


Charity Commission Direct
PO Box 1227
Liverpool
L69 3UG

To Whom It May Concern

The Legatum Institute Foundation

I understand that the Charities Act 2006 provides that organisations with a gross income under £5,000 do not need to apply to the Charity Commission for registration.

I confirm that I will ensure that the gross income of the Legatum Institute Foundation will not fall below £5,000 in the first year of operation. In the event that the gross income does fall below £5,000 in the first year of operation, I undertake to personally inject the necessary funds.

I would be grateful if you would proceed with the registration of the Legatum Institute Foundation. If you have any further queries please contact 

Yours sincerely

Signed 


Dated... ..



Application for registration as a charity

Trustee Declaration

Legatum Institute Foundation

Application Number: 5014124

Submission Date: 15 November 2010

Each of the undersigned declares that:

- He/She is willing to act as a charity trustee and is fully aware of the organisation's object(s) as set out in the governing document;
- He/She is not disqualified from acting as a charity trustee of any charity because of an offence listed in section 72 of the Charities Act 1993;
- He/She is not disqualified nor barred from acting as a trustee of this particular charity;
 - because of a disqualification from working with children¹; and/or
 - as a result of being on the Protection of Vulnerable Adults list.

We jointly declare that:

- the funds of the organisation are, or will immediately upon registration as a charity, be held in an account in the name of the charity;
- the information contained on the application form and this trustee declaration form is true, complete and correct; and
- we understand that knowingly to make a false statement is a criminal offence under section 11 of the Charities Act 1993.

¹For a definition of "working with children" please see the Guidance notes available on our

Organisations working with vulnerable people

Working with children

If your organisation will work with children you must complete this part of the declaration. The decision as to which box needs to be ticked must reflect the responses you have made to the questions in the Vulnerable People - Working with Children section of the online application.

To avoid confusion mark the appropriate box with a tick(not a cross)

A	We jointly declare that we have ensured that CRB checks have been obtained on all trustees and that we are satisfied that all the trustees are suitable to act as trustees of a charity which works with children.	
B	We jointly declare that we are not required by law to carry out CRB checks on the trustees and also that we are not allowed by law to carry out such checks.	
C	We jointly declare that we are satisfied that the safeguards referred to in the Vulnerable People - Working with Children section of the application for registration are adequate to ensure that an unsuitable individual does not have access to any children with whom the charity works.	

Working with vulnerable adults

If your organisation will work with vulnerable adults you must complete this part of the declaration. The decision as to which box needs to be ticked must reflect the responses you have made to the questions in the Vulnerable People - Working with Vulnerable Adults section of the online application.

To avoid confusion mark the appropriate box with a tick(not a cross)

D	We jointly declare that we have ensured that CRB checks have been obtained on all trustees and that we are satisfied that all the trustees are suitable to act as trustees of a charity which works with vulnerable adults.	
E	We jointly declare that we are not required by law to carry out CRB checks on the trustees and also that we are not allowed by law to carry out such checks.	
F	We jointly declare that we are satisfied that the safeguards referred to in the Vulnerable People - Working with Vulnerable Adults section of the application for registration are adequate to ensure that an unsuitable individual does not have access to any vulnerable adults with whom the charity works.	



Trustee declaration

Charity name

LEGATUM INSTITUTE FOUNDATION

CHARITY COMMISSION USE ONLY:

Organisation number

Case number

Confirmation of trustee eligibility and responsibilities

Please tick this box if the organisation has a corporate trustee and the directors (or others persons having the general control and management of the administration) of the trustee are willing to complete the declaration on the basis set out in the Application for registration: Guidance Notes. ☒

Each person who signs below declares that he/she is:

- willing to act as charity trustee and is fully aware of the organisation's object(s) and other provisions set out in the governing document;
- not disqualified from acting as a charity trustee of any charity because of sections 72 and 73 of the Charities Act 1993;
- not disqualified and/or barred from acting as a trustee of this particular charity under the provisions of the Safeguarding Vulnerable Groups Act 2006 which deal with people who are working in a regulated and/or controlled activity.

They also jointly and individually declare that:

- the funds of the organisation are, or will immediately upon registration as a charity, be held in an account in the name of the charity;
- the information contained on the application form and this trustee declaration form is true, complete and correct; and
- they understand that the information in this declaration will be used by the Commission in discharging its statutory purpose and that knowingly making a false or misleading statement is a criminal offence under section 11 of the Charities Act 1993; and
- they are aware of their responsibilities as trustees and have read the Commission's guidance *The Essential Trustee: What you need to know* (CC3).

For a definition of 'working with children' please see the Application for registration: Guidance notes

Working with vulnerable people

1 Working with children

You must complete this part of the declaration. The decision as to which box needs to be ticked must reflect the response that you have made to the questions in **Part D2** of the application form.

- A** We jointly and individually declare that we have ensured that CRB checks have been obtained on all trustees and that we are satisfied that all the trustees are suitable to act as trustees of a charity which works with children. ☐
- B** We jointly and individually declare that we are not required by law to carry out CRB checks on the trustees and also that we are not allowed by law to carry out such checks. ☐
- C** We jointly and individually declare that we are satisfied that the safeguards referred to in **Part D2** of the application for registration are adequate to ensure that an unsuitable individual does not have access to any children with whom the charity works. ☐

2 Working with vulnerable adults

You must complete this part of the declaration. The decision as to which box needs to be ticked must reflect the response that you have made to the questions in **Part D3** of the application form.

- D** We jointly and individually declare that we have ensured that CRB checks have been obtained on all trustees and that we are satisfied that all the trustees are suitable to act as trustees of a charity which works with vulnerable adults. ☐
- E** We jointly and individually declare that we are not required by law to carry out CRB checks on the trustees and also that we are not allowed by law to carry out such checks. ☐
- F** We jointly and individually declare that we are satisfied that the safeguards referred to in **Part D3** of the application for registration are adequate to ensure that no unsuitable individual has access to any vulnerable adults with whom the charity works. ☐

Private benefit

We jointly and individually declare that we are satisfied that any private benefits received by any person, connected or otherwise:

- directly contribute towards achieving the organisation's purposes and are a necessary result of carrying out those purposes; **or**
- are a necessary by-product of carrying out those purposes; **and**
- **in either case**, are not excessive in the circumstances.

Total number of trustees

Trustee name

Signature

Date

[Redacted Name]	[Redacted Signature]	[Redacted Date]
[Redacted Name]	[Redacted Signature]	[Redacted Date]
[Redacted Name]	[Redacted Signature]	[Redacted Date]

(copy of the Memorandum of association lodged at Companies House)

COMPANY NOT HAVING A SHARE CAPITAL

Memorandum of association of

THE LEGATUM INSTITUTE FOUNDATION

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the company.

[REDACTED]

[REDACTED]

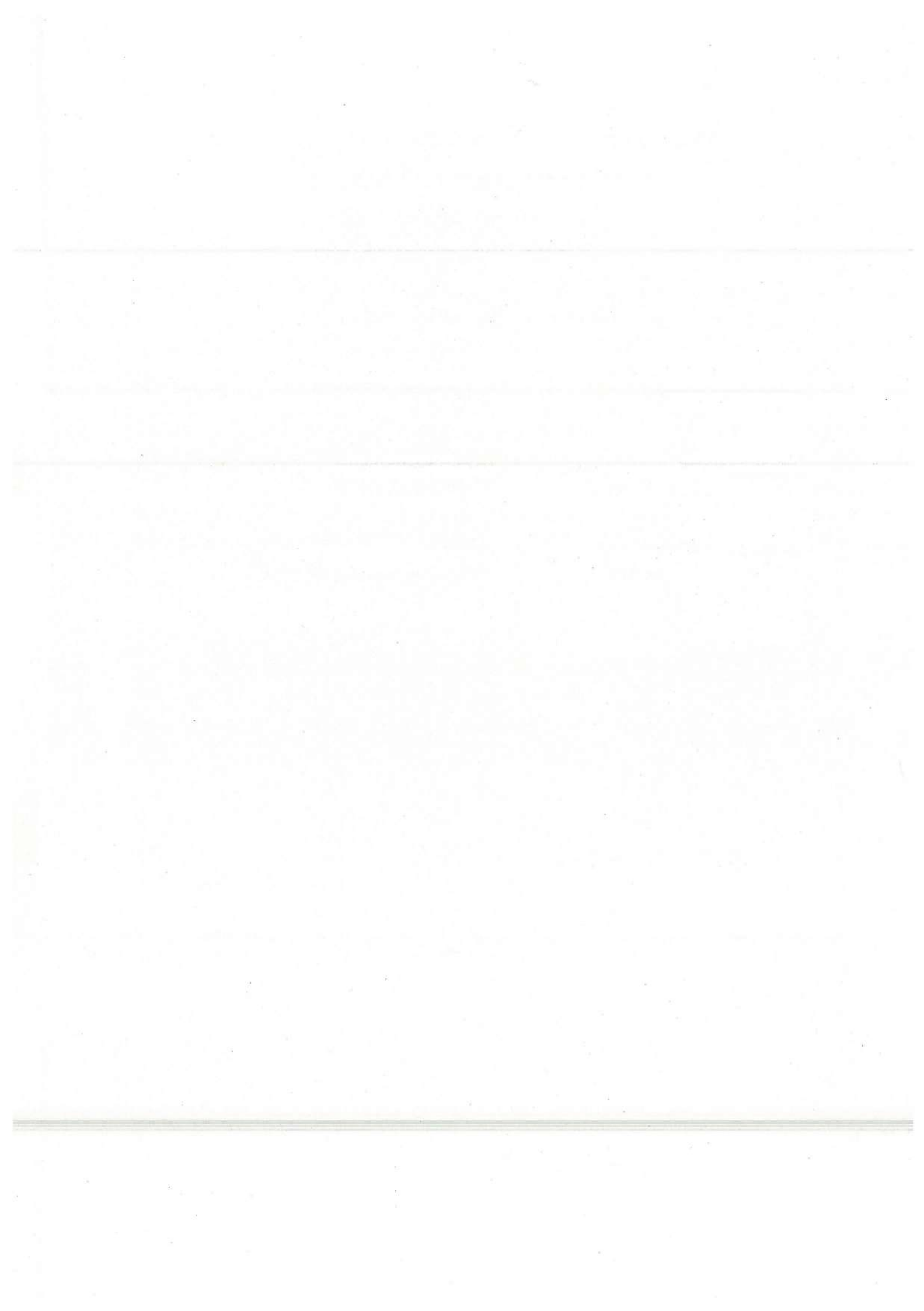
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dated 14/10/2010



Trustee Declaration

Legatum Institute Foundation

Application Number: 5014124

Trustee Name	Signature
[REDACTED]	
[REDACTED]	
[REDACTED]	



Cover Sheet Application for registration as a charity

Organisation Name: Legatum Institute Foundation

Application Number: 5014124 Submission Date: 15 November 2010

Please attach a copy of this sheet to every piece of information you send to us.

