



Charities Act 2011

2011 CHAPTER 25

PART 6

CY-PRÈS POWERS AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND COMMISSION

Powers of Commission to make schemes etc.

73 Powers to make schemes altering provision made by Acts, etc.

- (1) If it appears to the Commission that a scheme should be established for the administration of a charity, but also—
 - (a) that it is necessary or desirable for the scheme—
 - (i) to alter the provision made by an Act establishing or regulating the charity, or
 - (ii) to make any other provision which goes or might go beyond the powers exercisable by the Commission apart from this section, or
 - (b) that it is for any reason proper for the scheme to be subject to parliamentary review,
the Commission may (subject to subsection (7)) settle a scheme accordingly with a view to its being given effect under this section.
- (2) A scheme settled by the Commission under this section may be given effect by order of the Minister.
- (3) Subject to subsections (4) and (6), an order under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In the case of a scheme which goes beyond the powers exercisable apart from this section in altering a statutory provision contained in or having effect under any public general Act, no order may be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

- (5) Subject to subsection (6), any provision of a scheme brought into effect under this section may be modified or superseded by the court or the Commission as if it were a scheme brought into effect by order of the Commission under section 69.
- (6) Where subsection (4) applies to a scheme, the order giving effect to it—
 - (a) may direct that the scheme must not be modified or superseded by a scheme brought into effect otherwise than under this section, and
 - (b) may also direct that subsection (4) is to apply to any scheme modifying or superseding the scheme to which the order gives effect.
- (7) The Commission must not proceed under this section without the same application, and the same notice to the charity trustees, as would be required if the Commission was proceeding (without an order of the court) under section 69.
- (8) But on any application for a scheme, or in a case where it acts by virtue of section 70(5) or (6), the Commission may proceed under this section or section 69 as appears to it appropriate.