



# Charities Act 2011

## 2011 CHAPTER 25

### PART 6

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

##### *Powers of Commission to make schemes etc.*

#### **75 Further powers to alter application of charitable property**

- (1) Subsection (2) applies where the Commission is satisfied that—
  - (a) the whole of the income of a charity cannot in existing circumstances be effectively applied for the purposes of the charity,
  - (b) if those circumstances continue, a scheme might be made for applying the surplus cy-près, and
  - (c) it is for any reason not yet desirable to make such a scheme.
- (2) The Commission may by order authorise the charity trustees at their discretion (but subject to any conditions imposed by the order) to apply any accrued or accruing income for any purposes for which it might be made applicable by such a scheme.
- (3) Any application of accrued or accruing income authorised by an order under subsection (2) is to be treated as being within the purposes of the charity.
- (4) An order under subsection (2) must not extend—
  - (a) to more than £300 out of income accrued before the date of the order,
  - (b) to income accruing more than 3 years after that date, or
  - (c) to more than £100 out of the income accruing in any of those 3 years.

**Changes to legislation:**

Charities Act 2011, Section 75 is up to date with all changes known to be in force on or before 21 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)