

CATHOLIC DIOCESE OF PORTSMOUTH

EXPLANATORY NOTE TO TRUSTEES ON THE CONSTITUTION

1 INTRODUCTION AND NOTE ON TENSION BETWEEN ENGLISH AND CANON LAW

- 1.1 The Catholic Diocese of Portsmouth is formed of a principal trust and a number of subsidiary and other trusts for which the Trustees are responsible. Although the Trustees act together as a board the Trustees' decisions are subject to the consent of the Bishop.
- 1.2 The Diocese is a registered charity under the law of England and Wales. It is subject to the regulatory supervision of the Charity Commission.
- 1.3 As trustees of a charitable organisation established in England you are responsible for making sure the Diocese complies with the law of England and Wales in all its dealings.
- 1.4 The Diocese is also recognised as a juridic person under the Code of Canon law. As a juridic person the Diocese also has rights and obligations under Canon law.
- 1.5 Canon law does not form part of the English legal system. Tensions can arise where Canon law and English law give rise to different sets of rights and obligations but so far as the English law courts are concerned English law has the overriding force of law.

2 BUILDING BLOCKS OF THE CONSTITUTION

- 2.1 The basic building blocks are as follows:

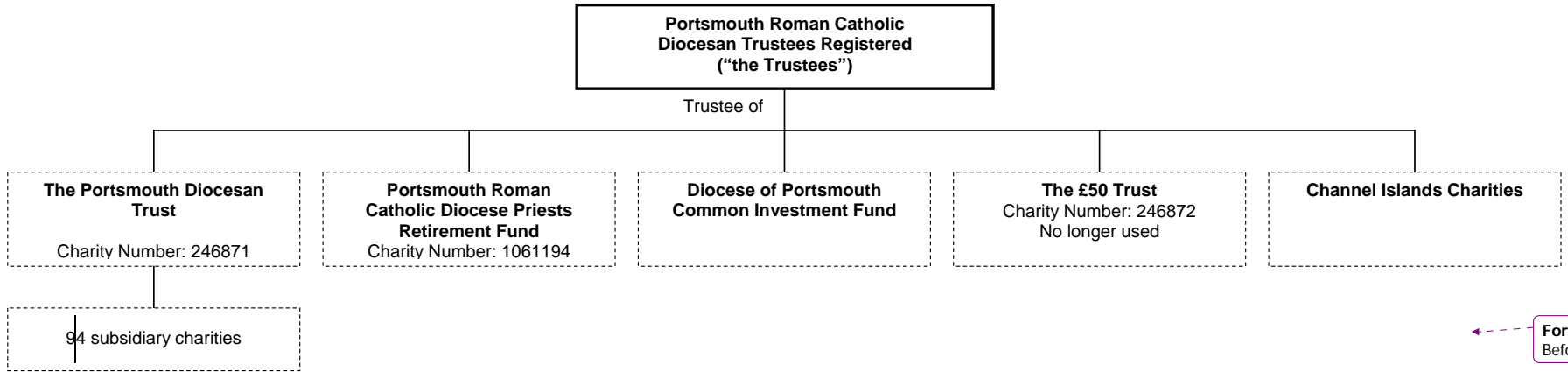
- 2.1.1 **The Trustees** – you are incorporated under a certificate of incorporation issued by the Charity Commission and are a corporate body. This means that, rather than acting in each of your individual names as trustees, you are able to act under the corporate name Portsmouth Roman Catholic Diocesan Trustees Registered (“**PRCDTR**”). This is purely a legal device designed for administrative efficiency. It does not give any protection to you against personal liabilities (please see paragraph 7 of document 3.3 of guidance on trustee liabilities). PRCDTR is not a charity in its own right.
- 2.1.2 **The Portsmouth Diocesan Trust, constituted by a Deed of Revocation and Declaration of Trust of 5 December 2002 as varied by a Deed of Variation of 7 April 2004** – this is the main charity, registered number 246871, of which you are a trustee. The vast majority of the Diocese's property and funds have been brought under the umbrella of this charity. The Charity Commission have issued a **uniting direction** which enables the vast majority of the various property and funds held under the umbrella of this charity to be accounted for in one set of accounts and under one charity registration number. The uniting direction operates **only** for the purposes of registration and accounting, it does **not** operate to unite the various charities within the Diocese for any other purpose. Care should therefore be taken to refer to and follow the rules set out in the governing documents of each separate

charity held under the Diocesan umbrella when dealing with the property and funds of those charities.

- 2.1.3 **Portsmouth Roman Catholic Priests Retirement Fund, constituted by a Trust Deed of 12 December 1996 as varied by a Supplementary Deed of Trust of 20 November 2008** – this is a charity registered entirely separately from the main charity under number 1061194. You are required to account separately for this charity.
- 2.1.4 **The £50 Trust** – this Charity, although separately registered under number 246872, has been retained purely for technical reasons. No property or funds are currently held subject to the trusts of this Charity.
- 2.1.5 **Common Investment Fund** – PRCDTR holds this separately as trustee, it does not have its own charity number.
- 2.1.6 **Channel Islands Charities** – PRCDTR holds the assets of each of these charities separately as trustee. They are not the subject of the uniting declaration so need to be accounted separately. Each charity is subject to the laws of the relevant Channel Island.

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BASIC CONSTITUTIONAL DIAGRAM



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Non Charitable Companies

