



Charities Act 2011

2011 CHAPTER 25

PART 6

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

Legal proceedings relating to charities

115 Proceedings by other persons

- (1) Charity proceedings may be taken with reference to a charity by—
 - (a) the charity,
 - (b) any of the charity trustees,
 - (c) any person interested in the charity, or
 - (d) if it is a local charity, any two or more inhabitants of the area of the charity,but not by any other person.
- (2) Subject to the following provisions of this section, no charity proceedings relating to a charity are to be entertained or proceeded with in any court unless the taking of the proceedings is authorised by order of the Commission.
- (3) The Commission must not, without special reasons, authorise the taking of charity proceedings where in its opinion the case can be dealt with by the Commission under the powers of this Act other than those conferred by section 114.
- (4) This section does not require an order for the taking of proceedings—
 - (a) in a pending cause or matter, or
 - (b) for the bringing of any appeal.
- (5) Where subsections (1) to (4) require the taking of charity proceedings to be authorised by an order of 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.

Changes to legislation: *Charities Act 2011, Section 115 is up to date with all changes known to be in force on or before 30 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*

- (6) Nothing in subsections (1) to (5) applies—
- (a) to the taking of proceedings by the Attorney General, with or without a relator, or
 - (b) to the taking of proceedings by the Commission in accordance with section 114.
- (7) If it appears to the Commission, on an application for an order under this section or otherwise, that it is desirable—
- (a) for legal proceedings to be taken with reference to any charity or its property or affairs, and
 - (b) for the proceedings to be taken by the Attorney General,
- the Commission must so inform the Attorney General and send the Attorney General such statements and particulars as 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—
- (a) the court's jurisdiction with respect to charities, or
 - (b) the court's jurisdiction with respect to trusts in relation to the administration of a trust for charitable purposes.

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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](#)