Below is a checklist of the documents we need you to submit before we can begin assessing your application.

Please tick to indicate you have enclosed:

A copy of your Memorandum and Articles of Association.



Certificate of incorporation for company number 07430903.



Proof of Income.



The original, completed trustee declaration signed by all trustees.



You can send your governing document to us electronically too, but please only use "read only" PDF format. The maximum file size we can accept is 8 Mb.

Electronic copies of governing documents can be sent to us via your Online application for charity registration user account or by emailing to registration@charitycommission.gsi.gov.uk.

Please send your cover sheet and enclosures to:

Charity Commission Direct
PO Box 1227
Liverpool
L69 3UG

If you are unable to put all the information together please make sure that you print a copy of this cover sheet and enclose it with each item you send to us.

Please do not send us any other additional information. If we need more information we will contact you.

For the purposes of this application, we will contact:

MR MATTHEW INGHAM, matthew.ingham@mishcon.com, 0207 440 4767

If you need assistance or would like to contact us about your application you can email us at registration@charitycommission.gsi.gov.uk or phone us on 0845 3000 197 quoting your application number.

FOR CHARITY COMMISSION USE ONLY			
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Application for registration as a charity

Registration Assessment

Application Number: 5014124

Submission Date: 15 November 2010

Organisation names:

Main Name

Legatum Institute Foundation

Other Name or Acronym

Contact for application

Your current contact is an: individual

Title:

Personal Names:

Family Name:

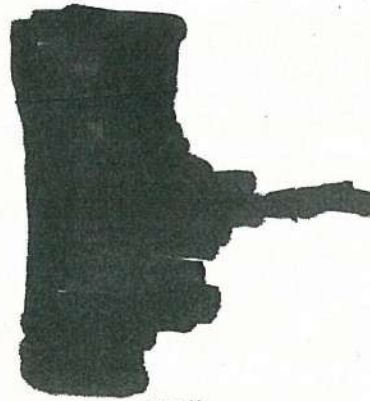
Honours and Qualifications:

Telephone:

Mobile:

Email:

Your contact details as shown on the public register are:



Governing Document and Objects

Type of Governing Document

Memorandum

Approved Governing Document

No

Issuing Body

-- No Details Supplied --

Objects Unchanged

Not Specified

Date governing document was adopted

05 November 2010

Company Registration No: 07430903

Objects

Activities

The Legatum Institute Foundation will advance the education of the public by providing advocacy, advice and information. The Legatum Institute Foundation will also sponsor or undertake research and will publish the useful results of this research in appropriate journals.

Income

Income based on estimate

Estimated Income £ 10,000

YTD Income £ 0

Financial Year End Date -P 31 December 2011

Fundraising

The Legatum Institute Foundation intends to raise funds by targeting specific organisations to partner them on specific projects.

Using professional fundraising consultants. No

Special Circumstances

-- No Details Supplied --

Vulnerable People

Working with Children	No
Policy for Working with Children	Not Specified
Required to carry out CRB checks	Not Specified
Allowed to carry out CRB checks	Not Specified

Working with Vulnerable Adults	No
Policy for Working with Vulnerable Adults	Not Specified
Required to carry out CRB checks	Not Specified
Allowed to carry out CRB checks	Not Specified

Private Benefit

You have said no person or organisation connected with your organisation receives private benefit.

Main organisation contact

Your current contact is an: individual

Title:

Personal Names:

Family Name:

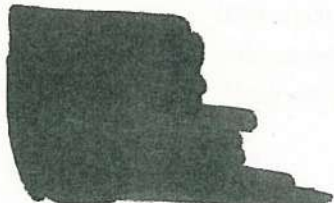
Suffix:

Date of Birth:

Telephone:

Email:

Mobile:



HOW the organisation operates

<input checked="" type="checkbox"/>	Makes grants to individuals
<input checked="" type="checkbox"/>	Makes grants to organisations
<input type="checkbox"/>	Provides other finance
<input type="checkbox"/>	Provides human resources
<input type="checkbox"/>	Provides buildings/facilities/open space
<input type="checkbox"/>	Provides services
<input checked="" type="checkbox"/>	Provides advocacy/advice/information
<input checked="" type="checkbox"/>	Sponsors or undertakes research
<input type="checkbox"/>	Acts as umbrella or resource body
<input type="checkbox"/>	Other or none of these

Working in England and Wales

Your organisation is not working yet. -P

Working in Scotland

Organisation works in Scotland?

No

Trustees

Trustee 1

Title:
Personal Names:
Family Name:
Honours and Qualifications:
Display Name:
Date of Birth:
Address:

Postcode:
Telephone:
Email:
Chair of the charity:



Trustee 2

Contact details:



Organisation Internet Address

Public email address

[Redacted] .com

Email address for Charity Commission use

[Redacted] .n

Organisation's website

[Redacted]

Type of Organisation

WHAT THE ORGANISATION DOES

<input type="checkbox"/>	General Charitable Purposes
<input checked="" type="checkbox"/>	Education/Training
<input type="checkbox"/>	Medical/Health/Sickness
<input type="checkbox"/>	Disability
<input type="checkbox"/>	Relief of Poverty
<input type="checkbox"/>	Overseas aid/Famine relief
<input type="checkbox"/>	Accommodation/Housing
<input type="checkbox"/>	Religious activities
<input type="checkbox"/>	Arts/culture
<input type="checkbox"/>	Sport/recreation
<input type="checkbox"/>	Animals
<input type="checkbox"/>	Environment/Conservation/Heritage
<input checked="" type="checkbox"/>	Economic/Community development/Employment
<input type="checkbox"/>	Other or none of these

WHO the organisation helps

<input type="checkbox"/>	Children/Young people
<input type="checkbox"/>	Elderly/Old People
<input type="checkbox"/>	People with disabilities
<input type="checkbox"/>	People of a particular ethnic or racial origin
<input type="checkbox"/>	Other charities/Voluntary bodies
<input type="checkbox"/>	Other defined groups
<input checked="" type="checkbox"/>	General public/Mankind

Title:
Personal Names:
Family Name:
Honours and Qualifications:
Display Name:
Date of Birth:
Address:



Postcode:
Telephone:
Email:
Chair of the charity:

