



Charities Act 2011

2011 CHAPTER 25

PART 14

SPECIAL TRUSTS

289 Resolution to spend capital subject to special trusts: larger fund

- (1) This section applies to a fund within section 288(1) if—
 - (a) the capital of the fund consists entirely of property given—
 - (i) by a particular individual,
 - (ii) by a particular institution (by way of grant or otherwise), or
 - (iii) by two or more individuals or institutions in pursuit of a common purpose, and
 - (b) the market value of the fund exceeds £10,000.
- (2) If the condition in subsection (3) is met in relation to the relevant charity, the charity trustees may resolve for the purposes of this section that the fund, or a portion of it, ought to be freed from the restrictions with respect to expenditure of capital that apply to it.
- (3) The condition is that the charity trustees are satisfied that the purposes set out in the trusts to which the fund is subject could be carried out more effectively if the capital of the fund, or the relevant portion of the capital, could be expended as well as income accruing to it, rather than just such income.
- (4) The charity trustees—
 - (a) must send a copy of any resolution under subsection (2) to the Commission, together with a statement of their reasons for passing it, and
 - (b) may not implement the resolution except in accordance with sections 290 and 291.
- (5) In this section, “market value” has the same meaning as in section 282 (resolution to spend larger fund for given for particular purpose).

Status: This is the original version (as it was originally enacted).

- (6) In subsection (1), the reference to the giving of property by an individual includes the individual's giving it by will.