



Charities Act 2011

2011 CHAPTER 25

PART 13

UNINCORPORATED CHARITIES

Powers to alter purposes or powers etc. of unincorporated charity

275 Resolution to replace purposes of unincorporated charity

- (1) This section applies to a charity if—
 - (a) its gross income in its last financial year did not exceed £10,000,
 - (b) it does not hold any designated land, and
 - (c) it is not a company or other body corporate.

“Designated land” means land held on trusts which stipulate that it is to be used for the purposes, or any particular purposes, of the charity.
- (2) The charity trustees of such a charity may resolve for the purposes of this section that the trusts of the charity should be modified by replacing all or any of the purposes of the charity with other purposes specified in the resolution.
- (3) The other purposes so specified must be charitable purposes.
- (4) But the charity trustees of a charity do not have power to pass a resolution under subsection (2) unless they are satisfied—
 - (a) that it is expedient in the interests of the charity for the purposes in question to be replaced, and
 - (b) that, so far as is reasonably practicable, the new purposes consist of or include purposes that are similar in character to those that are to be replaced.
- (5) Any resolution under subsection (2) must be passed by a majority of not less than two-thirds of the charity trustees who vote on the resolution.
- (6) Where charity trustees have passed a resolution under subsection (2), they must send a copy of it to the Commission, together with a statement of their reasons for passing it.

Status: Point in time view as at 14/03/2012.

Changes to legislation: Charities Act 2011, Cross Heading: Powers to alter purposes or powers etc. of unincorporated charity is up to date with all changes known to be in force on or before 22 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

276 Notice of, and information about, s.275 resolution

- (1) Having received the copy of the resolution under section 275(6), the Commission—
 - (a) may direct the charity trustees to give public notice of the resolution in such manner as is specified in the direction, and
 - (b) if it gives such a direction, must take into account any representations made to it—
 - (i) by persons appearing to it to be interested in the charity, and
 - (ii) within the period of 28 days beginning with the date when public notice of the resolution is given by the charity trustees.
- (2) The Commission may also direct the charity trustees to provide the Commission with additional information or explanations relating to—
 - (a) the circumstances in and by reference to which they have decided to act under section 275, or
 - (b) their compliance with any obligation imposed on them by or under section 275 or this section in connection with the resolution.

277 General rule as to when s.275 resolution takes effect

Subject to section 278, a resolution under section 275(2) takes effect at the end of the period of 60 days beginning with the date on which the copy of it was received by the Commission.

278 S.275 resolution not to take effect or to take effect at a later date

- (1) A resolution does not take effect under section 277 if before the end of—
 - (a) the 60-day period, or
 - (b) that period as modified by subsection (4) or (5),
 the Commission notifies the charity trustees in writing that it objects to the resolution, either on procedural grounds or on the merits of the proposals contained in the resolution.
- (2) “The 60-day period” means the period of 60 days mentioned in section 277.
- (3) “On procedural grounds” means on the grounds that any obligation imposed on the charity trustees by or under section 275 or 276 has not been complied with in connection with the resolution.
- (4) If under section 276(1) the Commission directs the charity trustees to give public notice of a resolution, the running of the 60-day period is suspended by virtue of this subsection—
 - (a) as from the date on which the direction is given to the charity trustees, and
 - (b) until the end of the period of 42 days beginning with the date on which public notice of the resolution is given by the charity trustees.
- (5) If under section 276(2) the Commission directs the charity trustees to provide any information or explanations, the running of the 60-day period is suspended by virtue of this subsection—
 - (a) as from the date on which the direction is given to the charity trustees, and
 - (b) until the date on which the information or explanations is or are provided to the Commission.

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- (6) Subsection (7) applies once the period of time, or the total period of time, during which the 60-day period is suspended by virtue of either or both of subsections (4) and (5) exceeds 120 days.
- (7) At that point the resolution (if not previously objected to by the Commission) is to be treated as if it had never been passed.

279 Replacement of purposes in accordance with s.275

As from the time when a resolution takes effect under section 277, the trusts of the charity concerned are to be taken to have been modified in accordance with the terms of the resolution.

280 Power to modify powers or procedures of unincorporated charity

- (1) This section applies to any charity which is not a company or other body corporate.
- (2) The charity trustees of such a charity may resolve for the purposes of this section that any provision of the trusts of the charity—
 - (a) relating to any of the powers exercisable by the charity trustees in the administration of the charity, or
 - (b) regulating the procedure to be followed in any respect in connection with its administration,should be modified in such manner as is specified in the resolution.
- (3) Subsection (4) applies if the charity is an unincorporated association with a body of members distinct from the charity trustees.
- (4) Any resolution of the charity trustees under subsection (2) must be approved by a further resolution which is passed at a general meeting of the body—
 - (a) by a majority of not less than two-thirds of the members entitled to attend and vote at the meeting who vote on the resolution, or
 - (b) by a decision taken without a vote and without any expression of dissent in response to the question put to the meeting.
- (5) Where—
 - (a) the charity trustees have passed a resolution under subsection (2), and
 - (b) (if subsection (4) applies) a further resolution has been passed under that subsection,the trusts of the charity are to be taken to have been modified in accordance with the terms of the resolution.
- (6) The trusts are to be taken to have been so modified as from—
 - (a) such date as is specified for this purpose in the resolution under subsection (2), or
 - (b) (if later) the date when any such further resolution was passed under subsection (4).

Status:

Point in time view as at 14/03/2012.

Changes to legislation:

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