

PUBLIC

**Report to the Meeting of the
Oxford Health NHS Foundation Trust
Board of Directors**

BOD 97/2011 (Agenda Item: 13)

29 June 2011

**Change of Name of the Oxfordshire and Buckinghamshire Mental Health
Charitable Fund to the Oxford Health Charitable Funds**

For: Approval/Decision

At the meeting of the Charitable Funds Committee on 23rd February 2011 it was resolved that the name of the OBMH Charitable Fund should be changed to Oxford Health Charitable Funds and that implementing this should be arranged with the Charity Commission.

This paper asks for approval of a supplementary deed which is required to complete this change.

Report

The Charity Commission has advised that a supplementary deed is required to make this change, and have provided a draft of this. A copy of this draft is attached as Appendix 1 to this paper.

The deed has to be approved by the Trust Board (exercising the Trust's powers as corporate trustee of the charity).

The Department of Health has confirmed that this change of name can be processed at present without inadvertently creating any complications for the transfer of the Oxfordshire PCT funds to the stewardship of Oxford Health NHS Foundation Trust.

Recommendation

The Board is asked to approve the attached supplementary deed.

**Author and Title: Philip Bonnier, Project Manager ORH Charitable Funds
Lead Executive Director: Julie Waldron, Chief Executive**

- 1. A risk assessment has been undertaken around the legal issues that this paper presents and there are no issues that need to be referred to the Trust Solicitors.*

THIS SUPPLEMENTAL DEED OF DECLARATION is made the ____ of _____ 2011 by Oxford Health NHS Foundation Trust (“the Trust”).

WHEREAS:

- A change of name of the Trust has been agreed by the Independent Regulator of NHS Foundation Trusts, in a letter dated 23 February 2011.
- The Trust wishes to amend the Original Declaration of Trust of the charity listed in the schedule (registration number 1057285) to reflect the change in name of the Trust on the terms set out below.

NOW IT IS HEREBY AGREED as follows:

1. Interpretation

- 1.1 Words and phrases defined in the Original Declaration shall, where used in this Supplemental Deed and except as amended in this Supplemental Deed or unless the context otherwise requires, have the same meaning in this Supplemental Deed.
- 1.2 Except as set out in this Supplemental Deed the provisions of the Original Declaration shall remain in force and effect and in the event of any conflict between the provisions of the Original Declaration of Trust and this Supplemental Deed the provisions of this Supplemental Deed shall prevail.
- 1.3 Clause headings are for convenience only and shall not affect the construction of this Supplemental Deed and unless otherwise specified, all reference to Clauses are to Clauses of this Supplemental Deed.
- 1.4 References to “this Supplemental Deed” and/or any other document are to be construed as references to this Supplemental Deed and/or such other document as amended, supplemented, or otherwise amended from time to time.

2. Amendment of Original Declaration

- 2.1 With effect from the date of this Supplemental Deed, the Original Declaration shall be amended as follows:

- (a) Clause A (Administration) shall be amended by deleting “Oxfordshire and Buckinghamshire Mental Health Charitable Fund” and replacing it with “Oxford Health Charitable Funds”.
- (b) Clause B (Trustees) shall be amended by deleting “Oxfordshire and Buckinghamshire Mental Health NHS Foundation Trust” and replacing it with “Oxford Health NHS Foundation Trust”.
- (c) Clause C (Objects) shall be amended by deleting “Oxfordshire and Buckinghamshire Mental Health NHS Foundation Trust” and replacing it with “Oxford Health NHS Foundation Trust”.
- (d) Clause I (Dissolution) shall be amended by deleting “Oxfordshire and Buckinghamshire Mental Health NHS Foundation Trust” and replacing it with “Oxford Health NHS Foundation Trust”.

SCHEDULE

Oxfordshire and Buckinghamshire Mental Health Charitable Fund (1057285)

Executed as a Deed by **Oxford Health NHS Foundation Trust** whose Corporate Common Seal was authenticated and affixed in the presence of:

.....
Role:

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Role: