**Trustee Resolution Set Aside**

**[NOTE to Trustees: The Almshouse Association strongly recommends seeking advice from a solicitor before preparing a Resolution]**

**Almshouse Association Template**

[Name of almshouse]   
(the “Charity”)  
(Registered charity number: [*number*])

The Charity is governed by [*set out details of the Charity’s governing document or documents*] (the “Constitution”).

In accordance with the Constitution, a quorate [special][[1]](#footnote-2) meeting of the Trustees of the Charity was held on [*date*] at [*address*] attended by:

[*Names of Trustees who attended the meeting*]

After careful consideration of the facts surrounding [*resident’s name*] (the “Resident”) occupation of [*address*] (the “Property”) the Trustees consider that in their opinion the Resident’s appointment as a beneficiary of the Charity should be set aside.

The Trustees noted that:

1 The Resident was appointed as a beneficiary of the Charity by a letter of appointment dated [#].

2 [*Set out the details of the facts that form the basis for the decision to set aside the appointment, include details of any investigation, previous warnings, relevant interactions with the Resident etc. – be careful to ensure that the minutes do not contain any information which is confidential and, if legal advice has already been sought, that the minutes do not contain any details of the legal advice that has been provided which would be privileged.*]

Clause [#] of the Constitution provides that the Trustees may set aside the Resident’s appointment as a beneficiary of the Charity if the Trustees are of the opinion that [*provide detailed wording of the relevant clause or clauses upon which the Trustees are relying – these should be taken from the Constitution, not from any simplified or alternative wording that may be found in the letter of appointment*].

Having considered the facts as set out above, and in reliance upon clause [#] of the Constitution, the Trustees hereby resolve that:

Having considered the facts as set out above, and in reliance upon clause [#] of the Constitution, the Trustees hereby **RESOLVE THAT**:

1. As from today’s date, [*date*] the Resident’s appointment as a beneficiary of the Charity is set aside and Notice to Set Aside will be served on the Resident.
2. Notice to Determine the Resident’s occupation of the Property must therefore be given as soon as practicably possible. Such notice shall be served on the Resident in compliance with the provisions of the Protection from Eviction Act 1977.
3. The [clerk to the Charity] / [name of Trustee] is instructed to serve the Notice to Set Aside and the Notice to Determine by hand delivering them to the Property forthwith.
4. The [clerk to the Charity,] [names of 2 Trustees] will be responsible for instructing [name of solicitors] to undertake all the necessary steps to recover possession of the Property including, if necessary, initiating Court proceedings to gain a possession order. The [Clerk] or [named trustees] is authorised to instruct on behalf of the Trustees and will regularly report progress of this matter to the board of Trustees.

Signed:

Name:

Chair of Trustees

Dated:

1. You should check whether the Constitution requires a decision to set aside to be taken at a “special meeting” the notice and quorum provisions for which may differ from your normal arrangements. [↑](#footnote-ref-2)