



2008 CHAPTER 12

PART 6

APPLICATION OF PROPERTY CY-PRÈS AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND COMMISSION

Additional powers of Commission

Power to give advice and guidance

49.—(1) The Commission may, on the application of any charity trustee or trustee for a charity, give that person (T) its opinion or advice in relation to any matter—

- (a) relating to the performance of any of T's duties, as such a trustee, in relation to the charity concerned, or
- (b) otherwise relating to the proper administration of the charity.

(2) Where T acts in accordance with any opinion or advice given by the Commission under subsection (1) (whether to T or to another trustee) T is to be taken, as regards T's responsibility for so acting, to have acted in accordance with T's trust.

(3) But subsection (2) does not apply to T if, when so acting, either—

- (a) T knows or has reasonable cause to suspect that the opinion or advice was given in ignorance of material facts, or
- (b) a decision of the Court or the Tribunal has been obtained on the matter or proceedings are pending to obtain one.

Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Section 49. (See end of Document for details)

(4) The Commission may, in connection with its second general function mentioned in section 8(2), give such advice or guidance with respect to the administration of charities as it considers appropriate.

(5) Any advice or guidance so given may relate to—

- (a) charities generally,
- (b) any class of charities, or
- (c) any particular charity,

and may take such form, and be given in such manner, as the Commission considers appropriate.

Modifications etc. (not altering text)

- C1** S. 49 modified (18.2.2011) by [Charities Act 2008 \(Transitional Provision\) Order \(Northern Ireland\) 2011 \(S.R. 2011/12\)](#), **art. 2**, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Section 49.