

Requesting assistance from the Charity Commission about mergers



Is Charity Commission consent needed for a merger?

The majority of charity mergers do not need Charity Commission consent. A charity's governing document will usually contain the powers needed to allow a charity to merge with another. But we must be involved if a charity does not have the power it needs to proceed with a merger proposal, or if its governing document specifically requires our consent.

You should contact the Charity Commission if you need our advice or if you need the Commission's legal authority to facilitate the merger. In order to consider a proposal we will need to ask you certain questions. The checklist below sets out the information we will need from you.

Please provide the information on a separate sheet of paper, headed with the charity's name and registration number. You may wish to send us supporting documents to illustrate the case for merger, such as business or project plans.

It would be helpful if you could approach us well in advance of the merger target date so that we can check in good time whether any specific legal authority is required.

Once you have completed the form you can either send us a photocopy to:

Charity Commission Direct

PO Box 1227
Liverpool
L69 3UG

Alternatively you can return the form via our website www.charitycommission.gov.uk, or via our email address, enquiries@charitycommission.gov.uk

Background and contact details

1. Name, registered number(s), a contact name and telephone number for all the charities involved.
2. Will a working name be required? If yes, please provide details.

Charitable objects

3. How are the charities' objects compatible?
4. How would each charity further its charitable objects by merging? Highlight similarities and overlaps in activities or services to beneficiaries.

Decision making and advice

5. Have the trustees of all the charities involved in the merger made a collective decision to proceed? If so, please confirm and provide details.
6. Have the trustees followed the charity's governing document in making their decision?
7. Do any of the charities involved in the merger have members? If yes, have the provisions of the governing document relating to members and voting been followed?

Decision making and advice - continued

8. Have all the charities involved begun formal due diligence exercises? Has this raised any major issues?
9. Have the charities concerned taken professional advice? If yes, has this raised any issues?
10. Is legal authority from the Charity Commission required in order for the merger to proceed?

Transferring assets

11. Do any of the constituent charities have property vested in the Official Custodian? If yes, do you wish the Official Custodian to hold title to the property of the successor charity?
12. Please provide details of any Permanent Endowment held.

For further information about collaboration and mergers, please see our publication *Collaborative Working and Mergers* (CC34).

This can be found on our website www.charitycommission.gov.uk