

1. **I GIVE** my beneficial interest in the land and buildings erected thereon at [name and location of farm/parcel of land] comprising approximately [] acres and shown outlined red for identification purposes on the attached plan and registered at HM Land Registry under title number [] (“ Farm/Land”) together with the sum of £ ¹ to my Trustees to hold upon trust as set out below

2. **IN THIS Will:**
 - 2.1 “the Beneficiaries” means:
 - 2.1.1 [full name of spouse/son/daughter etc] (“my Husband/Wife/forename of son or daughter etc”)
 - 2.1.2 my descendants
 - 2.1.3 [names any other potential beneficiaries]
 - 2.1.4 [NAMES OF CHARITIES WHICH HAVE CONSERVATION AT THEIR CORE]
 - 2.2 “the Trust Fund” means:
 - 2.2.1 [Farm/Land]
 - 2.2.2 The sum of £ and
 - 2.2.3 all property from time to time representing the above
 - 2.3 “Trust Property” includes any part of the Trust Fund
 - 2.4 “the Trust Period” means the period between my death and ending 125 years afterwards [OR the death of my Husband/ Wife/forename of son or daughter etc *if trust comes to an end upon their death*]

3. **SUBJECT TO** the powers and provisions in clause [4] below:
 - 3.1 My Trustees shall pay the income of the Trust Fund to [my Husband/Wife/name of other beneficiary] during [his/her/their] life and subject thereto²
 - 3.2 My Trustees shall hold the Trust Fund on the trusts and with and subject to the powers and provisions set out in clause [5] below and any other power or provision in this will [AND declare that the cost of the delivery and vesting of the Trust Fund into the names of the trustees of the Charitable Trust and of the upkeep of such assets pending delivery and vesting and of any other costs or expenses incurred whilst establishing the Charitable Trust shall be payable out of the capital and/or income of the Trust Fund as my Trustees shall decide]³

¹ A sum of cash is advisable in order to provide a cash reserve to pay for trust expenses until there is sufficient income from the land to meet those expenses or in the event that the land is not generating sufficient income

² A testator could use a discretionary or flexible life interest trust for the purpose of setting out the conditions and requirements for the use of the land being held for the benefit of a beneficiary. The importance here is the trustees having control over the way the land is being used and managed. This control comes from the powers given to the trustees in the will, particularly the powers to end the benefit given to the beneficiary if they do not abide by the principles, conditions and requirements laid out for the trustees to follow (at their discretion) in the Letter of Wishes. This precedent uses a flexible life interest but the provisions may easily be adapted for a discretionary trust.

³ At the end of the flexible life interest, the trustees in this precedent are to establish a charitable trust in which to hold the trust property for the purpose of nature conservation. The provisions in clauses 3.2 and 5 may instead be adapted so that the trustees hold the property on a discretionary trust or successive life interest. In all cases, advice should be sought as to the tax consequences for each scenario.

4. MY TRUSTEES shall have the following powers:
 - 4.1 [set out powers of appointment]
 - 4.2 [set out powers of resettlement]
 - 4.3 [set out powers of advancement]
 - 4.4 The above powers shall not be exercisable after the death of [my Husband/Wife/other beneficiary] so as to affect the gift in clause [5] below