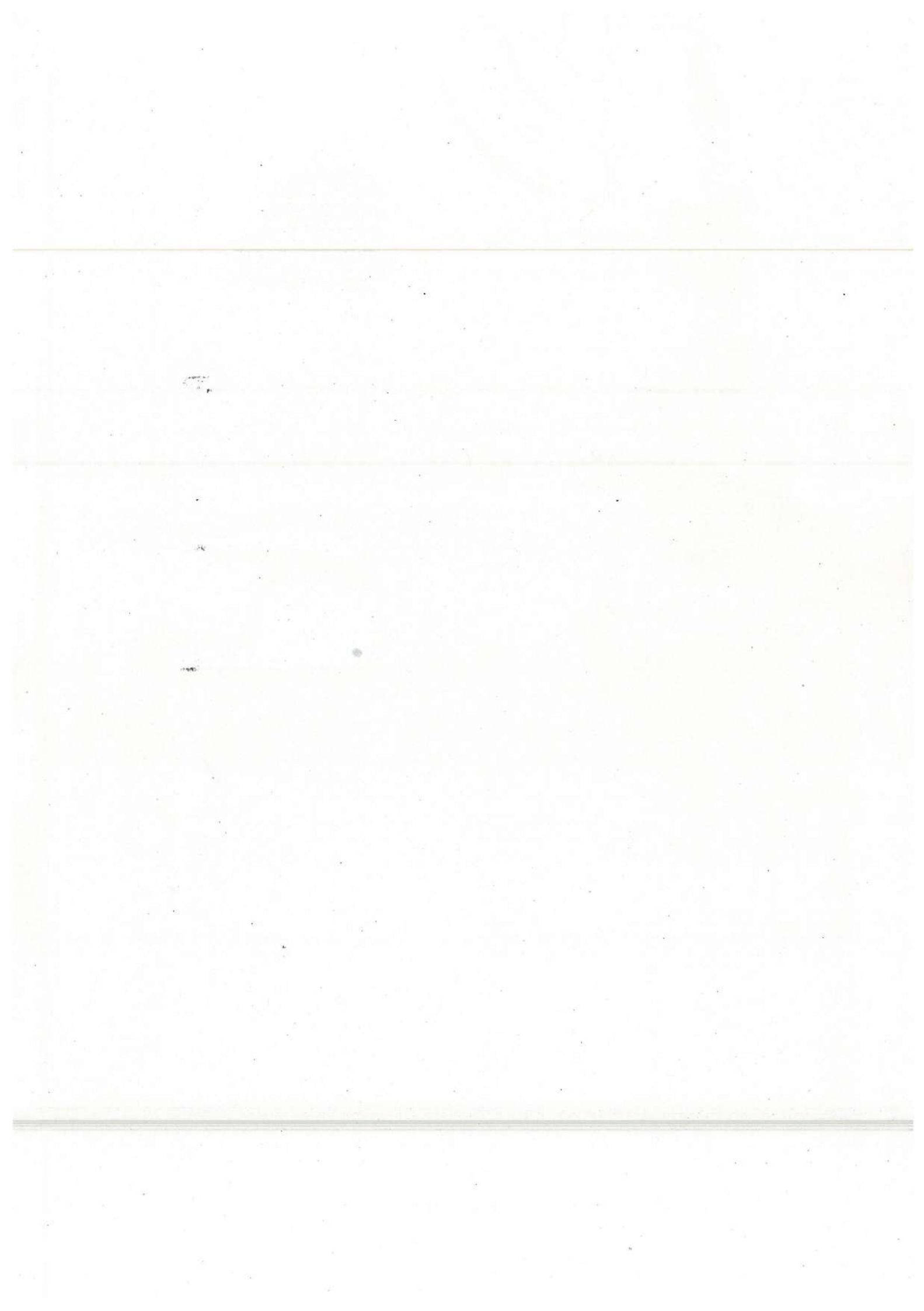


Trustee 3

Title:
Personal Names:
Family Name:
Honours and Qualifications:
Display Name:
Date of Birth:
Address:



Postcode:
Telephone:
Email:
Chair of the charity:



Dear Sirs

Please find attached a completed cover sheet, a copy of the certificate of incorporation for company 07430903, a copy of the company's memorandum and articles, a signed trustee declaration form and a signed letter guaranteeing the charity's income in its first year of operation.

I look forward to hearing from you as soon as possible.

Kind regards.

From: registration@charitycommission.gov.uk [mailto:registration@charitycommission.gov.uk]

Sent: 15 November 2010 15:45

To: [REDACTED]

Subject: Thank you for submitting your application.

Thank you for submitting your application form for registration online. Your application reference number is 5014124.

We hope this online service makes the registration process quicker and easier for you. We would welcome any feedback, which you can give by clicking on the following link ["Charity Commission - Online application for charity registration questionnaire"](#)

Next Steps

To complete your application, you need to send us the following additional documentation within **6 weeks** if **you haven't already attached them to the application**.

- a scanned copy of the signed **Trustee Declaration** via email to **registration@charitycommission.gsi.gov.uk**. Please include your registration application reference number (usually a 5 million number- see above). If you do not have a scanner at home then any shop or centre that does photocopying can normally do this. It really helps us if you can send this by e-mail and enables us to begin consideration of your application sooner, but if this is not possible we will accept the original paper version of the **Trustee Declaration** by post.

- a copy of your governing document.

- proof of income eg copy of most recent bank statement, accounts, proof of grants or funding in excess of £5,000.

Please send these electronically to the following email address: registration@charitycommission.gsi.gov.uk

The attached cover sheet also sets out exactly what documents you need to send us. Please enclose a copy of this sheet when you send anything to us because it has all the details that we need to match your papers with your application.

Unfortunately, we cannot retain all applications indefinitely. If we do not receive your documents within 6 weeks, your application will be deleted from our system and you will need to submit a fresh application.

There is no need to send any other documents at this stage. If we need anything further, we will contact you.

If you have any queries please either email us at: registration@charitycommission.gsi.gov.uk or call us on 0845 3000 197.

We look forward to hearing from you

Registration Division

The Charity Commission

[REDACTED] ensure your organisation's anti bribery policies
[REDACTED]).



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Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Dear [REDACTED]

Thank you for your application to register the above as a charity.

This e-mail is to acknowledge receipt and to introduce myself as the case officer who will be considering your application.

I hope to be contacting you further within the next 15 working days.

Kind regards

Mark Edwards

Registration Division

Direct line: 01823 345006

Email - registrationapplications@charitycommission.gsi.gov.uk

CHARITY COMMISSION FOUNDATION

Title

Case Enquiry

Rang [REDACTED]

Asked whether the Legatum Institute and the Legatum Foundation will be merging into the proposed new charity.

[REDACTED] advised that this isn't the case. The two will remain separate. The charity has been established as the charitable arm of the Legatum Institute, which is profit making. Funds will run from the Institute to the charity. The charity will be undertaking similar work to that which is currently undertaken by the Institute.

I advised that I needed to discuss this with a senior colleague, which I hoped to be able to do this afternoon. I would be writing out either later today or tomorrow.

Mark Edwards

Company Number: 07430903

The Companies Act 2006

PRIVATE COMPANY LIMITED BY GUARANTEE

ARTICLES OF ASSOCIATION

THE LEGATUM INSTITUTE FOUNDATION

Incorporated on 5th November 2010

Jordans Limited

www.jordans.co.uk

Bristol office:
21 St Thomas Street
Bristol
BS1 6JS

Tel: + 44 (0)117 923 0600
Fax: + 44 (0)117 923 0063

London office:
20-22 Bedford Row
London
WC1R 4JS

Tel: + 44 (0)20 7400 3333
Fax: + 44 (0)20 7400 3366

THE COMPANIES ACT 2006

PRIVATE COMPANY LIMITED BY GUARANTEE

ARTICLES OF ASSOCIATION OF

THE LEGATUM INSTITUTE FOUNDATION

1. INTERPRETATION, GENERAL, CHARITABLE PURPOSES, POWERS OF THE COMPANY AND LIMITATION OF LIABILITY

1.1 In these articles unless the context requires otherwise:

"Articles" means the Company's articles of association;

"bankruptcy" includes individual insolvency proceedings in a jurisdiction other than Scotland, England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;

"Chairman" means the Chairman of the Trustees;

"chairman of the meeting" means the person in the chair at the meeting in question;

"the 1993 Act" means the Charities Act 1993;

"the 2006 Act" means the Charities Act 2006;

"the Charities Acts" means the 1993 and the 2006 Act;

"Trustee" means a director of the Company, who shall be a director of the Company for the purposes of the Companies Act 2006 and a charity trustee of the Company for the purposes of the Charities Acts;

"document" includes, unless otherwise specified, any document sent or supplied in electronic form;

"electronic form" has the meaning given in section 1168 of the Companies Act 2006;

"member" has the meaning given in section 112 of the Companies Act 2006;

"ordinary resolution" has the meaning given in section 282 of the Companies Act 2006;

"special resolution" has the meaning given in section 283 of the Companies Act 2006;

"subsidiary" has the meaning given in section 1159 of the Companies Act 2006; and

"writing" means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise.

- 1.2 Unless the context otherwise requires, other words or expressions contained in these Articles bear the same meaning as in the Companies Act 2006 as in force on the date when these articles become binding on the Company.
- 1.3 References in these Articles to any Act are references to that Act as amended or re-enacted from time to time and to any relevant subordinate legislation made under it.
- 1.4 The model articles for private companies limited by guarantee in schedule 2 to The Companies (Model Articles) Regulations 2008 (SI 2008 No. 3229) are excluded from applying to this Company.

2. CHARITABLE PURPOSES

- 2.1 The charitable purposes of the Company are :-

to advance the education of the public in national and international political, social and economic policy, including the promotion of research in any of those areas and the publication of the useful results of such research.

.....

These are its charitable purposes for the purposes of the 2006 Act. For as long as the Company is a charity, its purposes may only be altered with the prior consent of the Charity Commission and in accordance with any conditions attached to such consent.

3. POWERS OF THE COMPANY

- 3.1 The Company has power to do anything lawful in pursuit of its charitable purposes, subject to any applicable requirement of the Charities Acts.

4. LIABILITY OF MEMBERS

- 4.1 The liability of each member is limited to £1, being the amount that each member undertakes to contribute to the assets of the Company in the event of its being wound up while he is a member or within one year after he ceases to be a member, for:

- (a) payment of the Company's debts and liabilities contracted before he ceases to be a member;
- (b) payment of the costs, charges and expenses of winding up; and
- (c) adjustment of the rights of the contributories among themselves.

5. MEMBERS

- 5.1 There must be at least three members at all times.
- 5.2 The first members of the Company are the subscribers stated in the application to incorporate the Company (the "memorandum of association" provided to the Registrar of Companies in accordance with sections 7 to 9 of the Companies Act 2006) who become members on incorporation of the Company.
- 5.3 Subsequent to incorporation such other persons as the Trustees shall admit to membership of the Company shall become members of the Company. Provided always that only persons with independent legal identity shall be admitted to membership and, in the case of individuals, only persons aged 16 years or over shall be admitted to membership.

- 5.4 Every applicant for membership shall sign such application form and provide such other information or evidence as the Trustees may require. Membership applications shall be determined within two months of the date on which they are received by the Company. The Trustees shall have absolute discretion to accept or reject any application and need not give their reasons for doing so. Written notification of the decision of the Trustees on an application shall be sent to the applicant as soon as practicable after that decision is taken.
- 5.5 Membership of the Company shall not be transferable and shall cease on:
- (a) resignation;
 - (b) death, in the case of an individual;
 - (c) completion of winding up or on any other dissolution, in the case of a corporate body or other organisation with independent legal identity.
- 5.6 All admissions of persons as members of the Company and all cessations of membership (for whatever reason) shall be recorded in the Register of Members of the Company in accordance with the requirements of the Companies Act 2006.
- 6. GENERAL MEETINGS OF MEMBERS AND OPTIONAL ANNUAL GENERAL MEETING**
- 6.1 All general meetings of the members, including any annual general meeting, are subject to these articles.
- 6.2 The Trustees may, but do not have to, convene in any year a general meeting designated as an annual general meeting, to be held at such date, time and place as the Trustees may determine, for such purposes as the rules and byelaws may specify (if any) or otherwise for such purposes as the Trustees determine. The business of any annual general meeting shall be set out on the notice of the meeting.
- 7. QUORUM AT GENERAL MEETINGS**
- 7.1 No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as otherwise provided in these articles, three members or one-tenth of the membership, whichever is the greater, shall be a quorum. A member may be present in person or by proxy if the member is an individual or present by proxy or authorised representative if the member is a corporate body.
- 7.2 If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened at the request of the members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place, or to such other day and at such other time and place as the Trustees may determine.
- 8. CHAIRING OF GENERAL MEETINGS**
- 8.1 The Chairman shall preside as chairman at every general meeting of the Company, or if there is no such Chairman, or if he is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the Trustees present shall elect one of them to be chairman of the meeting. If at any meeting no Trustee is willing to act as chairman of the meeting or if no Trustee is present within fifteen minutes after the time appointed for holding the meeting, the members of the Company present shall choose one of them to be chairman of the meeting.

