



2008 CHAPTER 12

PART 9

CHARITY TRUSTEES

CHAPTER 1

INCORPORATION OF CHARITY TRUSTEES

Power of Commission to dissolve incorporated body

84.—(1) Where the Commission is satisfied—

- (a) that an incorporated body has no assets or does not operate, or
- (b) that the relevant charity in the case of an incorporated body has ceased to exist, or
- (c) that the institution previously constituting, or treated by the Commission as constituting, any such charity has ceased to be, or (as the case may be) was not at the time of the body's incorporation, a charity, or
- (d) that the purposes of the relevant charity in the case of an incorporated body have been achieved so far as is possible or are in practice incapable of being achieved,

the Commission may of its own motion make an order dissolving the body as from such date as is specified in the order.

(2) Where the Commission is satisfied, on the application of the trustees of the relevant charity in the case of an incorporated body, that it would be in the interests of the charity for that body to be dissolved, the Commission may make an order dissolving the body as from such date as is specified in the order.

(3) Subject to subsection (4), an order made under this section with respect to an incorporated body shall have the effect of vesting in the trustees of the relevant charity, in trust for that charity, all property for the time being vested—

- (a) in the body, or
- (b) in any other person (apart from the official custodian),

in trust for that charity.

(4) If the Commission so directs in the order—

(a) all or any specified part of that property shall, instead of vesting in the trustees of the relevant charity, vest—

- (i) in a specified person as trustee for, or nominee of, that charity, or
- (ii) in such persons (other than the trustees of the relevant charity) as may be specified;

(b) any specified investments, or any specified class or description of investments, held by any person in trust for the relevant charity shall be transferred—

- (i) to the trustees of that charity, or
- (ii) to any such person or persons as is or are mentioned in paragraph (a) (i) or (ii);

and for this purpose “specified” means specified by the Commission in the order.

(5) Where an order to which this subsection applies is made with respect to an incorporated body—

- (a) any rights or liabilities of the body shall become rights or liabilities of the trustees of the relevant charity; and
- (b) any legal proceedings that might have been continued or commenced by or against the body may be continued or commenced by or against those trustees.

(6) Subsection (5) applies to any order under this section by virtue of which—

(a) any property vested as mentioned in subsection (3) is vested—

- (i) in the trustees of the relevant charity, or
- (ii) in any person as trustee for, or nominee of, that charity; or

(b) any investments held by any person in trust for the relevant charity are required to be transferred—

- (i) to the trustees of that charity, or
- (ii) to any person as trustee for, or nominee of, that charity.