

Consultation on Alterations to the Objects

Macmillan Caring Locally was set up over 40 years ago. Its original governing document, a deed of trust executed in 1974, has served it well but it is now out of date and needs to be reviewed.



The objects of the charity set out in the 1974 trust deed are:

“the relief of the aged, impotent and poor persons of the Districts of Bournemouth, Poole and Christchurch or elsewhere who shall be suffering from cancer or any terminal illness in any manner which may for the time being be deemed by law to be charitable”.

The trustees consider that the objects do not adequately describe the way in which the charity now operates or the services that it provides. The language is outdated and does not reflect the work and ethos of a modern, forward looking organisation. The trustees consider that the time has come to adopt new objects that, whilst still exclusively charitable, better suit the work of the charity and the changing attitudes to long term illness. The trustees have approached the Charity Commission, which would approve the following new objects:

“The object of the Charity is the relief of people suffering from cancer or a life limiting illness or condition (“beneficiaries”) by the provision or assistance in the provision of:

- 2.1.1 hospitals, clinics and other facilities and equipment for the treatment and care of beneficiaries;
- 2.1.2 domiciliary and day care services for beneficiaries
- 2.1.3 medical and other staff for the treatment or care for beneficiaries or who provide ancillary functions;
- 2.1.4 financial support for beneficiaries and their families
- 2.1.5 counselling and respite care for beneficiaries and their families and carers and other facilities and services to provide treatment or palliative care for beneficiaries.”

The trustees would like to hear your views on the matter before making a final decision about the objects and applying to the Charity Commission for a Scheme to change the objects. You can get in touch with us at:

Email: neal@macmillanlocal.org

Address: Neal Williams, Trust Secretary, Macmillan Caring Locally, The Macmillan Unit, Christchurch Hospital, Fairmile Road, Christchurch, Dorset. BH23 2JX.

Please let us have your views by the end of May 2018.

As the Brick by Brick appeal has gathered momentum and the new Macmillan Unit is starting to become a reality, the trustees have begun to consider a new structure for the charity, one that is better suited to our plans for the next 40 years.

Macmillan Caring Locally was set up as a trust, which was not uncommon in the mid 1970s. Nowadays it is much more common for a charity like Macmillan Caring Locally to be a company limited by guarantee because it makes aspects of its management easier and can create a different perception of the charity:

- A charitable trust can only enter into contracts in the names of its trustees, who may change from time to time.
- A company on the other hand is a clear legal entity, separate from the persons involved in it and can hold property, enter into leases and other contracts and employ people in its own name. Changes in the company directors, who are the charity trustees, have no effect on property holdings or contracts because it is the company and not the directors / trustees that hold the title to land or enter into contracts.
- Investments are held in the name of the company and not the trustees, which means that there is no need to transfer the investments on a change of directors/trustees.
- A company is generally regarded by funding bodies and public agencies as a more 'stable' structure than a voluntary association.

In addition, the trustees of a charitable trust have unlimited personal liability for any debt that the charity cannot meet. Macmillan Caring Locally is in a healthy financial position but in view of its growth it is felt that it is unreasonable to expect trustees, who are all volunteers, to continue to accept personal liability for its debts. Incorporation would mean that any debts would be those of the company and not the responsibility of the trustees and is likely to make it easier to recruit new trustees.

Macmillan Caring Locally will be entering some very large contracts for the construction of the new Macmillan Unit. The trustees believe that the time is right to adopt a more modern structure for the charity to reflect the increased complexity of its work and to become a company limited by guarantee.

If the charity becomes a charitable company limited by guarantee, the objects that are adopted as a result of this consultation will not change.

Thank you.