



# Charities Act 1993

## 1993 CHAPTER 10

### PART IX

#### MISCELLANEOUS

##### *Scottish charities*

#### **80 Supervision by Commissioners of certain Scottish charities**

(1) The following provisions of this Act, namely—

- (a) sections 8 and 9,
- (b) section 18 (except subsection (2)(ii)), and
- (c) section 19,

shall have effect in relation to any recognised body which is managed or controlled wholly or mainly in or from England or Wales as they have effect in relation to a charity.

(2) Where—

- (a) a recognised body is managed or controlled wholly or mainly in or from Scotland, but
- (b) any person in England and Wales holds any property on behalf of the body or of any person concerned in its management or control,

then, if the Commissioners are satisfied as to the matters mentioned in subsection (3) below, they may make an order requiring the person holding the property not to part with it without their approval.

(3) The matters referred to in subsection (2) above are—

- (a) that there has been any misconduct or mismanagement in the administration of the body; and
- (b) that it is necessary or desirable to make an order under that subsection for the purpose of protecting the property of the body or securing a proper application of such property for the purposes of the body;

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*Status: This is the original version (as it was originally enacted).*

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and the reference in that subsection to the Commissioners being satisfied as to those matters is a reference to their being so satisfied on the basis of such information as may be supplied to them by the Lord Advocate.

(4) Where—

- (a) any person in England and Wales holds any property on behalf of a recognised body or of any person concerned in the management or control of such a body, and
- (b) the Commissioners are satisfied (whether on the basis of such information as may be supplied to them by the Lord Advocate or otherwise)—
  - (i) that there has been any misconduct or mismanagement in the administration of the body, and
  - (ii) that it is necessary or desirable to make an order under this subsection for the purpose of protecting the property of the body or securing a proper application of such property for the purposes of the body,

the Commissioners may by order vest the property in such recognised body or charity as is specified in the order in accordance with subsection (5) below, or require any persons in whom the property is vested to transfer it to any such body or charity, or appoint any person to transfer the property to any such body or charity.

(5) The Commissioners may specify in an order under subsection (4) above such other recognised body or such charity as they consider appropriate, being a body or charity whose purposes are, in the opinion of the Commissioners, as similar in character to those of the body referred to in paragraph (a) of that subsection as is reasonably practicable; but the Commissioners shall not so specify any body or charity unless they have received—

- (a) from the persons concerned in the management or control of the body, or
- (b) from the charity trustees of the charity,

as the case may be, written confirmation that they are willing to accept the property.

(6) In this section “recognised body” has the same meaning as in Part I of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (Scottish charities).