



Charities Act 2011

2011 CHAPTER 25

PART 6

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

Powers of Commission to act for protection of charities etc.

80 Other powers to remove or appoint charity trustees

- (1) The Commission may remove a charity trustee by order made of its own motion if—
- (a) within the last 5 years, the trustee—
 - (i) having previously been adjudged bankrupt, has been discharged, or
 - (ii) having previously made a composition or arrangement with, or granted a trust deed for, creditors, has been discharged in respect of it;
 - (b) the trustee is a corporation in liquidation;
 - (c) the trustee is incapable of acting because of mental disorder within the meaning of the Mental Health Act 1983;
 - (d) the trustee has not acted, and will not make a declaration of willingness or unwillingness to act;
 - (e) the trustee—
 - (i) is outside England and Wales or cannot be found, or
 - (ii) does not act,and the trustee's absence or failure to act impedes the proper administration of the charity.
- (2) The Commission may by order made of its own motion appoint a person to be a charity trustee—
- (a) in place of a charity trustee removed by the Commission under section 79 or subsection (1) or otherwise;

Status: This is the original version (as it was originally enacted).

- (b) if there are no charity trustees, or if because of vacancies in their number or the absence or incapacity of any of their number the charity cannot apply for the appointment;
 - (c) if there is a single charity trustee who is not a corporation aggregate and the Commission is of opinion that it is necessary to increase the number for the proper administration of the charity;
 - (d) if the Commission is of opinion that it is necessary for the proper administration of the charity to have an additional charity trustee because one of the existing charity trustees who ought nevertheless to remain a charity trustee—
 - (i) is outside England and Wales or cannot be found, or
 - (ii) does not act.
- (3) In subsection (1)(a)(i), the reference to the trustee having been adjudged bankrupt includes a reference to the trustee's estate having been sequestered.
- (4) This section does not apply in relation to an exempt charity except at a time after the Commission has instituted an inquiry under section 46 with respect to it.