



Charities Act 2011

2011 CHAPTER 25

PART 6

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

Legal proceedings relating to charities

114 Proceedings by the Commission

- (1) Subject to subsection (2), the Commission 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) does not apply to the power of the Attorney General under section 113(2) 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 Commission under subsection (1) are 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 is to be treated as requiring the Attorney General to be a party to any such proceedings.
- (5) The powers exercisable by the Commission by virtue of this section are exercisable—
 - (a) by the Commission of its own motion, but
 - (b) only with the agreement of the Attorney General on each occasion.