transferring charity. 	<p>A resolution to replace purposes must:</p> <ul style="list-style-type: none"> be expedient in the interests of the charity for the purposes in question to be replaced; and so far as reasonably practical, the new purposes consist of or include purposes that are similar in character to those that are to be replaced. <p>The resolution must be passed:</p> <ul style="list-style-type: none"> by a majority of not less than two-thirds of the trustees of the charity and who vote on the resolution at a properly constituted meeting at which a quorum is present (where the governing document provides for a quorum). 	<p>Trustees can use section 280 to modify:</p> <ul style="list-style-type: none"> the provisions of the charity's trusts that relate to the powers exercised by the trustees in administering the charity. <p>They can use the section 280 provisions in preference to any amendment provisions contained in the governing document.</p> <p>The resolution should specify the date upon which it will take effect and that it is passed using section 280 provisions.</p> <p>There are limitations to the use of section 280 which are outlined at E5</p> <p>The resolution must be passed:</p> <ul style="list-style-type: none"> by the trustees at a properly constituted meeting at which a quorum is present (where the governing document provides for a quorum). <p>Where the unincorporated charity has a membership that is separate from the trustee body any resolution must be approved by a further resolution passed at a general meeting of the body, either:</p> <ul style="list-style-type: none"> by a majority of not less than two thirds of the members entitled to attend and vote at the meeting who vote on the resolution; or by a decision taken without a vote and without any expression of dissent in response to the question put to the meeting.
Timeline for acceptance	<p>Subject to section 271</p> <ul style="list-style-type: none"> 60 days before resolutions take effect. we can make direction for public notice or additional information. we stop the clock on the 60 	<p>Subject to section 271</p> <ul style="list-style-type: none"> 60 days before resolutions take effect. we can make direction for public notice or additional information. we stop the clock on the 60 	<p>Subject to section 271</p> <ul style="list-style-type: none"> 60 days before resolutions take effect. we can make direction for public notice or additional information. we stop the clock on the 	<p>As specified within the resolution.</p> <p>No approval required by Charity Commission for section 280 changes.</p> <p>Trustees are required to inform us of the changes so</p>

	<p>day period if we make direction, until:</p> <ul style="list-style-type: none"> ○ 42 day publication period is over and details supplied to us. ○ other information is supplied. <p>after which 60 day period resumes.</p> <ul style="list-style-type: none"> • where we don't hear anything within 120 days of stopping the clock the resolution is treated as though it was never passed. • where we object on procedural grounds or the merits of the proposal within the 60 day period the resolution does not take effect. 	<p>day period if we make direction, until:</p> <ul style="list-style-type: none"> ○ 42 day publication period is over and details supplied to us. ○ other information is supplied. <p>after which 60 day period resumes.</p> <ul style="list-style-type: none"> • where we don't hear anything within 120 days of stopping the clock the resolution is treated as though it was never passed. • where we object on procedural grounds or the merits of the proposal within the 60 day period the resolution does not take effect. 	<p>60 day period if we make direction, until:</p> <ul style="list-style-type: none"> ○ 42 day publication period is over and details supplied to us. ○ other information is supplied. <p>after which 60 day period resumes.</p> <ul style="list-style-type: none"> • where we don't hear anything within 120 days of stopping the clock the resolution is treated as though it was never passed. • where we object on procedural grounds or the merits of the proposal within the 60 day period the resolution does not take effect. 	<p>that we can update our Register.</p>
--	---	---	--	---