



Incorporation as a Charitable Trust Guidelines and suggestions for Clubs

This document has been prepared by Anne Cheetham, Chair, Special Olympics Kapiti and Board Trustee and describes the steps a Club needs to take in moving to become a Charitable Trust. These steps were prepared while Anne and the Kapiti club went through the process to form a Charitable Trust so are written with a practical guide in mind. Anne is happy to do a Zoom call with any Club that has questions about the process.

Step 1 – obtain the authorization of your existing Committee.

Any application for incorporation must be authorized by a majority of existing Club Committee members. *Note* – it does not need to be agreed unanimously. Committee members who do not want to become Trustees are not obliged to – they can still be part of the Committee and attend Committee meetings, but do not have a vote on Board issues.

The minimum number of Trustees needed is 3 and the maximum is 10. At the first meeting following incorporation, Board Trustees will elect a Chairperson, Treasurer and Secretary. The Chairperson must be a Board Trustee. The Treasurer and Secretary can be Board Trustees, but do not have to be.

The authorization can be recorded in the minutes of a Committee meeting, or as a separate resolution such as:

Resolution to become an Incorporated Charitable Trust: Special Olympics [Name].

Charities Service Registration Number: CCXXXX

At a formally convened meeting of the Committee of the Special Olympics [insert name] Club it was agreed that the Special Olympics [Name] Club should become an Incorporated Charitable Trust.

I certify this to be a true and correct record of the resolution passed.

[Name] Chairperson

[Date signed]

[Name] Treasurer

[Date signed]



[Name] , Secretary

[Date signed]

Step 2 – prepare your Charitable Trust Deed and the relevant NZ Companies Office form.

SONZ has provided a template for your Charitable Trust Deed, which can be found on the SONZ website at: www.specialolympics.org.nz/club-consultations/. Someone on the existing Club Committee needs to download a copy and fill in the blanks – including names and addresses of

existing Club Committee members who intend to be Trustees. (This information is currently provided to the Charities Service each year on Form 4 Annual Return).

The draft Charitable Trust Deed asks for the name and address of the *Settlor*. The Chairperson of your existing Club Committee is the Settlor.

A charitable trust must have a registered office, which should be a physical location and include the street number in a town or city. You may use the SONZ address (93 Hutt Park Road. Moera, Lower Hutt. 5010) or another one.

Once the blanks are filled, circulate this draft to your Committee members who wish to be Trustees for them to review. Bear in mind that the Deed is not set in stone – it can be amended later, eg. if you want to change the number of Trustees you need on your Trust Board, or the period of notice needed for a General Meeting.

Meanwhile, download the Form *Application by a society for incorporation as a charitable trust board* from the Companies Office website.

If you plan to complete and submit your application online, use Form CT2 www.ct-register.companiesoffice.govt.nz/assets/charitable-trusts/forms/form-ct2-inc-society-online.pdf

If you plan to complete and submit your application manually, use Form CT1 www.ct-register.companiesoffice.govt.nz/assets/charitable-trusts/forms/form-ct1-inc-trustees-manual.pdf

Step 3 – finalise your Charitable Trust Deed.

Once all review comments have been considered and any resulting amendments made, you are ready to finalise your Deed. This is best done at a meeting where as many as possible of your intending Trustees are present. Complete the date on page 1.



At this point the value of the Club's assets (bank accounts etc) must be entered on page 1 so that the total sum can be transferred to the Trust. All intending Trustees must sign the document in the presence of a witness, and the witness then signs and adds their occupation and their address.

Step 4 – complete and submit your application.

Now that your Charitable Trust Deed is complete, you need to finalise your application using the relevant form referred to above at Step 2. You can fill it in online, or print it and fill it in manually. Again it requires the names and addresses of all intending Trustees and their signatures.

At the end of the form is a Statutory Declaration to be signed by one of the Trustees (probably the Chairperson) in the presence of a Justice of the Peace, Solicitor or other person authorized to do so.

Now you need to submit both your Charitable Trust Deed and your Application Form to Companies Office. Online, send them to processing@companiesoffice.govt.nz. For manual submission send the documents to: Companies Office, Private Bag 92061, Victoria Street West, Auckland 1142.

There are no fees when applying to incorporate as a charitable trust.

And finally....

If your application is in order, your board name will be registered. Companies Office will email or post a copy of the Certificate of Incorporation to the person who filed the application.

- At this point you will automatically be allocated a New Zealand Business Number (NZBN) which will appear on your Certificate of Incorporation.
- You should now notify SONZ of the outcome of your application.
- Also notify IRD of your incorporated status.