



# 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 act for protection of charities etc.*

#### **86 Copy of certain orders, and reasons, to be sent to charity**

- (1) Where the Commission makes an order under a provision mentioned in subsection (2) it must send the documents mentioned in subsection (3)—
  - (a) to the charity concerned (if a body corporate), or
  - (b) (if not) to each of the charity trustees.
- (2) The provisions are—
  - section 76 (suspension of trustees etc. and appointment of interim managers);
  - section 79 (removal of trustee or officer etc. for protective etc. purposes);
  - section 80 (other powers to remove or appoint charity trustees);
  - section 81 (removal or appointment of charity trustees etc.: supplementary);
  - section 83 (power to suspend or remove trustees etc. from membership of charity);
  - section 84 (power to direct specified action to be taken);
  - [<sup>F1</sup>section 84A (power to direct specified action not to be taken),]
  - [<sup>F2</sup>section 84B (power to direct winding up),]
  - section 85 (power to direct application of charity property).
- (3) The documents are—
  - (a) a copy of the order, and
  - (b) a statement of the Commission's reasons for making it.

*Status: Point in time view as at 31/07/2016.*

*Changes to legislation: Charities Act 2011, Section 86 is up to date with all changes known to be in force on or before 02 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. (See end of Document for details)*

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- (4) The documents must be sent to the charity or charity trustees as soon as practicable after the making of the order.
- (5) The Commission need not comply with subsection (4) in relation to the documents, or (as the case may be) the statement of its reasons, if it considers that to do so—
- (a) would prejudice any inquiry or investigation, or
  - (b) would not be in the interests of the charity;
- but, once the Commission considers that this is no longer the case, it must send the documents, or (as the case may be) the statement, to the charity or charity trustees as soon as practicable.
- (6) Nothing in this section requires any document to be sent to a person who—
- (a) cannot be found, or
  - (b) has no known address in the United Kingdom.
- (7) Any documents required to be sent to a person under this section may be sent to, or otherwise served on, the person in the same way as an order made by the Commission under this Act could be served on the person in accordance with section 339.

#### **Textual Amendments**

- F1** Words in s. 86(2) inserted (31.7.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\), ss. 6\(4\), 17\(4\); S.I. 2016/815, reg. 2\(e\)](#)
- F2** Words in s. 86(2) inserted (31.7.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\), ss. 7\(4\), 17\(4\); S.I. 2016/815, reg. 2\(f\)](#)

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