

Status: Point in time view as at 14/03/2012.

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SCHEDULES

SCHEDULE 6

Sections 319, 321, 323 and 324

APPEALS AND APPLICATIONS TO TRIBUNAL

Modifications etc. (not altering text)

- C1** Sch. 6 applied by 1987 c. 15, s. 4(2) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 48 (with s. 20(2), Sch. 8))
- C2** Sch. 6 applied by 1969 c. 22, s. 4(8A) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 17(1) (with s. 20(2), Sch. 8))
- C3** Sch. 6 applied by 1987 c. 3, s. 5(8B) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 47(2) (with s. 20(2), Sch. 8))

<i>1 Decision, direction or order</i>	<i>2 Appellants/applicants (see sections 319(2)(b) and 321(2)(b))</i>	<i>3 Tribunal powers if appeal or application allowed</i>
Decision of the Commission not to give a direction under section 12(1) or (2) in relation to an institution or a charity.	The persons are the trustees of the institution or charity concerned.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 30 or 34— (a) to enter or not to enter an institution in the register of charities, or (b) to remove or not to remove an institution from the register.	The persons are— (a) the persons who are or claim to be the charity trustees of the institution, (b) (if a body corporate) the institution itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission; (b) direct the Commission to rectify the register.
Decision of the Commission not to make a determination under section 38(3) in relation to particular information contained in the register.	The persons are— (a) the charity trustees of the charity to which the information relates, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 42 requiring the name of a charity to be changed.	The persons are— (a) the charity trustees of the charity to which the direction relates,	Power to— (a) quash the direction and (if appropriate)

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	(b) (if a body corporate) the charity itself, and	remit the matter to the Commission;
	(c) any other person who is or may be affected by the direction.	(b) substitute for the direction any other direction which could have been given by the Commission.
Decision of the Commission to institute an inquiry under section 46 with regard to a particular institution.	The persons are— (a) the persons who have control or management of the institution, and (b) (if a body corporate) the institution itself.	Power to direct the Commission to end the inquiry.
Decision of the Commission to institute an inquiry under section 46 with regard to a class of institutions.	The persons are— (a) the persons who have control or management of any institution which is a member of the class of institutions, and (b) (if a body corporate) any such institution.	Power to— (a) direct the Commission that the inquiry should not consider a particular institution; (b) direct the Commission to end the inquiry.
Order made by the Commission under section 52 requiring a person to supply information or a document.	The persons are any person who is required to supply the information or document.	Power to— (a) quash the order; (b) substitute for all or part of the order any other order which could have been made by the Commission.
Order made by the Commission under section 69(1) (including such an order made by virtue of section 92(2)).	The persons are— (a) in a section 69(1)(a) case, the charity trustees of the charity to which the order relates or (if a body corporate) the charity itself, (b) in a section 69(1)(b) case, any person discharged or removed by the order, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission; (b) substitute for all or part of the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 76(3) in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself,	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission;

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	(c) in a section 76(3) (a) case, any person suspended by the order, and (d) any other person who is or may be affected by the order.	(b) substitute for all or part of the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission— (a) to discharge an order following a review under section 76(6), or (b) not to discharge an order following such a review.	The persons are— (a) the charity trustees of the charity to which the order relates, (b) (if a body corporate) the charity itself, (c) if the order in question was made under section 76(3)(a), any person suspended by it, and (d) any other person who is or may be affected by the order.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) make the discharge of the order subject to savings or other transitional provisions; (c) remove any savings or other transitional provisions to which the discharge of the order was subject; (d) discharge the order in whole or in part (whether subject to any savings or other transitional provisions or not).
Order made by the Commission under section 79(2) in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, (c) in a section 79(2) (a) case, any person removed by the order, and (d) any other person who is or may be affected by the order.	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission; (b) substitute for all or part of the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 80(1) removing a charity trustee.	The persons are— (a) the charity trustee, (b) the remaining charity trustees of the charity of	Power to— (a) quash the order in whole or in part and (if appropriate) remit

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	which that trustee was a charity trustee,		the matter to the Commission;
	(c) (if a body corporate) the charity itself, and	(b)	substitute for all or part of the order any other order which could have been made by the Commission;
	(d) any other person who is or may be affected by the order.	(c)	add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 80(2) appointing a charity trustee.	The persons are—	Power to—	
	(a) the other charity trustees of the charity,	(a)	quash the order in whole or in part and (if appropriate) remit the matter to the Commission;
	(b) (if a body corporate) the charity itself, and	(b)	substitute for all or part of the order any other order which could have been made by the Commission;
	(c) any other person who is or may be affected by the order.	(c)	add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 83(2) which suspends a person's membership of a charity.	The persons are—	Power to quash the order and (if appropriate) remit the matter to the Commission.	
	(a) the person whose membership is suspended by the order, and		
	(b) any other person who is or may be affected by the order.		
Order made by the Commission under section 84(2) which directs a person to take action specified in the order.	The persons are any person who is directed by the order to take the specified action.	Power to quash the order and (if appropriate) remit the matter to the Commission.	
Order made by the Commission under section 85(2) which directs a person to apply property in a specified manner.	The persons are any person who is directed by the order to apply the property in the specified manner.	Power to quash the order and (if appropriate) remit the matter to the Commission.	
Order made by the Commission under section 87(3) in relation to a person holding property on	The persons are—	Power to quash the order and (if appropriate) remit the matter to the Commission.	
	(a) the person holding the property in question, and		

