

## **Guidelines for making application to settle a Cy-Pres Scheme**

If a Charity never existed or no longer exists the position is that the gift falls to be applied Cy-Pres. An application to the Charities Regulatory Authority to settle a Cy-Pres Scheme is made under Section 29 of the Charities Act, 1961 as amended by Section 8 of the Charities Act, 1973, Part 2 of the Social Welfare (Miscellaneous Provisions) Act, 2002 and Section 82 of the Charities Act, 2009 and is made by way of a Statutory Declaration executed by the Executor or Trustee setting out the facts and asking for an order authorising the application of the trust funds Cy-Pres.

The Declaration should set out the following averments:-

1. Full particulars of the provisions in the Will or Deed of Gift.
2. Details of any particular instructions relating to the gift given to the Solicitor who made the Will or drew up the Deed of Gift.
3. A statement to the effect that the Charity never existed or details of when it ceased to exist.
4. The funds available by virtue of the gift.
5. The Charity to which the Executor or Trustee wishes to apply the funds available by virtue of the gift and particulars of any special relationship which the Deceased or Donor had with this Charity.
6. A form of Undertaking should be completed by the Trustees of the Charity who are to carry out the trusts under the new Cy-Pres Scheme.
7. A precedent Scheme is available on <https://www.charitiesregulatoryauthority.ie/en/CRA/Pages/WP16000053> under form 16.