9. ADJOURNMENT OF GENERAL MEETINGS

- 9.1 The chairman of the meeting may, with the consent of any meeting at which a quorum is present (and shall if directed by the meeting to do so), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Otherwise it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

10. ATTENDANCE AND SPEAKING AT GENERAL MEETINGS

- 10.1 A person is able to exercise the right to speak at a general meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.
- 10.2 A person is able to exercise the right to vote at a general meeting when:
- (a) that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and
 - (b) that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.
- 10.3 The Trustees may make whatever arrangements they consider appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.
- 10.4 In determining attendance at a general meeting, it is immaterial whether any two or more members attending it are in the same place as each other.
- 10.5 Two or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that they can exercise their rights to speak and vote at that meeting.

11. ATTENDANCE AND SPEAKING AT GENERAL MEETINGS BY TRUSTEES WHO ARE NOT MEMBERS

- 11.1 Trustees may attend and speak at general meetings, whether or not they are members.

12. VOTING AT GENERAL MEETINGS

- 12.1 Save as provided in Article 12.3, every member shall have one vote on any resolution, which may be exercised in person or by proxy or, for a corporate member, by its proxy or its authorised representative.
- 12.2 A member of unsound mind, or in respect of whom an order has been made by any court having jurisdiction in mental health, may vote, whatever the voting method, by his committee, receiver, curator bonis or other person in the nature of a committee, receiver, or curator bonis appointed by that court.
- 12.3 No member shall be entitled to vote at any general meeting unless all moneys presently payable by him to the Company have been paid.

13. POLL VOTES

13.1 A poll on a resolution may be demanded:

- (a) in advance of the general meeting where it is to be put to the vote; or
- (b) at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.

13.2 A poll may be demanded by:

- (a) the chairman of the meeting; or
- (b) two or more persons having the right to vote on the resolution; or
- (c) a person or persons representing not less than one tenth of the total voting rights of all the members having the right to vote on the resolution.

13.3 A demand for a poll may be withdrawn if:

- (a) the poll has not yet been taken; and
- (b) the chairman of the meeting consents to the withdrawal.

13.4 Polls must be taken in such manner as the chairman of the meeting directs.

14. APPOINTMENT OF PROXIES AND PROXY NOTICES

14.1 Any member of the Company entitled to attend a general meeting shall be entitled to appoint another person (whether a member or not) as his proxy to attend and vote instead of him and any proxy so appointed shall have the same rights as the member to speak, vote (whatever the voting method), join in the demand for a poll and otherwise participate in the meeting. A member who chooses to make such an appointment remains entitled to attend, speak, vote and otherwise participate in the meeting if he decides to do so. If the member who appointed the proxy does attend, that proxy no longer has authority to participate in and vote at the meeting.

14.2 Proxies may only validly be appointed by a notice in writing (a "proxy notice") which:

- (a) states the name and address of the member appointing the proxy;
- (b) identifies the person appointed to be that member's proxy and the general meeting in relation to which that person is appointed;
- (c) is signed by or on behalf of the member appointing the proxy, or is authenticated in such manner as the Trustees may determine; and
- (d) is delivered to the Company in accordance with these Articles and any instructions contained in the notice of the general meeting to which the proxy notice relates.

14.3 The Company may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.

14.4 Proxy notices may, but do not have to, specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.

- 14.5 Unless a proxy notice indicates otherwise, it must be treated as:
- (a) allowing the person appointed under it as a proxy discretion as to how to vote on any resolutions put to the meeting; and
 - (b) appointing that person as a proxy in relation to any adjournment of the meeting to which it relates as well as the meeting itself.
- 14.6 A proxy notice shall be delivered by such date as the Company may have specified in the notice of the meeting (provided that the date may not be more than 48 hours before the date of the meeting).
- 14.7 A proxy appointment under a proxy notice may be revoked by delivering to the Company a notice in writing given by or on behalf of the member on whose behalf the proxy was appointed. The revocation is effective if delivered before the start of the meeting or any adjourned meeting to which it relates.
- 14.8 A proxy notice or revocation not executed by the member appointing the proxy must be accompanied by written evidence of the authority of the person who executed it to do so on behalf of the appointing member.

15. CORPORATE REPRESENTATIVES

- 15.1 Any corporate body which is a member of the Company may by resolution of its board of directors authorise such person as it thinks fit to act as its representative at any meeting of the Company, and the person so authorised shall be entitled to exercise the same powers on behalf of the corporate body which he represents as that corporate body could exercise if it were an individual member of the Company.

16. TRUSTEES AND OFFICERS

- 16.1 The maximum number of Trustees shall be determined by the Company in general meeting, but unless and until so fixed there shall be no maximum number. The minimum number of Trustees shall be three.
- 16.2 The first Trustees shall be those persons appointed as directors of the Company on its incorporation. Thereafter the Trustees shall be appointed in accordance with the provisions of these Articles. None of the Trustees shall be obliged to serve fixed terms or retire by rotation.
- 16.3 The Trustees may appoint any individual aged 16 years or over, who is not disqualified from directorship or otherwise disqualified from charity trusteeship, to be a Trustee, either to fill a vacancy amongst the Trustees or as an additional Trustee, provided that the appointment does not cause the number of Trustees to exceed any maximum number for the time being in force pursuant to the provisions of these Articles.
- 16.4 The members may by ordinary resolution appoint any individual aged 16 years or over, who is not disqualified from directorship or otherwise disqualified from charity trusteeship, to be a Trustee, either to fill a vacancy amongst the Trustees or as an additional Trustee, provided that the appointment does not cause the number of Trustees to exceed any maximum number for the time being in force pursuant to the provisions of these Articles.
- 16.5 A Trustee shall cease to hold office if he:
- (a) resigns;

- (b) dies;
- (c) is adjudicated bankrupt;
- (d) is disqualified from being a director of a company by virtue of any provision of law or is disqualified from being a trustee of a charity under the Charities Acts;
- (e) is, or may be, suffering from mental disorder and either:-
 - (i) he is admitted to hospital in pursuance of an application for admission for treatment under mental health legislation for the time being in force in any part of the United Kingdom; or
 - (ii) an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his detention or which wholly or partly prevents that person from personally exercising any powers or rights which that person otherwise would have.

16.6 The Trustees shall appoint one of the Trustees as Chairman of the board of Trustees. The appointment may be for an annual or other fixed term or for an indefinite period. A current appointment may be ended by the Trustees and they may fill any vacancy that arises. A serving Chairman may resign from that office, whether or not he is also resigning as a Trustee but if the serving Chairman ceases to be a Trustee he shall automatically cease to hold the office of Chairman.

16.7 The Trustees may appoint a secretary for such term, at such remuneration and upon such conditions as the Trustees think fit. A current appointment may be ended by the Trustees at any time and they may fill any vacancy that arises. Provided always that no Trustee may be remunerated for holding the position of secretary.

16.8 The Trustees may, if they think fit, appoint a Treasurer. A person so appointed may be selected from amongst the serving Trustees (but does not have to be). The duties and responsibilities of the Treasurer shall be determined by the Trustees and may be varied by them from time to time. Provided always that no Trustee may be remunerated for holding the office of Treasurer.

17. POWERS AND DUTIES OF THE TRUSTEES AND FINANCIAL CONTROLS

17.1 Subject to the Articles and to any special resolutions of the members, the Trustees have control over the Company and its funds and assets and are responsible for the management of the Company's activities and may exercise all such powers of the Company as are not, by the Companies Act 2006 or by these Articles, required to be exercised by the members of the Company in general meeting or otherwise.

17.2 In the exercise of their powers and in the management of the Company, the Trustees shall always be mindful that they are charity trustees within the definition of section 97 of the Charities Act 1993 as the persons having the general control and management of the administration of a charity.

17.3 There shall be such financial controls and procedures for the Company as may be specified by the Trustees from time to time. All transactions on the bank accounts of the Company shall be authorised as the Trustees may from time to time decide.

18. TRUSTEES MAY DELEGATE

- 18.1 Subject to the Articles, the Trustees may delegate any functions and any of the powers which are conferred on them under these articles or otherwise (but not the office of Trustee) to committees provided that:
- (a) committee members may be such persons as the Trustees wish but there must be at least two Trustees on each committee at all times;
 - (b) a committee must be chaired by a Trustee;
 - (c) a committee shall not have any expenditure authority unless authorised by the Trustees; and
 - (d) a committee must adhere to any budget set for it by the Trustees and observe any financial controls and procedures the Trustees think fit.
- 18.2 The Trustees shall authorise the terms of reference of committees and may alter them from time to time.
- 18.3 The Trustees may specify procedures for committees, otherwise the procedures for the Board shall be followed by committees.
- 18.4 Committees shall report to the Trustees in such manner as the Trustees may require.

