



Charities Act 2011

2011 CHAPTER 25

PART 6

CY-PRÈS POWERS AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND COMMISSION

Additional powers of Commission

110 Power to give advice

- (1) The Commission may, on the written application of any charity trustee or trustee for a charity, give the applicant its opinion or advice in relation to any matter—
 - (a) relating to the performance of any duties of the applicant, as such a trustee, in relation to the charity concerned, or
 - (b) otherwise relating to the proper administration of the charity.
- (2) A person (“P”) who—
 - (a) is a charity trustee or trustee for a charity, and
 - (b) acts in accordance with any opinion or advice given by the Commission under subsection (1) (whether to P or another trustee),is to be treated, as regards P’s responsibility for so acting, as having acted in accordance with P’s trust.
- (3) But subsection (2) does not apply to P if, when so acting—
 - (a) P knows or has reasonable cause to suspect that the opinion or advice was given in ignorance of material facts, or
 - (b) a decision of the court or the Tribunal has been obtained on the matter or proceedings are pending to obtain one.

111 Power to determine membership of charity

- (1) The Commission may—
 - (a) on the application of a charity, or

- (b) at any time after the institution of an inquiry under section 46 with respect to a charity,
determine who are the members of the charity.
- (2) The Commission's power under subsection (1) may also be exercised by a person appointed by the Commission for the purpose.
- (3) In a case within subsection (1)(b) the Commission may, if it thinks fit, so appoint the person appointed to conduct the inquiry.

112 Power to order assessment of solicitor's bill

- (1) The Commission may order that a solicitor's bill of costs for business done for a charity, or for charity trustees or trustees for a charity, is to be assessed, together with the costs of the assessment—
 - (a) by a costs officer in such division of the High Court as may be specified in the order, or
 - (b) by the costs officer of any other court having jurisdiction to order the assessment of the bill.
- (2) On any order under this section for the assessment of a solicitor's bill—
 - (a) the assessment is to proceed,
 - (b) the costs officer has the same powers and duties, and
 - (c) the costs of the assessment are to be borne,as if the order had been made, on the application of the person chargeable with the bill, by the court in which the costs are assessed.
- (3) No order under this section for the assessment of a solicitor's bill is to be made after payment of the bill, unless the Commission is of opinion that it contains exorbitant charges.
- (4) No order under this section is to be made in any case where the solicitor's costs are not subject to assessment on an order of the High Court because of—
 - (a) an agreement as to the solicitor's remuneration, or
 - (b) the lapse of time since payment of the bill.