



# Charities Act 1993 (repealed)

## 1993 CHAPTER 10

### PART IX

#### MISCELLANEOUS

##### *Scottish charities*

#### **80 Supervision by [<sup>F1</sup>Commission] of certain Scottish charities.**

(1) The following provisions of this Act, namely—

- (a) sections 8 and 9,
- (b) section 18 (except subsection (2)(ii)),
- [<sup>F2</sup>(c) sections 19 to 19C, and
- (d) section 31A,]

shall have effect in relation to any recognised body which is managed or controlled wholly or mainly in or from England or Wales as they have effect in relation to a charity.

(2) Where—

- (a) a recognised body is managed or controlled wholly or mainly in or from Scotland, but
- (b) any person in England and Wales holds any property on behalf of the body or of any person concerned in its management or control,

then, if [<sup>F3</sup>the Commission is satisfied] as to the matters mentioned in subsection (3) below, [<sup>F4</sup>it may make] an order requiring the person holding the property not to part with it without [<sup>F5</sup>the Commission's approval].

(3) The matters referred to in subsection (2) above are—

- (a) that there has been any misconduct or mismanagement in the administration of the body; and

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- (b) that it is necessary or desirable to make an order under that subsection for the purpose of protecting the property of the body or securing a proper application of such property for the purposes of the body;
- and the reference in that subsection to [F6the Commission] being satisfied as to those matters is a reference to [F7the Commission being] so satisfied on the basis of such information as may be [F8supplied to it] by the [F9Scottish Charity Regulator].
- (4) Where—
- (a) any person in England and Wales holds any property on behalf of a recognised body or of any person concerned in the management or control of such a body, and
- (b) [F10the Commission is satisfied] (whether on the basis of such information as may be [F11supplied to it] by the [F12Scottish Charity Regulator] or otherwise)
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- (i) that there has been any misconduct or mismanagement in the administration of the body, and
- (ii) that it is necessary or desirable to make an order under this subsection for the purpose of protecting the property of the body or securing a proper application of such property for the purposes of the body,
- [F13the Commission] may by order vest the property in such recognised body or charity as is specified in the order in accordance with subsection (5) below, or require any persons in whom the property is vested to transfer it to any such body or charity, or appoint any person to transfer the property to any such body or charity.
- (5) The [F14Commission] may specify in an order under subsection (4) above such other recognised body or such charity as [F15it considers] appropriate, being a body or charity whose purposes are, in the opinion of the [F14Commission], as similar in character to those of the body referred to in paragraph (a) of that subsection as is reasonably practicable; but the [F14Commission] shall not so specify any body or charity unless [F16it has received]—
- (a) from the persons concerned in the management or control of the body, or
- (b) from the charity trustees of the charity,
- as the case may be, written confirmation that they are willing to accept the property.
- (6) In this section “recognised body” [F17means a body entered in the Scottish Charity Register].

#### Textual Amendments

- F1** Word in s. 80 heading substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(7)**; S.I. 2007/309, art. 2, Sch.
- F2** S. 80(1)(c)(d) substituted for s. 80(1)(c) (27.2.2007 for specified purposes, 18.3.2008 in so far as not already in force) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(2)**; S.I. 2007/309, art. 2, Sch.; S.I. 2008/751, art. 2, Sch.
- F3** Words in s. 80(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(3)(a)**; S.I. 2007/309, art. 2, Sch.
- F4** Words in s. 80(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(3)(b)**; S.I. 2007/309, art. 2, Sch.
- F5** Words in s. 80(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(3)(c)**; S.I. 2007/309, art. 2, Sch.
- F6** Words in s. 80(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(4)(a)**; S.I. 2007/309, art. 2, Sch.

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- F7** Words in s. 80(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(4)(b)**; S.I. 2007/309, art. 2, Sch.
- F8** Words in s. 80(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(4)(c)**; S.I. 2007/309, art. 2, Sch.
- F9** Words in s. 80(3) substituted (1.4.2006) by Charities and Trustee Investment (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2006 (S.I. 2006/242), art. 1(3), **Sch. para. 6(3)(a)**
- F10** Words in s. 80(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(5)(a)**; S.I. 2007/309, art. 2, Sch.
- F11** Words in s. 80(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(5)(b)**; S.I. 2007/309, art. 2, Sch.
- F12** Words in s. 80(4)(b) substituted (1.4.2006) by Charities and Trustee Investment (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2006 (S.I. 2006/242), art. 1(3), **Sch. para. 6(3)(a)**
- F13** Words in s. 80(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(5)(c)**; S.I. 2007/309, art. 2, Sch.
- F14** Words in s. 80(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(6)(a)**; S.I. 2007/309, art. 2, Sch.
- F15** Words in s. 80(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(6)(b)**; S.I. 2007/309, art. 2, Sch.
- F16** Words in s. 80(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 162(6)(c)**; S.I. 2007/309, art. 2, Sch.
- F17** Words in s. 80(6) substituted (1.4.2006) by Charities and Trustee Investment (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2006 (S.I. 2006/242), art. 1(3), **Sch. para. 6(3)(b)**

**Modifications etc. (not altering text)**

- C1** S. 80: functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by S.I. 1999/678, arts. 2, 3, **Sch.** (with art. 7)

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