



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.

[^{F1}84B Power to direct winding up

- (1) This section applies where the conditions in section 84(1) are met for that section to apply, but the Commission is satisfied—
 - (a) that the charity does not operate, or
 - (b) that its purposes can be promoted more effectively if it ceases to operate, and that exercising the power in subsection (2) is expedient in the public interest.
- (2) The Commission may by order direct—
 - (a) the charity trustees,
 - (b) any trustee for the charity,
 - (c) any officer or employee of the charity, or
 - (d) (if a body corporate) the charity itself,to take any action specified in the order for the purpose of having the charity wound up and dissolved, and any remaining property transferred to a charity with the same purposes.
- (3) An order under this section—
 - (a) may require action to be taken whether or not it would otherwise be within the powers exercisable by the person or persons concerned, or by the charity, in relation to the winding up and dissolution of the charity or to its property, and
 - (b) in particular, may require the person or persons concerned to do anything for the purpose of having the charity wound up and dissolved and its property

Changes to legislation: Charities Act 2011, Section 84B is up to date with all changes known to be in force on or before 05 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

transferred that could otherwise only be done by the members of the charity or any of them,

but may not require any action to be taken which is prohibited by any Act [^{F2}or Measure].

- (4) Before making an order under this section the Commission must give public notice of its intention to make the order, inviting representations to be made to it within a period specified in the notice.
- (5) The Commission—
- (a) must take into account any representations made to it within the period specified in the notice, and
 - (b) may make the order (without further notice) either without modifications or with such modifications as it thinks desirable.
- (6) An order under this section may not be made less than 60 days after the first day on which public notice under subsection (4) is given, unless the Commission is satisfied after complying with subsections (4) and (5) that it is necessary to make the order to prevent or reduce misconduct or mismanagement in the administration of the charity or to protect the property of the charity or property that may come to the charity.
- (7) Anything done by a person or body under the authority of an order under this section is to be treated as properly done in the exercise of the powers mentioned in subsection (3) (a).
- (8) Subsection (7) does not affect any contractual or other rights arising in connection with anything which has been done under the authority of such an order.]

Textual Amendments

- F1** S. 84B inserted (31.7.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\), ss. 7\(2\), 17\(4\); S.I. 2016/815, reg. 2\(f\)](#)
- F2** Words in s. 84B(3) inserted (coming into force in accordance with [s. 53\(6\)\(7\)](#) of the amending Measure) by [Cathedrals Measure 2021 \(No. 2\), s. 8\(2\)](#) (with [ss. 42\(4\), 48, 52\(1\)](#))

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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](#)