19. TRUSTEES' DECISIONS

- 19.1 Trustees may make decisions:-
- (a) by majority vote at a Trustees' meeting; or
 - (b) by unanimous written resolution, where each Trustee who would have been eligible to vote on the matter at a meeting has signed one or more copies of such written resolution.

20. TRUSTEES' MEETINGS

- 20.1 The Trustees may determine how often, when and where Trustees' meetings may be held. They may also determine the rules for the conduct of such meetings to the extent that these articles do not otherwise provide.
- 20.2 Notice of a Trustees' meeting shall be given to every Trustee in such form and with such content as the Trustees may decide.
- 20.3 The quorum for Trustees' meetings shall be two or such higher figure as the Trustees may determine.
- 20.4 A Trustee may participate in a Trustees' meeting by electronic communication provided that:
- (a) the Trustees have agreed (for a specific meeting or for meetings of the Trustees in general); and
 - (b) all Trustees participating in the meeting can communicate to the others any information or opinions they have on any items of business and can vote and their vote be known and recorded; and
 - (c) any other rules for such participation made by the Trustees are observed.

21. CHAIRING OF TRUSTEES' MEETINGS

- 21.1 The Chairman shall chair any meeting of the Trustees at which he is present. If he is absent the Trustees present shall determine which of them shall take the chair.

22. CHAIRMAN OF THE MEETING – CASTING VOTE

- 22.1 The chairman of a Trustees' meeting shall have a casting vote if voting on any matter is equal. This shall not apply if he is not eligible to count in the quorum or to vote on that matter for any reason.

23. CONFLICTS OF INTEREST

- 23.1 The Trustees shall declare matters of material personal interest of which they are aware that are relevant to the business of any Trustees' meeting at or before the start of the meeting. Any interested Trustee shall be counted in the quorum and may vote unless the interest gives rise to a conflict between his personal interest and the interests of the Company, in which case he must withdraw from the discussion and any decision. In the event of any doubt as to whether a Trustee should withdraw he must do so and the chairman of the meeting shall require that he does so.
- 23.2 A Trustee shall not be regarded as having a conflict of interest solely because that Trustee is also a member of the Company or that Trustee or anyone connected to that Trustee is a beneficiary of the charitable activities of the Company. Such membership or beneficiary status shall not prevent a Trustee from taking part in any Trustees' meeting unless a matter specific to him or a person connected to him is being discussed or decided, in which case he must withdraw from the discussion and any decision. In the event of any doubt as to whether a Trustee should withdraw, he must do so and the chairman of the meeting shall require that he does so.

24. RECORDS OF TRUSTEES' DECISIONS

- 24.1 The Trustees shall ensure records are made of their decisions and kept for at least 10 years in accordance with the Companies Act 2006.

25. TRUSTEES' EXPENSES

- 25.1 Trustees may be paid reasonable out of pocket expenses incurred in relation to attending Trustees' meetings or otherwise performing their duties and carrying out their responsibilities.

26. NO PAYMENTS TO TRUSTEES

- 26.1 Trustees may not be remunerated or otherwise paid for being Trustees.
- 26.2 Trustees may not receive any fees, payments or other remuneration for providing any other services to the Company unless expressly permitted in these Articles.
- 26.3 No Trustee may be appointed to paid employment with the Company and no employee may be appointed as a Trustee.

27. RECORDS, RETURNS, ACCOUNTING AND REPORTING

- 27.1 Records of general meetings and of all resolutions of the members, whether passed at meetings or as written resolutions, shall be made and kept for at least ten years in accordance with the applicable provisions of the Companies Act 2006.

- 27.2 The Company shall make a company annual return to the Registrar of Companies each year as required by the Companies Act 2006 and applicable associated regulations.
- 27.3 The Company shall make a charity annual return to the Charity Commission each year as required by the Charities Acts and applicable associated regulations.
- 27.4 The Company shall keep day to day accounting records as required for a charitable company by the Companies Act 2006, the Charities Acts and applicable associated regulations.
- 27.5 Annual accounts and reports shall be prepared and approved by the Trustees as required for a charitable company by the Companies Act 2006, the Charities Acts and applicable associated regulations.
- 27.6 If required by law, auditors or independent examiners must be appointed and the annual accounts audited or independently examined in accordance with applicable provisions of the Companies Act 2006, the Charities Acts and relevant associated regulations.
- 27.7 Copies of the annual accounts and reports shall be circulated to the members of the Company and any other persons entitled to receive copies under the provisions of the Companies Act 2006.
- 27.8 The annual accounts and reports shall be filed with the Registrar of Companies, and, if required by law, also with the Charity Commission, within nine months of the end of the financial year.

28. MEANS OF COMMUNICATION TO BE USED

- 28.1 Subject to the provisions of these Articles, anything sent or supplied by or to the Company under these articles may be sent or supplied in any way in which the Companies Act 2006 provides for documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the Company. Subject to the provisions of the Companies Act 2006, a document or information may be sent or supplied by the Company to a person by being made available on a website.
- 28.2 Subject to the provisions of these articles, any notice or document to be sent or supplied to a Trustee in connection with the taking of decisions by Trustees may also be sent or supplied by the means by which that Trustee has asked to be sent or supplied with such notices or documents for the time being.
- 28.3 A Trustee may agree with the Company that notices or documents sent to that Trustee in a particular way are to be deemed to have been received within a specified time of their being sent, and for the specified time to be less than 48 hours.

29. COMPANY SEAL

- 29.1 The Trustees shall decide whether the Company adopts a seal. If it does adopt a seal it may only be used by the authority of the Trustees. Unless otherwise decided by the Trustees, when such a seal is affixed to a document, the document must also be signed by at least two authorised persons in the presence of a witness who attests the signature. For the purposes of this article, an authorised person is:

- (a) any Trustee of the Company; or

- (b) the secretary of the Company (if any); or
- (c) any person authorised by the Trustees for the purpose of signing either a specific document, or documents in general, to which the seal is applied.

30. NO RIGHT TO INSPECT ACCOUNTS AND OTHER RECORDS

- 30.1 Except as provided by law or authorised by the Trustees or an ordinary resolution of the Company, no person is entitled to inspect any of the Company's accounting or other records or documents merely by virtue of being a member.

31. TRUSTEES' INDEMNITY

- 31.1 Subject to the next following article, a relevant Trustee of the Company or an associated company may be indemnified out of the Company's assets against:

- (a) any liability incurred by that Trustee in connection with any negligence, default, breach of duty or breach of trust in relation to the Company or an associated company;
- (b) any liability incurred by that Trustee in connection with the activities of the Company or an associated company in its capacity as a trustee of an occupational pension scheme (as defined in section 235(6) of the Companies Act 2006);
- (c) any other liability incurred by that Trustee as an officer of the Company or an associated company.

- 31.2 These Articles do not authorise any indemnity which would be prohibited or rendered void by any provision of the Companies Act 2006 or by any other provision of law.

- 31.3 For the purposes of this article 31:

- (a) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate; and
- (b) a "relevant Trustee" means any Trustee or former Trustee of the Company or an associated company.

32. INSURANCE FOR TRUSTEES

- 32.1 The Trustees may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant Trustee in respect of any relevant loss. In this article:

- (a) a "relevant Trustee" means any Trustee or former Trustee of the Company or an associated company;
- (b) a "relevant loss" means any loss or liability which has been or may be incurred by a relevant Trustee in connection with that Trustee's duties or powers in relation to the Company, any associated company or any pension fund of the Company or associated company; and
- (c) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate.

33. RULES AND BYELAWS

33.1 Any rules or byelaws must be in accordance with any provisions of the Companies Act 2006 applicable to the Company and shall be supplementary but subsidiary to the provisions of these Articles. Any compulsory requirements of that Act and the provisions of these Articles shall always take precedence over any provision in any rules or byelaws that in any way conflicts or is inconsistent with those requirements or provisions.

33.2 Subject to the preceding article, the Trustees may make such rules and byelaws to deal with any matters they consider appropriate in relation to the Company. Any rules or byelaws of the Company and any alterations or revocations of them shall be notified to the members by such means as the Trustees decide. All Trustees and all members of the Company shall be bound by and observe the provisions and requirements of any such rules or byelaws as are in force from time to time.

33.3 Without prejudice to the generality of the Trustees' powers under the preceding article, any rules or byelaws may deal with all or any of these matters:

- (a) membership admission fees and annual membership subscriptions (if there are any) and the terms of payment and due dates for payment, as well as the procedures in the event of non-payment;
- (b) procedures relating to Trustees' meetings, meetings of committees and general meetings of the members of the Company;
- (c) the rights and responsibilities of members and their conduct, to the extent that those are not dealt with in these Articles, provided that:
 - (i) no differences between classes of members in relation to rights to attend, vote and speak at general meetings may be made other than by provisions in the Articles;
 - (ii) the limited liability of members and their guarantee to contribute to the assets of the Company in the event of its being wound up shall be as set out in these Articles and cannot be altered or varied by any rule or byelaw.

33.4 Any rules or byelaws may be altered or revoked by decision of the Trustees or by ordinary resolution at a general meeting of the Company.

34. RESTRICTIONS ON APPLICATION OF PROPERTY AND DISTRIBUTIONS

34.1 The income of the Company shall be applied in promoting its objects.

34.2 The Company may not pay dividends or return capital to its members.

35. WINDING UP

35.1 In the event of any winding up or other dissolution of the Company, any funds and assets remaining after satisfaction of its debts and liabilities and the costs of any winding up or other dissolution:

- (a) may not be paid or distributed to the members of the Company; and
- (b) must be transferred to any one or more charities that:
 - (i) have similar charitable purposes to the Company and which are charitable in accordance with section 7 of the 2006 Act;

- (ii) have restrictions on the application of their property at least equivalent to the restrictions applicable under these Articles.

