



# 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 act for protection of charities etc.*

#### [<sup>F1</sup>76A Exercise of powers where section 76(1)(a) applies

- (1) This section applies to any power under this Part which is exercisable in cases where the Commission is satisfied as mentioned in section 76(1)(a) in relation to a charity (misconduct or mismanagement), with or without any other condition.
- (2) If in such a case the Commission is also satisfied—
  - (a) that a particular person has been responsible for the misconduct or mismanagement,
  - (b) that a particular person knew of the misconduct or mismanagement and failed to take any reasonable step to oppose it, or
  - (c) that a particular person's conduct contributed to it or facilitated it,the Commission may take into account the matters mentioned in subsection (3) in deciding whether or how to exercise the power.
- (3) Those matters are—
  - (a) the conduct of that person in relation to any other charity;
  - (b) any other conduct of that person that appears to the Commission to be damaging or likely to be damaging to public trust and confidence in charities generally or particular charities or classes of charity.]

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**Changes to legislation:** Charities Act 2011, Section 76A is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### **Textual Amendments**

- F1** S. 76A inserted (31.7.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\), ss. 3, 17\(4\)](#); [S.I. 2016/815, reg. 2\(b\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)