



Charities Act 1993

1993 CHAPTER 10

PART IV

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

Additional powers of Commissioners

27 Power to authorise *ex gratia* payments etc

- (1) Subject to subsection (3) below, the Commissioners may by order exercise the same power as is exercisable by the Attorney General to authorise the charity trustees of a charity—
- (a) to make any application of property of the charity, or
 - (b) to waive to any extent, on behalf of the charity, its entitlement to receive any property,
- in a case where the charity trustees—
- (i) (apart from this section) have no power to do so, but
 - (ii) in all the circumstances regard themselves as being under a moral obligation to do so.
- (2) The power conferred on the Commissioners by subsection (1) above shall be exercisable by them under the supervision of, and in accordance with such directions as may be given by, the Attorney General; and any such directions may in particular require the Commissioners, in such circumstances as are specified in the directions—
- (a) to refrain from exercising that power; or
 - (b) to consult the Attorney General before exercising it.
- (3) Where—
- (a) an application is made to the Commissioners for them to exercise that power in a case where they are not precluded from doing so by any such directions, but
 - (b) they consider that it would nevertheless be desirable for the application to be entertained by the Attorney General rather than by them,

they shall refer the application to the Attorney General.

- (4) It is hereby declared that where, in the case of any application made to them as mentioned in subsection (3)(a) above, the Commissioners determine the application by refusing to authorise charity trustees to take any action falling within subsection (1) (a) or (b) above, that refusal shall not preclude the Attorney General, on an application subsequently made to him by the trustees, from authorising the trustees to take that action.