



Charities Act 1993 (repealed)

1993 CHAPTER 10

PART IV

APPLICATION OF PROPERTY CY-PRÈS AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT ^[F1]AND COMMISSION]

[F1 Additional powers of Commission]

27 Power to authorise ex gratia payments etc.

- (1) Subject to subsection (3) below, ^[F1]the Commission] may by order exercise the same power as is exercisable by the Attorney General to authorise the charity trustees of a charity—
- (a) to make any application of property of the charity, or
 - (b) to waive to any extent, on behalf of the charity, its entitlement to receive any property,
- in a case where the charity trustees—
- (i) (apart from this section) have no power to do so, but
 - (ii) in all the circumstances regard themselves as being under a moral obligation to do so.
- (2) The power conferred on ^[F2]the Commission] by subsection (1) above shall be exercisable ^[F3]by the Commission] under the supervision of, and in accordance with such directions as may be given by, the Attorney General; and any such directions may in particular require ^[F2]the Commission], in such circumstances as are specified in the directions—
- (a) to refrain from exercising that power; or
 - (b) to consult the Attorney General before exercising it.
- (3) Where—
- (a) an application is made to ^[F4]the Commission for it] to exercise that power in a case where ^[F5]it is not] precluded from doing so by any such directions, but

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Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), Section 27. (See end of Document for details)

(b) [^{F6}the Commission considers] that it would nevertheless be desirable for the application to be entertained by the Attorney General rather than [^{F7}by the Commission],

[^{F8}the Commission shall] refer the application to the Attorney General.

(4) It is hereby declared that where, in the case of any application made [^{F9}to the Commission] as mentioned in subsection (3)(a) above, [^{F10}the Commission determines] the application by refusing to authorise charity trustees to take any action falling within subsection (1)(a) or (b) above, that refusal shall not preclude the Attorney General, on an application subsequently made to him by the trustees, from authorising the trustees to take that action.

Textual Amendments

- F1** Words in s. 27(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(2\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F2** Words in s. 27(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(3\)\(a\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F3** Words in s. 27(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(3\)\(b\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F4** Words in s. 27(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(4\)\(a\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F5** Words in s. 27(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(4\)\(b\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F6** Words in s. 27(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(4\)\(c\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F7** Words in s. 27(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(4\)\(d\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F8** Words in s. 27(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(4\)\(e\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F9** Words in s. 27(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(5\)\(a\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F10** Words in s. 27(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 120\(5\)\(b\)](#); [S.I. 2007/309, art. 2, Sch.](#)

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Changes to legislation:

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