



Guidance note for charity trustees on dedicating charity land as a Queen Elizabeth II Field

Introduction

The Queen Elizabeth II Fields Challenge is headed by its Patron the Duke of Cambridge and operated by Fields in Trust. It aims to raise awareness of the importance of green space, to protect it for future generations and to celebrate the Diamond Jubilee of Her Majesty the Queen in 2012. Information on the challenge is available on the [Fields in Trust](#) website. This site contains contact details which are accessible via the following link, [Contact Fields in Trust](#), and any enquires on the challenge should be directed to Fields in Trust.

This guidance note has been produced to help charity trustees decide whether to nominate their charity land as part of the challenge. The decision about whether to enter into a deed of dedication is for the trustee body to make as part of their administration of the charity. In the unlikely circumstances that the Commission's involvement is necessary, Fields in Trust will contact us.

Trustee decision making

Charity trustees considering dedicating charity land as a QEII Field should work through the following steps:

1. Look at the charity's governing document and any relevant deeds. Identify what trusts the land to be dedicated is held on.
2. Find out what purpose the land is held for. For instance, is it held for the general purposes of the charity or for a specific purpose?

If the land is held for investment purposes, for example, it cannot be dedicated as it will no longer produce an income for the charity. If the land is held for purposes different to those of a QEII field it can only be dedicated if the purposes can be changed (see guidance on [changing your charity's governing document](#)).

3. Consider whether entering into a dedication agreement would be within the trustees' powers. It is likely to be if it:
 - furthers the purposes of the charity; or
 - furthers the particular purposes for which the land is held.
4. Ensure that the trustees are properly informed about whether the dedication would be in the best interests of their charity.

Trustees are under an obligation to act solely in the best interests of their charity. In making a decision, they must be properly informed. The information needed will differ in each case. However, some of the matters trustees will need to take into account include:

- What will be the impact of entering into the deed of dedication for the charity in the future?
- Will the decision to dedicate, if made, restrict the discretion of the trustees and if so in what way?

(If it does restrict discretion is it nevertheless in the best interests of the charity to proceed?)

- What will be the effect of the conditions attached to the dedication when the trustees are dealing with the charity land in the future?

(The trustees may want to consider obtaining professional legal advice on these conditions so their full effect can be properly understood.)

- What impact will the deed of dedication have on both current and future users of the charity land?

(Should the trustees seek the views of current users to inform this part of their decision making?)

- What are the relevant factors that the trustees should consider and act upon and what are the irrelevant factors that the trustees should discount?

(Irrelevant factors can include local politics or, in the case of a local authority corporate trustee, the interests of the local authority.)

5. Having considered the relevant matters (such as those suggested in 4 above), the trustees can then make their decision. If they agree to the dedication, they must be certain that this would be in the best interests of the charity.
6. The trustees must clearly document their decision - particularly if they decide to enter into the dedication process. This must include the reasons why the decision is (or is not) in the best interests of the charity.