**Guidance:**

**What cathedrals need to provide to the Charity Commission**

**on Certificate Date 2**

1. **What is Certificate Date 2?**

The Cathedrals Measure 2021 (the **2021 Measure**) requires the Church Commissioners to certify two dates for each cathedral[[1]](#footnote-1):

1. the date on which the new Constitution and Statutes come into force for the cathedral (**Certificate Date 1**); and

(b) the date on which the cathedral is brought within the Charity Commission’s regulatory jurisdiction (**Certificate Date 2**).

The 2021 Measure requires there to be at least three months between Certificate Date 1 and Certificate Date 2[[2]](#footnote-2) to enable the governance structure set out in the new Constitution and Statutes to be in place before the cathedral is brought within the Charity Commission’s regulatory jurisdiction.

On **Certificate Date** **1**, all the remaining provisions of the 2021 Measure other than the “charity provisions”, will come into force for that cathedral. In addition, the changes to the Ecclesiastical Offices (Terms of Service) Regulations 2009 relating to residentiary canons, made by the Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 2021[[3]](#footnote-3), also come into force for that cathedral. In practice, this means that:

1. all the ecclesiastical law provisions, such as the new composition of the Chapter, the Council ceasing to exist and any changes to the requirements to apply for the various consents from the Church Commissioners, come into force for that cathedral; and

(b) the Church Commissioners will exercise powers in relation to that cathedral under the 2021 Measure and not the Cathedrals Measure 1999.

On **Certificate Date 2,** the “charity provisions” come into force for that cathedral and so all the provisions of the 2021 Measure will have come into force for that cathedral. In practice, this means that:

1. the cathedral is required to comply with the Charities Act 2011 (as amended); and

(b) the cathedral is brought within the Charity Commission’s regulatory jurisdiction and is required to finalise their application with the Charity Commission for registration.

1. **What do Chapters need to do on Certificate Date 2?**

The final part of the Chapter’s application to the Charity Commission for registration is for the Chapter to submit to the Charity Commission:

1. the standard Charity Commission trustee eligibility declaration, signed by each Chapter member[[4]](#footnote-4);

(b) a declaration that there have been no material changes in the cathedral which would have been required to have been reported to the Charity Commission as a Serious Incident had it been regulated by the Charity Commission since the Chapter’s submission of the application form and due diligence questionnaire responses to the Charity Commission before Certificate Date 1; and

(c) an updated list of the trustees (i.e., Chapter members) with the details provided for each.

To conduct due diligence on Chapter members as charity trustees, the Charity Commission require the following information for every trustee[[5]](#footnote-5):

* Title (optional)
* Given name
* Family name
* Suffix (optional)
* Whether the individual has been known by any other names
* Home address
* Email address
* Phone number
* Date of birth

Only the trustees’ names are shown on the public register. You must give the Chapter member’s full legal name.

The Charity Commission require trustee email addresses as a means to contact trustees, to let them know when their details have been updated, and to send emails with regulatory information. If one or more Chapter members do not have an email address, you need to confirm this on the form by writing “no email address” in the relevant field.

Trustees can refer to the Charity Commission’s privacy policy [here](https://www.gov.uk/government/organisations/charity-commission/about/personal-information-charter).

1. **How should Chapters provide this information to the Charity Commission?**

The Chapter should email the Charity Commission ([registrationapplications@charitycommission.gov.uk](mailto:registrationapplications@charitycommission.gov.uk)) with the following attached:

1. the standard Charity Commission trustee eligibility declaration, signed by each Chapter member[[6]](#footnote-6);
2. the signed declaration set out in Annex 1 of this guidance; and
3. the completed updated list of Chapter members using the form provided in Annex 2 of this guidance (please note that one form must be completed for each Chapter member).

If you have any questions on completing the form or the process of submission to the Charity Commission, please contact Katie Clarke ([katie.clarke@churchofengland.org](mailto:katie.clarke@churchofengland.org)) of the Church Commissioners.

**Annex 1**

**Chapter Declaration**

Declaration option 1:

Having made all reasonable inquiries, the Chapter of [name of cathedral] confirms that, to the best of their knowledge, since the cathedral submitted its application form and due diligence responses to the Charity Commission on [date], there have been:

- no material changes in the information provided to the Commission in relation to the cathedral which have not previously been notified to the Commission as part of the pre-registration process; and

- no incidents which would warrant reporting to the Charity Commission as a serious incident if it happened once the cathedral Chapter is regulated by the Charity Commission.

Signed on behalf of the Chapter by [ ]

Date:

Declaration option 2:

Having made all reasonable inquiries, the Chapter of [name of cathedral] confirms that, to the best of their knowledge, since the cathedral submitted its application form and due diligence responses to the Charity Commission on [date], there have been:

* no material changes in the information provided to the Commission in relation to the cathedral which have not previously been notified to the Commission as part of the pre-registration process; and
* no incidents which would warrant reporting to the Charity Commission as a serious incident if it happened once the cathedral Chapter is regulated by the Charity Commission;

other than:

[set out material incidents or changes here]

Signed on behalf of the Chapter by [ ]

Date:

**Annex 2**

**Trustee Details**

One form must be completed for each Chapter member.

|  |  |
| --- | --- |
| **Title (optional)** |  |
| **Forename(s)** |  |
| **Surname** |  |
| **Suffix (optional)** |  |
| **Any previous names (optional)** |  |
| **Home address** |  |
| **Email address** |  |
| **Phone number** |  |
| **Date of birth** |  |

1. [s 46(3) of the Cathedrals Measure 2021](https://www.legislation.gov.uk/ukcm/2021/2/section/46/enacted) [↑](#footnote-ref-1)
2. [s 46(4) of the Cathedrals Measure 2021](https://www.legislation.gov.uk/ukcm/2021/2/section/46/enacted) [↑](#footnote-ref-2)
3. [The Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 2021](https://www.legislation.gov.uk/uksi/2021/840/made) [↑](#footnote-ref-3)
4. [Charity Commission Trustee Eligibility Declaration form](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960027/Trustee_Declaration_Form_Fields_December_2020.pdf) [↑](#footnote-ref-4)
5. [Charity Commission guidance: How to update your charity’s details](https://www.gov.uk/guidance/how-to-update-your-charitys-details) [↑](#footnote-ref-5)
6. [Charity Commission Trustee Eligibility Declaration form](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960027/Trustee_Declaration_Form_Fields_December_2020.pdf) [↑](#footnote-ref-6)