



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.

75 Further powers to alter application of charitable property

- (1) Subsection (2) applies where the Commission is satisfied that—
 - (a) the whole of the income of a charity cannot in existing circumstances be effectively applied for the purposes of the charity,
 - (b) if those circumstances continue, a scheme might be made for applying the surplus cy-près, and
 - (c) it is for any reason not yet desirable to make such a scheme.
- (2) The Commission may by order authorise the charity trustees at their discretion (but subject to any conditions imposed by the order) to apply any accrued or accruing income for any purposes for which it might be made applicable by such a scheme.
- (3) Any application of accrued or accruing income authorised by an order under subsection (2) is to be treated as being within the purposes of the charity.
- (4) An order under subsection (2) must not extend—
 - (a) to more than £300 out of income accrued before the date of the order,
 - (b) to income accruing more than 3 years after that date, or
 - (c) to more than £100 out of the income accruing in any of those 3 years.