**Template for the variation of a trust deed**

*Prepared by the Department of Internal Affairs, Charities Services January 2021*

You need to make changes to any part that is highlighted in [Yellow]. You can put additional details in the [Green] section if you want to.

If you need more help, we recommend seeking independent legal advice. Some [Community Law Centres](https://communitylaw.org.nz/) will support charities.

When you finish editing the template:

1. Remove all the highlights from the template.

2. Delete anything you don’t need (e.g., any [Green] text you haven’t edited and this first instructions page).

3. Sign and witness the variation. You can either sign it using electronic signatures, or print and sign in person. All of the trustees should sign (so you may need to copy page 3). Each signature should be witnessed by someone independent from your charity who is not a trustee.

4. The Trust Deed has to be certified as a correct copy by one of the trustees, or a member of the committee or governing body of the society with the following statement (put this statement at the top of the document):

“I hereby certify that this is a correct copy of the trust deed or rules of the [Name of Trust Board]”.

Full Name:.............................................................................

Signed:..................................................................................

Date:..................................................................................

5.Upload the variation to Charities Services using the “update details” button on your online account (and the Companies Office if your trust is incorporated). The Companies Office has a specific form you need to fill out. For more information see:

Companies Office: <https://ct-register.companiesoffice.govt.nz/help-centre/keeping-charitable-trust-board-details-up-to-date/making-changes-to-a-trust-or-a-boards-rules/>

Charities Services: <https://www.charities.govt.nz/im-a-registered-charity/update-charity-details/>

Deed of variation of charitable trust

Parties:

[List the names of all your trustees]

(Names of Trustees)

Background:

A. By deed dated [ ] (deed) the parties named as trustees declared rules for the creation of a charitable trust, known as [name of the trust] (trust) for the charitable purposes as set out in the deed.

B. The trustees as named above are the present trustees of the trust and comprise the present board of trustees of the trust.

C. The trustees wish to exercise the power in clause [write the name of the clause that allows you to vary your trust deed] of the deed to vary the deed, and will have the effect of replacing the provisions of the deed.

D. [Further background explaining the changes in plain language – e.g. “Background of changes:

i. the trust was set up to maintain the community hall on Vulcan Street.

ii. The trust was registered as an incorporated trust board under the Charitable Trusts Act 1957 in 1989, and registered as a charity under the Charities Act 2005 in 2008.

iii. The changes in this deed are to amend the default duties under the Trusts Act 2019:

Clause X: permitting the trust to pay trustees reasonable remuneration for their time; and

Clause Y: permitting the trust to make decisions by majority, where unanimous decision cannot be reached.”]

Operative part

[Here include the new rules of the trust – include any parts that are not changing. We recommend keeping an electronic copy of your trust deed if you need to make changes in the future.

A useful template for a trust deed is available on the [CommunityNet Aotearoa website](https://community.net.nz/resources/charities-services/sample-charitable-trust-deed-and-guide-to-its-clauses/).]

**Signed**

|  |  |  |  |
| --- | --- | --- | --- |
| Signed by [X] as trustee  In the presence of  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature of witness  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Full name of witness  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Occupation of witness  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City/Town of residence of witness | | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| Signed by [X] as trustee  In the presence of  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature of witness  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Full name of witness  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Occupation of witness  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City/Town of residence of witness | | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
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