



# Charities Act 1992

## 1992 CHAPTER 41

### PART I

#### CHARITIES

##### *Charity proceedings*

#### **28 Power of Commissioners to bring proceedings with respect to charities**

After section 26 of the 1960 Act there shall be inserted—

##### **“26A Power of Commissioners to bring proceedings with respect to charities**

- (1) Subject to subsection (2) below, the Commissioners 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) above does not apply to the power of the Attorney General under section 30(1) of this Act 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 Commissioners under subsection (1) above 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.

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) The powers exercisable by the Commissioners by virtue of this section shall be exercisable by them of their own motion, but shall be exercisable only with the agreement of the Attorney General on each occasion.”