



Charities Act 2011

2011 CHAPTER 25

PART 14

SPECIAL TRUSTS

291 When and how s.289 resolution takes effect

- (1) When considering whether to concur with the resolution under section 289(2), the Commission must take into account—
 - (a) any evidence available to it as to the wishes of the donor or donors mentioned in section 289(1)(a), and
 - (b) any changes in the circumstances relating to the relevant charity since the making of the gift or gifts (including, in particular, its financial position, the needs of its beneficiaries, and the social, economic and legal environment in which it operates).
- (2) The Commission must not concur with the resolution unless it is satisfied—
 - (a) that its implementation would accord with the spirit of the gift or gifts mentioned in section 289(1)(a) (even though it would be inconsistent with the restrictions mentioned in section 289(2)), and
 - (b) that the charity trustees have complied with the obligations imposed on them by or under section 289 or 290 in connection with the resolution.
- (3) Before the end of the period of 3 months beginning with the relevant date, the Commission must notify the charity trustees in writing—
 - (a) that the Commission concurs with the resolution, or
 - (b) that it does not concur with it.
- (4) In subsection (3) “the relevant date” means—
 - (a) if the Commission directs the charity trustees under section 290(1) to give public notice of the resolution, the date when that notice is given, and
 - (b) otherwise, the date on which the Commission receives the copy of the resolution in accordance with section 289(4).

Status: This is the original version (as it was originally enacted).

- (5) Where—
- (a) the charity trustees are notified by the Commission that it concurs with the resolution, or
 - (b) the period of 3 months mentioned in subsection (3) has elapsed without the Commission notifying them that it does not concur with the resolution,
- the fund or portion may, by virtue of this section, be expended in carrying out the purposes set out in the trusts to which the fund is subject without regard to the restrictions mentioned in section 289(2).
- (6) The fund or portion may be so expended as from such date as is specified for this purpose in the resolution.