



Charities Act 2011

2011 CHAPTER 25

PART 6

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

Official custodian and Reverter of Sites Act 1987

95 Supplementary provisions in connection with 1987 Act

- (1) Subsection (2) applies where—
 - (a) section 1 of the 1987 Act has operated in relation to any such land as is mentioned in section 93(1)(a), and
 - (b) the land remains vested in the official custodian as mentioned in section 93(1)(b).
- (2) Subject to subsection (3)—
 - (a) all the powers, duties and liabilities that would, apart from this section, be those of the official custodian as trustee of the land are instead to be those of the charity trustees of the charity concerned, and
 - (b) those trustees may, in the name and on behalf of the official custodian, execute and do all assurances and things which they could properly execute or do in their own name and on their own behalf if the land were vested in them.
- (3) Subsection (2) is not to be treated as requiring or authorising those trustees to sell the land at a time when it remains vested in the official custodian.
- (4) Where—
 - (a) the official custodian has been discharged from the trusteeship of any land by an order under section 93, and
 - (b) the land has, in accordance with section 94, been vested in the charity trustees concerned or (as the case may be) in any persons other than those trustees,

Status: Point in time view as at 27/06/2018.

Changes to legislation: Charities Act 2011, Section 95 is up to date with all changes known to be in force on or before 03 June 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)

the land is to be held by those trustees, or (as the case may be) by those persons, as trustees on the terms of the trust arising under section 1 of the 1987 Act.

- (5) The official custodian is not liable to any person in respect of any loss or misapplication of any land vested in the official custodian in accordance with section 1 of the 1987 Act unless it is occasioned by or through any wilful neglect or default of—
- (a) the official custodian, or
 - (b) any person acting for the official custodian.
- (6) But the Consolidated Fund is liable to make good to any person any sums for which the official custodian may be liable because of any such neglect or default.

Status:

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