



## 2008 CHAPTER 12

### **PART 6**

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

##### *Legal proceedings relating to charities*

##### **Proceedings by Commission**

**53.—**(1) Subject to subsection (2), the Commission may exercise the same powers with respect to—

- (a) the taking of legal proceedings with reference to charities or the property or affairs of charities, or
- (b) the compromise of claims with a view to avoiding or ending such proceedings,

as are exercisable by the Attorney General acting *ex officio*.

(2) Subsection (1) does not apply to the power of the Attorney General under section 95(1) to present a petition for the winding up of a charity.

(3) The practice and procedure to be followed in relation to any proceedings taken by the Commission under subsection (1) shall be the same in all respects (and in particular as regards costs) as if they were proceedings taken by the Attorney General acting *ex officio*.

(4) No rule of law or practice shall be taken to require the Attorney General to be a party to any such proceedings.

---

*Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Section 53. (See end of Document for details)*

---

(5) The powers exercisable by the Commission by virtue of this section shall be exercisable by the Commission of its own motion, but shall be exercisable only with the agreement of the Attorney General on each occasion.

**Modifications etc. (not altering text)**

- C1** [S. 53](#) 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 53.