

DATED

2021

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**DECLARATION OF TRUST**

BY

**OLDHAM BOROUGH COUNCIL**

DRAFT

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By OLDHAM BOROUGH COUNCIL of Civic Centre, West Street, Oldham OL1 1UL  
(Council).

**BACKGROUND**

- (A) The Council is the owner (inter alia) of the First Property (as defined in Clause 1.1) and the Second Property (as defined in Clause 1.1) and the title of the Council is freehold and is registered at H M Land Registry under title number MAN321088.
- (B) On 7 January 2020 (being the date of the Order as defined by Clause 1.1) the First Property was by virtue of the Order released from the trusts of the Charity (as defined in Clause 1.1) and the Second Property was made subject to the trusts of the Charity.
- (C) The Council wishes to declare the effect of the Order on the First Property and the Second Property and on the extent of the Charity Property.

**1. INTERPRETATION**

The following definitions and rules of interpretation apply in this deed.

1.1 Definitions:

**Charity:** High Crompton Park Trust which is a non-exempt charity.

**Charity Property:** the freehold property at High Crompton Park, Rushcroft Road, Shaw, Oldham and being part of the property registered at HM Land Registry under title number MAN321088 as is shown coloured pink and also shown coloured pink cross-hatched green on the Plan.

**First Property:** the freehold property lying off Rochdale Road, Shaw, Oldham and being that part of property registered at HM Land Registry under title number MAN321088 as is shown coloured yellow on the Plan.

**Order:** the order of the Charity Commission dated 7 January 2020 relating to the Charity (Reference No 1244/1920 and Case Number: C-506230).

**Plan:** the plan annexed to this deed.

**Second Property:** the freehold property at High Crompton Park, adjoining Mossgate Road, Shaw, Oldham and being that part of property registered at HM Land Registry under title number MAN321088 as is shown coloured pink cross-hatched green on the Plan.

- 1.2 Clause, Schedule and paragraph headings shall not affect the interpretation of this deed.

- 1.3 Unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.
- 1.4 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.5 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.6 References to clauses and the Schedule are to the clauses and the Schedule of this deed.
- 1.7 A reference to laws in general is a reference to all local, national and directly applicable supra-national laws as amended, extended or re-enacted from time to time and shall include all subordinate laws made from time to time under them and all orders, notices, codes of practice and guidance made under them.
- 1.8 The Schedule forms part of this deed and shall have effect as if set out in full in the body of this deed. Any reference to this deed includes the Schedule.
- 1.9 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.10 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time under that statute or statutory provision.

## **2. DECLARATION OF TRUST**

- 2.1 The Council declares that it holds the Charity Property on trust for the Charity as a result of the Order whereby the First Property ceased to be subject to the trusts of the Charity and the Second Property was made subject to the trusts of the Charity.

## **3. CHARITY AND RESTRICTIONS ON DEALINGS**

It is further declared and confirmed that the Charity Property is held by (or in trust for) the Charity, a non-exempt charity, and the restrictions on disposition imposed by section 117-121 of the Charities Act 2011 will apply to the land (subject to section 117(3) of that Act).

**4. REGISTRATION**

- 4.1 The Council confirms its intention to apply to HM Land Registry for the entry of a standard form E restriction in the Proprietorship Register of the Property against the Charity Property only in the following terms:

No disposition by the proprietor of the registered estate to which section 117-121 or section 124 of the Charities Act 2011 applies is to be registered unless the instrument contains a certificate complying with section 122(3) or section 125(2) of that Act as appropriate.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

DRAFT

EXECUTED as a deed by the said  
OLDHAM BOROUGH COUNCIL acting  
in its capacity as charity trustee for  
High Crompton Park Trust and affixing  
its common seal in the presence of:

Signed:.....  
Authorised Officer

Name:

Position:

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