



## Notifying the Commission of a merger - frequently asked questions

### 1. What is a charity merger?

A charity merger occurs when two or more charities come together to form one charitable organisation. This can take a number of forms including when

- an unincorporated charity changes into an incorporated charity
- two or more charities combine their assets and resources by transferring them to a new charity
- one or more charities dissolve and transfer all of their assets to an existing charity which has purposes similar to their own.

Further information on this can be found in the *Mergers and closures* guidance.

### 2. What is the register of mergers?

The *register of mergers* is an online register containing an entry for every relevant charity merger which is notified to the Commission using the appropriate procedure. For information on what is contained in the register of mergers, refer to the *Mergers and closures* guidance

### 3. Do we have to ask permission from the Commission before merging?

You do not usually have to seek permission from the Commission in order to merge unless this is specifically required in your governing document. However, consent may be required from the Commission in order to effect certain processes to complete the merger, for example, a scheme may be necessary in order to transfer assets. For further guidance see the [Managing your charity](#) section of the website.

#### **4. My charity has completed a merger. Am I obliged to notify the Commission to have the merger entered on the *register of mergers*?**

A merger does not have to be notified to the Commission unless there has been a vesting declaration to complete the merger. If a vesting declaration has been used then the charity must notify the Commission within a reasonable time of the completion of the merger. Additionally, registered charities must keep the Commission informed of changes to their details held on the *register of charities*. It is best practice for all charities to notify the Commission of a charity merger.

Use the *Update of register of mergers notification form* to notify the Commission.

#### **5. Who can notify the Commission of a merger?**

The notification form may be completed by a charity trustee, staff member or volunteer, or by someone acting on behalf of the charity, such as a solicitor or an accountant.

It is anticipated that the notification will usually be received from the charity into which others have merged, the transferee, however we will accept notification from any of the charities involved.

It is the responsibility of the trustees to ensure that the proposed transaction is properly notified to the Commission.