35.2 If that is not possible, they shall be transferred to or applied towards some other purposes that are charitable under the law of England and Wales.



**CERTIFICATE OF INCORPORATION
OF A
PRIVATE LIMITED COMPANY**

Company Number. 7430903

The Registrar of Companies for England and Wales, hereby certifies that

THE LEGATUM INSTITUTE FOUNDATION

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by guarantee, and the situation of its registered office is in England and Wales.

Given at Companies House, Cardiff, on 5th November 2010.



THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES



Companies House

— for the record —

The above information was communicated by electronic means and authenticated by the
Registrar of Companies under section 1115 of the Companies Act 2006



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Dear [REDACTED]

I'm writing further to your application to register the above as a charity and our subsequent telephone conversation earlier today.

This is just to let you know that, having spoken to a senior colleague this afternoon, I do need to refer your application to them for advice. The purpose of this is so they can give detailed consideration to the information about the Institute's activities on the website, which you have told me are the same as those that the proposed charity will be undertaking. Once they have done that we will get back to you with details of any additional information we need.

It is difficult at the moment to give you any real timescales as to when you will receive a substantive response, especially with the Xmas break fast approaching. However I would hope that it will be early in the New Year at the very latest.

Kind regards

Mark Edwards

Registration Division

Direct line: 01823 345006

Email - registrationapplications@charitycommission.gsi.gov.uk

Dear [REDACTED]

I'm writing further to my e-mail of 6 December.

Having now taken advice, I'm afraid it's not clear whether the company is capable of becoming a charity. As explained below, the trustees will need to be able to demonstrate that the work they will be doing is advancing education in the charitable sense rather than simply promoting a particular point of view.

As you are doubtless aware, when we consider an application to register an organisation as a charity, we don't just consider the wording of the objects – we also take into account relevant factual background information. We have no discretion about whether an organisation qualifies for registration as a charity or not. We have to take a view whether an organisation, as a matter of law, is entitled to registration as a charity. More information can be found in paragraph D4 of *Charities and Public Benefit*, available on our website at http://www.charity-commission.gov.uk/Charity_requirements_guidance/Charity_essentials/Public_benefit/default.aspx.

The objects in Article 2 relate to the advancement of education in national and international political, social and economic policy, including undertaking research and publishing the useful results. Our publication *The Advancement of Education for the Public Benefit*, available on our website by following the above link, explains what advancing education means in charity law terms.

You have told us that the company will take on work that is currently being undertaken by the Legatum Institute, which is a profit-making organisation that is not established for charitable purposes for the public benefit and so not subject to the constraints of charity law. In the application form you tell us that you will advance education by providing advocacy, advice and information, and by undertaking research.



On the Legatum Institute's website, it specifically states on the Economic Liberty and Growth page that the Institute *"promotes free markets and market-based policy solutions against populist over-regulation and policies that can endanger the foundations of economic prosperity"*. In one of the Institute's publications on its website it states that the Institute *"is an independent research, policy and advocacy organisation that promotes political, economic and individual liberty in the developing and transitioning world"*. Any education the Institute might be undertaking is putting forward this particular viewpoint – that a free-market, low regulation approach is required for economic prosperity.

Paragraph C5 of *The Advancement of Education for the Public Benefit* explains that there is a difference between advancing education and promoting a particular point of view. Even if educational material is used, if it is being used to promote a particular viewpoint rather than presenting information in a neutral and balanced way that enables those being educated to make up their own minds on controversial issues, then the underlying purpose will be promoting that point of view, rather than advancing education in the charitable sense.

Given that the company will be taking over work that is currently done by the Institute, the trustees will need to show how that work will change and will advance education rather than promoting a particular point of view. I would encourage the trustees to reply as fully as possible, but in particular we will need to know the following:

1. Please could you explain exactly what sort of advocacy, advice and information you will provide. Who will provide it and how are they qualified to do so? How will this be delivered – who are the main intended beneficiaries?
2. What particular topics will the company be concerned with? Do the trustees have any criteria as to which subjects they will address and which ones they won't?
3. How will this be structured in such a way that it actually educates, rather than simply provides information and advice (which doesn't necessarily advance education)?
4. How will the trustees ensure that this advances education in the charitable sense, and in a neutral and balanced way that enables those being educated to make up their own minds? How will the work differ from how it is currently undertaken?
5. With regard to research, please could you provide details of the parameters of the research – what subjects will be researched and who will decide? What research methods and processes will be used? How will the results be disseminated? Again, how will the trustees ensure that this advances education in the charitable sense rather than promotes a particular point of view?
6. I understand that two of the three trustees are the Managing Director and the Chief Financial Officer of the Legatum Group. We do need to be satisfied that the company will operate independently of the Institute – how will the trustees ensure

The first section of the report, titled 'Introduction', provides a brief overview of the project's objectives and the scope of the study. It also outlines the structure of the report and the key findings that will be discussed in the subsequent sections.

The second section, 'Methodology', describes the research methods used to collect and analyze data. This includes a detailed explanation of the sampling process, the data collection instruments, and the statistical techniques employed for data analysis.

The third section, 'Results', presents the findings of the study. It includes a series of tables and figures that illustrate the data collected and the statistical results. The text accompanying these visual elements provides a detailed interpretation of the findings, highlighting the key trends and patterns observed in the data.

The fourth section, 'Discussion', discusses the implications of the findings and compares them with the results of previous studies. It also addresses the limitations of the study and suggests areas for future research. The final section, 'Conclusion', summarizes the main findings and provides a final statement on the overall results of the study.

The report concludes with a list of references, which includes all the sources cited throughout the document. This list is organized alphabetically by the author's name, following the standard conventions for academic writing.

The report is written in a clear and concise style, using simple language to explain complex concepts. It is well-organized and easy to read, with a logical flow of ideas that guides the reader through the study. The use of tables and figures helps to present the data in a clear and accessible way, making it easier for the reader to understand the findings.

The report is a valuable resource for anyone interested in the topic of the study. It provides a comprehensive overview of the research and its findings, and it is well-written and easy to read. The report is a model of good academic writing, and it is a pleasure to read.

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that this happens? Should any conflicts of interest arise, how will they be managed?

7. To what extent will the company and the Institute work together? For example, is it intended that the Institute might use the results of the company's research to further its own, non-charitable, purposes?
8. Does the company have its own offices or does it operate from the Institute's premises? If the latter, will it be contributing towards any costs and, if so, how will the apportionment be decided?
9. Is it intended that the company will eventually have its own website?

I would encourage the trustees to reply as fully as possible so we can get a proper picture of exactly what the company will be doing and how its relationship with the Institute will work. If there is anything that is not covered by the above questions but which the trustees feel would help illustrate what the company is doing, please feel free to include it.

Once we have this information we can consider the application further. I look forward to hearing from you.

Kind regards

Mark Edwards

Registration Division

Direct line: 01823 345006

Email - registrationapplications@charitycommission.gsi.gov.uk

Title
Subject

RE: Legatum Institute Foundation - our ref: ME/5014124/C-313127/RTN CC:01720675
RE: Legatum Institute Foundation - our ref: ME/5014124/C-313127/RTN CC:01720675

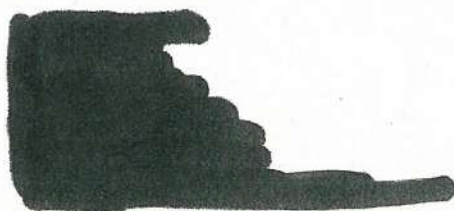
Dear Mark,

Thank you for your e-mail.

Please find below the trustees' responses to your questions written in blue.

Please let me know if you have any queries.

Kind regards,

A large black rectangular redaction box covering the signature area.

From: RTN Registration Applications [mailto:registrationapplications@charitycommission.gsi.gov.uk]

Sent: 17 January 2011 14:29

To: 

Subject: Legatum Institute Foundation - our ref: ME/5014124/C-313127/RTN CC:01720675

Dear 

I'm writing further to my e-mail of 6 December.

Having now taken advice, I'm afraid it's not clear whether the company is capable of becoming a charity. As explained below, the trustees will need to be able to demonstrate that the work they will be doing is advancing education in the charitable sense rather than simply promoting a particular point of view.

As you are doubtless aware, when we consider an application to register an organisation as a charity, we don't just consider the wording of the objects – we also take into account relevant factual background information. We have no discretion about whether an organisation qualifies for registration as a charity or not. We have to take a view whether an organisation, as a matter of law, is entitled to registration as a charity. More information can be found in paragraph D4 of *Charities and Public Benefit*, available on our website at http://www.charity-commission.gov.uk/Charity_requirements_guidance/Charity_essentials/Public_benefit/default.aspx.

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You have told us that the company will take on work that is currently being undertaken by the Legatum Institute, which is a profit-making organisation that is not established for charitable purposes for the public benefit and so not subject to the constraints of charity law. In the application form you tell us that you will advance education by providing advocacy, advice and information, and by undertaking research.

On the Legatum Institute's website, it specifically states on the Economic Liberty and Growth page that the Institute "*promotes free markets and market-based policy solutions against populist over-regulation and policies that can endanger the foundations of economic prosperity*". In one of the Institute's publications on its website it states that the Institute "*is an independent research, policy and advocacy organisation that promotes political, economic and individual liberty in the developing and transitioning world*". Any education the Institute might be undertaking is putting forward this particular viewpoint – that a free-market, low regulation approach is required for economic prosperity.

Paragraph C5 of *The Advancement of Education for the Public Benefit* explains that there is a difference between advancing education and promoting a particular point of view. Even if educational material is used, if it is being used to promote a particular viewpoint rather than presenting information in a neutral and balanced way that enables those being educated to make up their own minds on controversial issues, then the underlying purpose will be promoting that point of view, rather than advancing education in the charitable sense.

