



# Charities Act 2011

## 2011 CHAPTER 25

### PART 6

#### CY-PRÈS POWERS AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND COMMISSION

##### *Power to give directions about dormant bank accounts of charities*

#### **109 Dormant bank accounts: supplementary**

- (1) No obligation as to secrecy or other restriction on disclosure (however imposed) precludes a relevant institution from disclosing any information to the Commission for the purpose of enabling the Commission to discharge its functions under sections 107 and 108.
- (2) For the purposes of sections 107 and 108 and this section, an account is dormant if no transaction, other than—
  - (a) a transaction consisting in a payment into the account, or
  - (b) a transaction which the institution holding the account has itself caused to be effected,has been effected in relation to the account within the period of 5 years immediately preceding the date when the Commission is informed as mentioned in section 107(1) (a).
- (3) For the purposes of sections 107 and 108 and this section, a “relevant institution” means—
  - (a) the Bank of England [<sup>F1</sup>(acting otherwise than in its capacity as the Prudential Regulation Authority)],
  - (b) a person who has permission under [<sup>F2</sup>Part 4A] of the Financial Services and Markets Act 2000 to accept deposits,
  - <sup>F3</sup>(c) ..... or
  - (d) such other person who may lawfully accept deposits in the United Kingdom as may be prescribed by the [<sup>F4</sup>Secretary of State].

*Changes to legislation: Charities Act 2011, Section 109 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) In subsection (3), paragraphs (b) to (d) are to be read with—
- (a) section 22 of the Financial Services and Markets Act 2000,
  - (b) any relevant order under that section, and
  - (c) Schedule 2 to that Act.
- (5) For the purposes of sections 107 and 108, references to the transfer of any amount to a charity are references to its transfer—
- (a) to the charity trustees, or
  - (b) to any trustee for the charity,
- as the charity trustees may determine (and any reference to any amount received by a charity is to be read accordingly).
- (6) For the purpose of determining the matters in respect of which any of the powers conferred by sections 46 to 53 (inquiries and searches) may be exercised it is to be assumed that the Commission has no functions under section 107 or 108 in relation to accounts to which this subsection applies.
- (This has the result that, for example, a relevant institution is not, in connection with the Commission's functions under sections 107 and 108, required under section 47(2) (a) to provide any statements, or answer any questions or inquiries, with respect to any such accounts held by the institution.)
- (7) Subsection (6) applies to accounts which—
- (a) are dormant accounts by virtue of subsection (2), but
  - (b) would not be dormant accounts if subsection (2)(a) were omitted.

#### Textual Amendments

- F1** Words in s. 109(3)(a) inserted (1.3.2017) by [The Bank of England and Financial Services \(Consequential Amendments\) Regulations 2017 \(S.I. 2017/80\)](#), reg. 1, **Sch. para. 20**
- F2** Words in s. 109(3) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), **Sch. 18 para. 136** (with [Sch. 20](#)); [S.I. 2013/423](#), Sch.
- F3** S. 109(3)(c) omitted (31.12.2020) by virtue of [The EEA Passport Rights \(Amendment, etc., and Transitional Provisions\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1149\)](#), reg. 1(3), **Sch. para. 42** (with reg. 4); [2020 c. 1](#), Sch. 5 para. 1(1)
- F4** Words in s. 109(3)(d) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(q)** (with art. 12)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)