



Charities Act 1993

1993 CHAPTER 10

PART IV

APPLICATION OF PROPERTY *CY-PRÈS* AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND COMMISSIONERS

Powers of Commissioners to make schemes and act for protection of charities etc.

19 Supplementary provisions relating to receiver and manager appointed for a charity

- (1) The Commissioners may under section 18(1)(vii) above appoint to be receiver and manager in respect of the property and affairs of a charity such person (other than an officer or employee of theirs) as they think fit.
- (2) Without prejudice to the generality of section 89(1) below, any order made by the Commissioners under section 18(1)(vii) above may make provision with respect to the functions to be discharged by the receiver and manager appointed by the order; and those functions shall be discharged by him under the supervision of the Commissioners.
- (3) In connection with the discharge of those functions any such order may provide—
 - (a) for the receiver and manager appointed by the order to have such powers and duties of the charity trustees of the charity concerned (whether arising under this Act or otherwise) as are specified in the order;
 - (b) for any powers or duties exercisable or falling to be performed by the receiver and manager by virtue of paragraph (a) above to be exercisable or performed by him to the exclusion of those trustees.
- (4) Where a person has been appointed receiver and manager by any such order—
 - (a) section 29 below shall apply to him and to his functions as a person so appointed as it applies to a charity trustee of the charity concerned and to his duties as such; and

Status: This is the original version (as it was originally enacted).

- (b) the Commissioners may apply to the High Court for directions in relation to any particular matter arising in connection with the discharge of those functions.
- (5) The High Court may on an application under subsection (4)(b) above—
 - (a) give such directions, or
 - (b) make such orders declaring the rights of any persons (whether before the court or not),as it thinks just; and the costs of any such application shall be paid by the charity concerned.
- (6) Regulations made by the Secretary of State may make provision with respect to—
 - (a) the appointment and removal of persons appointed in accordance with this section;
 - (b) the remuneration of such persons out of the income of the charities concerned;
 - (c) the making of reports to the Commissioners by such persons.
- (7) Regulations under subsection (6) above may, in particular, authorise the Commissioners—
 - (a) to require security for the due discharge of his functions to be given by a person so appointed;
 - (b) to determine the amount of such a person's remuneration;
 - (c) to disallow any amount of remuneration in such circumstances as are prescribed by the regulations.