Given that the company will be taking over work that is currently done by the Institute, the trustees will need to show how that work will change and will advance education rather than promoting a particular point of view. I would encourage the trustees to reply as fully as possible, but in particular we will need to know the following:

The Legatum Institute Foundation ("LIF") will not be taking over the work of the Legatum Institute, but will, in some areas, work alongside it. LIF will operate separately and will take over many of the charitable aspects of the Legatum Institute's current work. As such LIF will not advocate a particular point of view or ideology and will educate the public in a balanced objective manner.

1. Please could you explain exactly what sort of advocacy, advice and information you will provide. Who will provide it and how are they qualified to do so? How will

The first thing I noticed when I stepped out of the plane was the fresh air. It felt like I had been in a bubble for the last few days. The sun was shining brightly, and the birds were singing. I took a deep breath and felt a sense of peace. I had been so stressed lately, and this was a perfect opportunity to take a break. I walked towards the beach, feeling the sand under my feet. The water was crystal clear, and the waves were gentle. I sat down on a towel and watched the sunset. It was a beautiful sight, and I felt like I was in a different world. I closed my eyes and listened to the sound of the waves. It was so soothing, and I felt like I was finally at home.

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this be delivered – who are the main intended beneficiaries?

LIF will advocate for research and debate on the conditions favouring development throughout the world. It will provide free access to the extensive and ongoing research data it has compiled and collated so that researchers can undertake their own investigations and engage in an open debate about new ways to extend and share prosperity. The information will be provided alongside interactive learning tools such as the well regarded Prosperity Index which allows members of the public to change the weightings of LIF's measures of prosperity online. LIF will use the same research team as the Legatum Institute whose qualification and details are listed on the Legatum Institute's website. Any advocacy, information and advice will be delivered by LIF online or in peer-reviewed journals. The main intended beneficiaries of the LIF's activities are those members of the public with an interest in national and international political, social and economic policy. Students in secondary and tertiary education will be particular beneficiaries of the LIF's work, able to use its extensive databases for comparative research to develop and evaluate hypotheses about prosperous development. As the data in the Prosperity Index and related publications acquires a longer time series students will further be able to investigate the impact of social, economic and political change of a country's development trajectory.

2. What particular topics will the company be concerned with? Do the trustees have any criteria as to which subjects they will address and which ones they won't?

LIF will be concerned with topics linked to national and international political, social and economic policy. The focus will be on economic development, international security, political liberty and human rights, and social capital. This includes a diverse range of subjects from research into the continuing viability of a single European currency to the impact of protectionism on development, and analyses of the current political climate in the Middle East. Subjects that are unrelated to the focus of LIF will not be addressed. LIF is more likely to be concerned with topics which are "current" and being discussed in the national press as these are implicitly of wide public interest.

3. How will this be structured in such a way that it actually educates, rather than simply provides information and advice (which doesn't necessarily advance education)?

LIF will undertake academic research and publish the results online and in peer-reviewed journals. Such articles will contain arguments and counter-arguments based on objectively presented information and data, and those arguments will in turn spark debate. LIF will not merely publish data and statistics for the public to view. LIF will also arrange interactive seminars that are open to the public to debate and discuss relevant topics.

4. How will the trustees ensure that this advances education in the charitable sense, and in a neutral and balanced way that enables those being educated to make up their own minds? How will the work differ from how it is currently undertaken?

LIF will organise seminars that allow participants to debate subjects. LIF will encourage delegates to present divergent views. There will be no prescriptive right or wrong answers during such sessions. Research papers published by LIF will be based on neutral evidence and statistics and any conclusions made will be based on such evidence. Research will not be undertaken with a certain conclusion already in mind. LIF will not advocate a particular view point on the best route prosperity but will aim to inform and generate debate about topics among and between members of the public with divergent views and approaches.

5. With regard to research, please could you provide details of the parameters of the research – what subjects will be researched and who will decide? What research methods and processes will be used? How will the results be disseminated? Again, how will the trustees ensure that this advances education in the charitable sense rather than promotes a particular point of view?

LIF will research subjects linked to national and international political, social and economic policy. In the year ahead this will include research into threats to global prosperity, the factors explaining prosperity in the Nordic countries, the impact of protectionism on economic development, the factors making for successful development at the level of cities, and the lessons for other developing countries of the success of the “sunrise” economies. The decision on areas of research to be undertaken will be made by the Trustees of LIF in response to developments in its core areas of focus, representations from the communities and individuals who use LIF products and services, and the views of experts with whom the foundation will engage.

The research methods employed by LIF will consist primarily of commissioned primary research, e.g. surveys of entrepreneurship in emerging developing countries, and the analysis and interrogation of secondary research data such as international information on Gross Domestic Product, health outcomes, etc.

The results of such research will be published online and in peer-reviewed journals. Any conclusions made by a LIF researcher will be based on objective evidence, will be reasoned and balanced and will encourage debate. The trustees will ensure that LIF does not promote a particular viewpoint in its activities or in the conclusions of its research.

All the publications and reports of LIF will be available free of charge to members of the public either by collection from the LIF office, by post or by downloading from the LIF web site. Free access will also be provided to members of the public to all the data held within the Prosperity Index. The research methodology of the Prosperity Index will be published in full for educational purposes and to enable interested parties to make adjustments to the weighting of key variables. Many of the seminars held by LIF will be open to members of the public and advertised as such on the LIF web site.

6. I understand that two of the three trustees are the Managing Director and the Chief Financial Officer of the Legatum Group. We do need to be satisfied that the company will operate independently of the Institute – how will the trustees ensure that this happens? Should any conflicts of interest arise, how will they be managed?

The memorandum and articles of LIF states that trustees must declare matters of material personal interest of which they are aware that are relevant to the business of any trustees' meeting at or before the start of the meeting. Any interested trustee shall nevertheless be counted in the quorum and may vote unless the interest gives rise to a conflict between his personal interest and the interests of LIF.

As regards the duality of their role, the proposed trustees of LIF fully appreciate that they will wear different hats at different times. The trustees fully understand that they will have to prioritise the interests of either the Legatum Institute or LIF when respectively representing either of those organisations. Importantly, the trustees believe there is very little risk of a conflict of loyalty between the two organisations arising. Donations and funding from the Legatum Institute will not be conditional or made in any way that encourages LIF to act contrary to its charitable objects. Finally, should such a conflict of loyalty ever arise on a particular decision, the conflicted trustee(s) of LIF would immediately resign and be replaced

by individuals that were not conflicted before the relevant decision is taken. As we have mentioned, it is considered extremely unlikely that any conflicts of loyalty will arise for the trustees, who fully understand the need to act in the best interests of the organisation which they are representing at any particular time.

7. To what extent will the company and the Institute work together? For example, is it intended that the Institute might use the results of the company's research to further its own, non-charitable, purposes?

The Legatum Institute and LIF will work together in some areas but the Legatum Institute will not benefit from the results of the LIF's research. In practice the relationship between the two organisations would in fact be the other way round. LIF will use the results of the Legatum Institute's research for its own charitable purposes where appropriate. This will very much be a one way relationship in LIF's favour.

8. Does the company have its own offices or does it operate from the Institute's premises? If the latter, will it be contributing towards any costs and, if so, how will the apportionment be decided?

LIF does not and will not have its own offices. LIF will operate from the Legatum Institute's offices but will not contribute to any of the costs of running the office. The Legatum Institute will pay for all of the running costs of LIF's offices without expecting anything in return.

9. Is it intended that the company will eventually have its own website?

Yes, LIF will ultimately have its own website. It will have its own pages on the Legatum Institute's main site within a month of being granted charitable status.

I would encourage the trustees to reply as fully as possible so we can get a proper picture of exactly what the company will be doing and how its relationship with the Institute will work. If there is anything that is not covered by the above questions but which the trustees feel would help illustrate what the company is doing, please feel free to include it.

Once we have this information we can consider the application further. I look forward to hearing from you.

