



Charities Act 1993 (repealed)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]

Legal proceedings relating to charities

33 Proceedings by other persons.

- (1) Charity proceedings may be taken with reference to a charity either by the charity, or by any of the charity trustees, or by any person interested in the charity, or by any two or more inhabitants of the area of the charity if it is a local charity, but not by any other person.
- (2) Subject to the following provisions of this section, no charity proceedings relating to a charity (other than an exempt charity) shall be entertained or proceeded with in any court unless the taking of the proceedings is authorised by order of ^[F1]the Commission].
- (3) ^[F2]The Commission] shall not, without special reasons, authorise the taking of charity proceedings where in ^[F3]its opinion] the case can be dealt with ^[F4]by the Commission] under the powers of this Act other than those conferred by section 32 above.
- (4) This section shall not require any order for the taking of proceedings in a pending cause or matter or for the bringing of any appeal.
- (5) Where the foregoing provisions of this section require the taking of charity proceedings to be authorised by an order of ^[F5]the Commission], the proceedings may nevertheless be entertained or proceeded with if, after the order had been applied for and refused, leave to take the proceedings was obtained from one of the judges of the High Court attached to the Chancery Division.

Status: Point in time view as at 27/02/2007. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), Section 33. (See end of Document for details)

- (6) Nothing in the foregoing subsections shall apply to the taking of proceedings by the Attorney General, with or without a relator, or to the taking of proceedings by [^{F5}the Commission] in accordance with section 32 above.
- (7) Where it appears to [^{F6}the Commission], on an application for an order under this section or otherwise, that it is desirable for legal proceedings to be taken with reference to any charity (other than an exempt charity) or its property or affairs, and for the proceedings to be taken by the Attorney General, [^{F6}the Commission] shall so inform the Attorney General, and send him such statements and particulars as [^{F7}the Commission thinks] necessary to explain the matter.
- (8) In this section “charity proceedings” means proceedings in any court in England or Wales brought under the court’s jurisdiction with respect to charities, or brought under the court’s jurisdiction with respect to trusts in relation to the administration of a trust for charitable purposes.

Textual Amendments

- F1** Words in s. 33(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 125\(2\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F2** Words in s. 33(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 125\(3\)\(a\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F3** Words in s. 33(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 125\(3\)\(b\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F4** Words in s. 33(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 125\(3\)\(c\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F5** Words in s. 33(5)(6) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 125\(4\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F6** Words in s. 33(7) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 125\(5\)\(a\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)
- F7** Words in s. 33(7) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 125\(5\)\(b\)](#); [S.I. 2007/309](#), art. 2, [Sch.](#)

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