



**CHARITY COMMISSION  
FOR ENGLAND AND WALES**

Ms D Mawbey  
By e-mail to  
[denise.mawbey@bradford.gov.uk](mailto:denise.mawbey@bradford.gov.uk)

Charity Commission  
PO Box 211  
Bootle  
L20 7YX

**T: 0300 065 1805**

**Your ref: Corp/pcd/dm/  
Our ref: C-466417**

**Date: 19 September 2017**

Dear Ms Mawbey

**Wibsey Park - 1042146**

Thank you for your letter of 13 September. I am sorry that you did not receive a response to your earlier e-mails but the e-mail addresses you used are no longer valid. Should you need to contact us in future please use the [online forms available on our website](#).

The charity's land is 'designated land'. This means that the land is required by the charity's governing document to be used for a particular purpose.

As you acknowledge the trustees have the power to sell the land and the Commission's consent to the sale or lease is not needed, if:

- only a small part of the charity's land is being sold or leased; and
- the sale or lease does not interfere with the charity's trusts (which means that the charity's purposes can still be carried out).

To ensure that the trustees are meeting their legal duties and responsibilities to the charity, we usually strongly recommend that trustees take their own professional advice on this matter. However it appears from your letter that you are advising the trustee the charity's purposes will not be affected by the sale of the land and they have the power to sell or lease the land and will need to apply to the Commission for a Scheme. On the basis of the information provided we see no reason to disagree with this analysis.

As you point out the trustee must also ensure that the disposal meets the requirements of s117-121 of the Charities Act 2011. As the land is designated land, this includes giving public notice of the disposal and inviting representations. These requirements, and the other factors which the trustee must take into consideration, are explained in detail at the link below.

[Sales leases transfers or mortgages: what trustees need to know about disposing of charity land \(CC28\)](#)

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**t:** 0300 066 9197 (General enquiries)  
0300 066 9219 (Textphone)

**w:** [www.gov.uk/charity-commission](http://www.gov.uk/charity-commission)

Please note that the Commission's authority will be needed if the land is to be sold or leased to a connected person. There is guidance about this including an explanation of the term connected person in the above guidance.

When making the decision to dispose of the charity's land, the trustees must apply the principles of good decision making. These are explained in detail at the link below.

[It's your decision: charity trustees and decision making \(CC27\)](#)

I hope you will find this helpful.

Yours sincerely

Tim Reese  
cscorres1@charitycommission.gsi.gov.uk