Kind regards

Mark Edwards

Registration Division

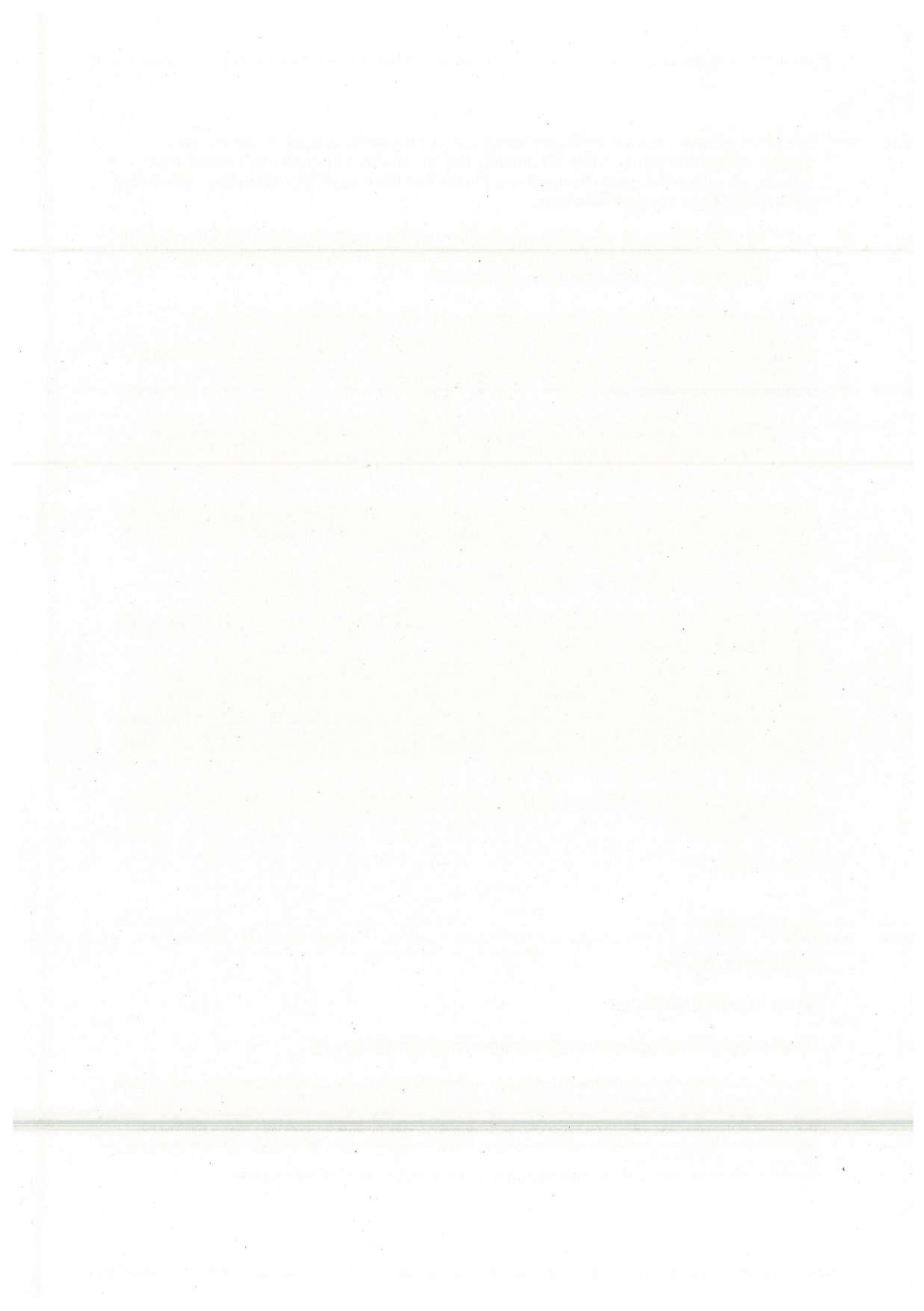
Direct line: 01823 345006

Email - registrationapplications@charitycommission.gsi.gov.uk

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E-mail of 11 Feb provides extensive assurances that:

- education will be delivered from a neutral perspective – they will not be promoting a point of view;
- the nature of the education provided;
- the independence of the charity from the commercial organisation;
- the charity's relationship with the commercial organisation; and
- how any conflicts of interest will be dealt with.

On the basis of these assurances I am happy to register.

Regarding  C-313127-KVZ3 : LEGATUM INSTITUTE FOUNDATION

Owner  Edwards, Mark

From: Caroline Jones
Sent: Thursday, January 20, 2011 2:02 PM
To: Mark Edwards
Subject: Phone call [Not Protectively Marked]

Call from [REDACTED] : Legatum Institute.

He explained he wanted to know about conflict of interest where (as I understood the situation) a corporate foundation is accepting a donation from the corporate founder and all of the trustees are also linked to the corporate founder.

I gave some general comments about whether in those circumstances the trustees would fall foul of the conflict of interest provisions of the GD. He seemed to have some trouble understanding and was trying to see what would be wrong with the donation. I said that it is not the donation which is the problem but the ability of the trustees to make a decision about accepting it in circumstances where they are conflicted. I directed him to the Guidance for Corporate Foundations and suggested that if he wanted to discuss the specifics of this application he should get in touch with you. I said I would let you know he had called.

Tks Caroline

Are you following us on Twitter? Get short, timely messages from Charity Commission. Twitter is a rich source of instantly updated information. It's easy to stay updated on an incredibly wide variety of topics. Go to <http://twitter.com/chtvcommission> and sign up.

Consider the environment. Please don't print this e-mail unless you really need to.

Regarding



C-313127-KVZ3 : LEGATUM INSTITUTE FOUNDATION

Owner



Edwards,
Mark

Compliment

Informal Complaint

Title RE: Legatum Institute Foundation - our ref: ME/5014124/C-313127/RTN CC:01720675
Subject RE: Legatum Institute Foundation - our ref: ME/5014124/C-313127/RTN CC:01720675

Dear [REDACTED]

Thank you for your helpful e-mail below.

I am pleased to tell you that, from the assurances provided, I am happy that the company is established for exclusively charitable purposes for the public benefit. I am therefore arranging for it to be registered as a charity – you should be hearing from us with details of the charity registration number by the end of next week at the latest.

Kind regards

Mark

Mark Edwards

Registration Division

Direct line: 01823 345006

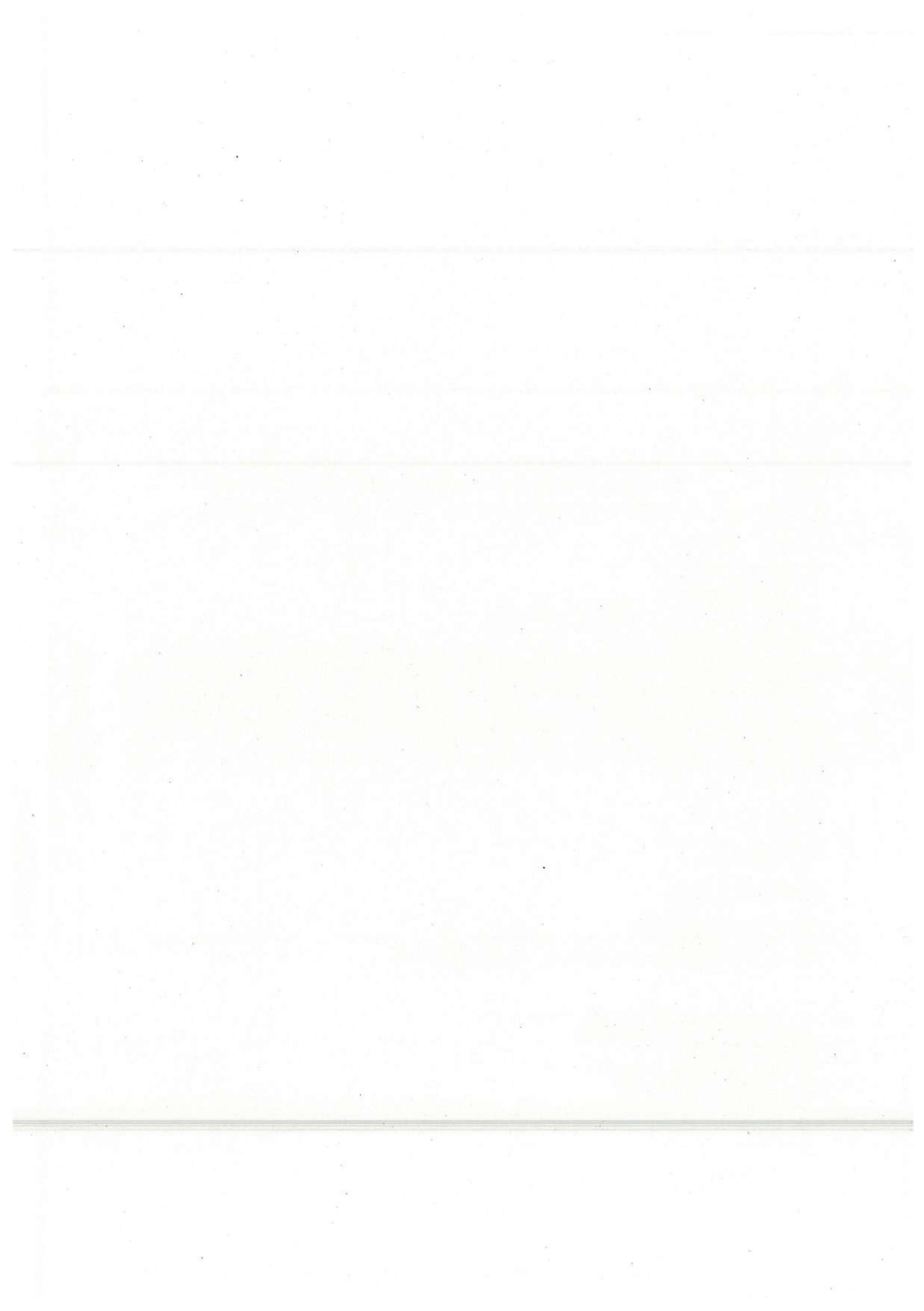
Email - registrationapplications@charitycommission.gsi.gov.uk

----- Original Message -----

From: [REDACTED]
Sent: 11/02/2011
To: RTN Registration Applications
Cc: [REDACTED]
Subject: RE: Legatum Institute Foundation - our ref: ME/5014124/C-313127/RTN CC:01720675

Dear Mark,

Thank you for your e-mail.



To: CCD Email Team

Subject: The Legatum Institute - 1140719

Dear Sirs

The Legatum Institute was recently registered as a charity (charity number 1140719) but I have just checked the register and one of the trustees' names are the wrong way round. His names is in fact [redacted] and not [redacted]. Please would you arrange for this to be amended and let me know once this has been done.

Kind regards

[redacted]

Knowledge is the most important currency in business today. Which is why we've launched [redacted]. Read **more here**.

[redacted]



Please consider the environment before printing this e-mail.

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Dear [REDACTED]

Thank you for your enquiry.

Please accept my apologies that we have incorrectly recorded [REDACTED] name.

The trustees can amend these details themselves online at -

http://www.charitycommission.gov.uk/Manage_your_charity/Change_details_index.aspx

I hope that this is helpful.

Very often the quickest way to answer any enquiries that you have is to look on our website, especially the [frequently asked questions](#) covering the main issues that we are being asked about. You will also find the latest news, together with our publications and guidance. You can even [sign up for email updates](#).

Yours sincerely

Mrs Deborah Bennett

Charity Commission Direct

Please take a few seconds to tell us what you think about our service – [Click here to complete our customer survey](#).

----- Original Message -----

From: [REDACTED]
Sent: 28/03/2011