5. SUBJECT TO clause 3 above:
 - 5.1 WITH the Trust Fund my Trustees shall establish and endow a continuing charitable trust which I should like to be known as [] (or such other name which is as close as possible thereto as my Trustees by resolution determine)⁴ (“the Charitable Trust”)
 - 5.2 The trustees of the Charitable Trust shall pay or apply the net income and any part of the capital of the Trust Fund at their absolute discretion in furtherance of the Objects of the Charitable Trust
 - 5.3 My Trustees shall determine the objects of the Charitable Trust as they see fit PROVIDED the general purpose of the Charitable Trust (in part if not whole) is to conserve protect and improve the natural environment (“the Objects”)
 - 5.4 SUBJECT TO my Trustees’ overriding discretion (in the above clause) to determine the Objects of the Charitable Trust such objects of the Charitable Trust may include (but are not limited to):⁵
 - 5.4.1 promoting the conservation protection improvement and enhancement of the physical and natural environment by promoting biodiversity
 - 5.4.2 promoting agriculture for the public benefit⁶
 - 5.4.3 advancing the education of the public in the conservation protection improvement and enhancement of the physical and natural environment
 - 5.4.4 advancing the education of the public in agricultural practices techniques which provide for production of food without having a detrimental affect on the physical and natural environment
 - 5.5 My Trustees shall formulate the terms of the Charitable Trust in such a way as to be acceptable to the Charity Commission [and HM Revenue and Customs]⁷ but subject to that may do so in any way they think fit and in particular (but without prejudice to that generality) may include in it such powers and provisions they see fit for enabling the trustees to
 - 5.5.1 Appoint and employ persons
 - 5.5.2 Invest and manage trust property

⁴ In the event that another charity is using the same or a similar name at the time of the charity’s registration.

⁵ Trustees to have overriding discretions as to defining the objects in the event the Charity Commission are not satisfied (at the date of the charitable trust is established) that these objects satisfy their strict criteria.

⁶ It may be wise to include this as an object of the charity in the event that not all the land is considered worthy of conserving and so would otherwise fail to qualify for charitable status.

⁷ Acceptable to HMRC so that gift aid relief can be claimed on donations from individuals.

- 5.5.3 Delegate powers of management and investment
- 5.5.4 Borrow money and charge any part of the income or capital
- 5.5.5 Fund-raise and seek donations
- 5.5.6 Acquire and dispose of property
- 5.5.7 Accumulate the income in accordance with statutory provision⁸
- 5.5.8 The appointment of new and additional trustees and the removal of trustees and the appointment of a custodian trustee
- 5.5.9 Make administrative regulations for the administration of the Charitable Trust and the management and conduct of the trustees' business including (but not limited to) reaching and implementation of trustees' decisions
- 5.5.10 Make provision for the remuneration of trustees if primarily in the interest of the charity reimbursement of trustee expenses professional charges of any trustee engaged in a profession
- 5.5.11 limitation of trustees' liability as trustees and provision of indemnity insurance
- 5.5.12 Insure trust property and effect public liability and employer's liability insurance and such other insurance cover as may be appropriate
- 5.5.13 Wind up the Charitable Trust in the event it fails or becomes unworkable and
- 5.5.14 Amend restrict or augment from time to time any administrative provisions as they think fit
- 5.6 Any or all of my Trustees may be the trustees of the Charitable Trust or they may appoint other trustees to be trustees of the Charitable Trust in their place
- 5.7 SUBJECT TO the clause below my Trustees shall take any steps which are necessary to have the Charitable Trust registered as a charity
- 5.8 IN THE EVENT that my Trustees fail despite their best endeavours to register the Charitable Trust as a charity within [1 year] of the end of the trust in clause 3.1 above or such later period as they determine to be reasonable then they shall hold the Trust Fund upon trust absolutely for such registered charity or charities as my Trustees feel most nearly fulfils the objects I intended to benefit and if my Trustees shall choose more than one charity then to such charities and in such shares as my Trustees see fit
- 5.9 My Trustees (being at least 2 in number or a trust corporation) may by deed or deeds (and so as to bind their successors) wholly or partially release or restrict any of the powers given to them by this clause
- 5.10 I DECLARE that UPON the establishment of the Charitable Trust the trustees of the Charitable Trust are freed and released from the terms of this Will

NOTE: When inserting trust powers at the end of the will, it is important to ensure that a full set of trust powers are incorporated so as to adequately cover what is required of the trustees as set out in the accompanying Letter of Wishes. This is likely to include varying the provisions laid out in various statutes, such as under Trusts of Land and Appointment of Trustees Act 1996.

⁸ The accumulation period for charities is currently 21 years but that may change between drafting the will and the date the trust is established