



2008 CHAPTER 12

PART 6

APPLICATION OF PROPERTY CY-PRÈS AND ASSISTANCE AND
SUPERVISION OF CHARITIES BY COURT AND COMMISSION

Powers of Commission to make schemes and act for protection of charities, etc.

**Supplementary provisions relating to interim manager appointed for a
charity**

35.—(1) The Commission may under section 33(1)(vii) appoint to be interim manager in respect of a charity such person as it thinks fit.

(2) Without prejudice to the generality of section 175(1), any order made by the Commission under section 33(1)(vii) may make provision with respect to the functions to be discharged by the interim manager appointed by the order; and those functions shall be discharged by the interim manager under the supervision of the Commission.

(3) In connection with the discharge of those functions any such order may provide—

- (a) for the interim manager appointed by the order to have such powers and duties of the charity trustees of the charity concerned (whether arising under this Act or otherwise) as are specified in the order;
- (b) for any powers or duties exercisable or falling to be performed by the interim manager by virtue of paragraph (a) to be exercisable or performed by the interim manager to the exclusion of those trustees.

(4) Where a person has been appointed interim manager by any such order—

- (a) section 49 shall apply to that person and to that person's functions as a person so appointed as it applies to a charity trustee of the charity concerned and to the duties of a charity trustee as such; and
 - (b) the Commission may apply to the Court for directions in relation to any particular matter arising in connection with the discharge of those functions.
- (5) The Court may on an application under subsection (4)(b)—
- (a) give such directions, or
 - (b) make such orders declaring the rights of any persons (whether before the Court or not),

as it thinks just; and the costs of any such application shall be paid by the charity concerned.

(6) Regulations made by the Department may make provision with respect to—

- (a) the appointment and removal of persons appointed in accordance with this section;
- (b) the remuneration of such persons out of the income of the charities concerned;
- (c) the making of reports to the Commission by such persons.

(7) Regulations under subsection (6) may, in particular, authorise the Commission—

- (a) to require a person so appointed to give security for the due discharge of that person's functions;
- (b) to determine the amount of that person's remuneration;
- (c) to allow any amount of remuneration in such circumstances as are prescribed by the regulations.