



Charities Act 2011

2011 CHAPTER 25

PART 12

INCORPORATION OF CHARITY TRUSTEES

General

251 Incorporation of charity trustees

- (1) The Commission may grant a certificate of incorporation of the charity trustees of a charity as a body corporate if—
 - (a) the charity trustees of the charity, in accordance with section 256, apply to the Commission for such a certificate, and
 - (b) the Commission considers that the incorporation of the charity trustees would be in the interests of the charity.
- (2) Such a certificate is subject to such conditions or directions as the Commission thinks fit to insert in it.
- (3) But the Commission must not grant such a certificate if the charity—
 - (a) appears to the Commission to be required to be registered in accordance with section 30, but
 - (b) is not so registered.
- (4) On the grant of such a certificate—
 - (a) the charity trustees of the charity become a body corporate by such name as is specified in the certificate, and
 - (b) any rights or liabilities of those trustees in connection with any property vesting in the body under section 252 become rights or liabilities of that body.
Paragraph (b) does not affect the operation of section 254 (liability of charity trustees not affected by incorporation).
- (5) After their incorporation the charity trustees—

Status: This is the original version (as it was originally enacted).

- (a) may sue and be sued in their corporate name, and
- (b) have the same powers, and are subject to the same restrictions and limitations, as respects the holding, acquisition and disposal of property for or in connection with the purposes of the charity as they had or were subject to while unincorporated;

and any relevant legal proceedings that might have been continued or commenced by or against the charity trustees may be continued or commenced by or against them in their corporate name.

- (6) In subsection (5) “relevant legal proceedings” means legal proceedings in connection with any property vesting in the incorporated body under section 252.
- (7) An incorporated body need not have a common seal.