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behalf of a body entered in the Scottish Charity Register or of any person concerned in its management or control.	(b) any other person who is or may be affected by the order.	
Order made by the Commission under section 93(2) in relation to any land vested in the official custodian in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission not to make a common investment scheme under section 96.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make a common deposit scheme under section 100.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision by the Commission not to make an order under section 105 in relation to a charity.	The persons are— (a) the charity trustees of the charity, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 107 in relation to an account held in the name of or on behalf of a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and	Power to— (a) quash the direction and (if appropriate) remit the matter to the Commission; (b) substitute for the direction any other

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	(c) any other person who is or may be affected by the order.	direction which could have been given by the Commission; (c) add to the direction anything which could have been contained in a direction given by the Commission.
Order made by the Commission under section 112 for the assessment of a solicitor's bill.	The persons are— (a) the solicitor, (b) any person for whom the work was done by the solicitor, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission not to make an order under section 117 in relation to land held by or in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make an order under section 124 in relation to a mortgage of land held by or in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission
Order made by the Commission under section 146(1) requiring the accounts of a charity to be audited.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 147(2) in relation to a charitable company.	The persons are— (a) the directors of the company, (b) the company itself, and	Power to— (a) quash the order and (if appropriate) remit

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	(c) any other person who is or may be affected by the order.	the matter to the Commission; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 147(5) in relation to a charitable company, or a decision of the Commission not to make such an order in relation to a charitable company.	The persons are— (a) the charity trustees of the company, (b) the company itself, (c) in the case of a decision not to make an order, the auditor, and (d) any other person who is or may be affected by the order or the decision.	Power to— (a) quash the order or decision and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order of a kind the Commission could have made; (c) make any order which the Commission could have made.
Order made by the Commission under section 153(1) requiring the group accounts of a parent charity to be audited.	The persons are— (a) the charity trustees of the parent charity, (b) (if a body corporate) the parent charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 155 in relation to a charity, or a decision of the Commission not to make such an order in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, (c) in the case of a decision not to make an order, the auditor, independent examiner or examiner, and (d) any other person who is or may be affected by the order or the decision.	Power to— (a) quash the order or decision and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order of a kind the Commission could have made; (c) make any order which the Commission could have made.
Order made by the Commission under	The persons are—	Power to—

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<p>section 155 in relation to a member of a group, or a decision of the Commission not to make such an order in relation to a member of a group.</p>	<p>(a) the charity trustees of the member of the group, (b) (if a body corporate) the member of the group itself, (c) in the case of a decision not to make an order, the auditor, independent examiner or examiner, and (d) any other person who is or may be affected by the order or the decision.</p>	<p>(a) quash the order or decision and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order of a kind the Commission could have made; (c) make any order which the Commission could have made.</p>
<p>Decision of the Commission under section 168(3) to request charity trustees to prepare an annual report for a charity.</p>	<p>The persons are— (a) the charity trustees, and (b) (if a body corporate) the charity itself.</p>	<p>Power to quash the decision and (if appropriate) remit the matter to the Commission.</p>
<p>Decision of the Commission not to dispense with the requirements of section 169(1) in relation to a charity or class of charities.</p>	<p>The persons are the charity trustees of any charity affected by the decision.</p>	<p>Power to quash the decision and (if appropriate) remit the matter to the Commission.</p>
<p>Decision of the Commission under section 181(2) to waive, or not to waive, a person's disqualification.</p>	<p>The persons are— (a) the person who applied for the waiver, and (b) any other person who is or may be affected by the decision.</p>	<p>Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) substitute for the decision any other decision of a kind which could have been made by the Commission.</p>
<p>Order made by the Commission under section 184(3) in relation to a person who has acted as charity trustee or trustee for a charity.</p>	<p>The persons are— (a) the person subject to the order, and (b) any other person who is or may be affected by the order.</p>	<p>Power to— (a) quash the order and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order which could have been made by the Commission.</p>
<p>Order made by the Commission under section 186(5) or (6) requiring a trustee or connected person to repay, or not to receive, remuneration.</p>	<p>The persons are— (a) the trustee or connected person, (b) the other charity trustees of the charity concerned, and</p>	<p>Power to— (a) quash the order and (if appropriate) remit the matter to the Commission;</p>

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	(c) any other person who is or may be affected by the order.	(b) substitute for the order any other order which could have been made by the Commission.
Decision of the Commission to give, or withhold, consent under section 198(1) or 201(1) in relation to a charitable company.	The persons are— (a) the charity trustees of the company, (b) the company itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission to grant an application under section 207 for the constitution of a CIO and its registration as a charity.	The persons are any person (other than the persons who made the application) who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission; (b) direct the Commission to rectify the register of charities.
Decision of the Commission under section 208 to refuse an application for the constitution of a CIO and its registration as a charity.	The persons are— (a) the persons who made the application, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to grant the application.
Decision of the Commission under section 227 to refuse to register an amendment to the constitution of a CIO.	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission; (b) direct the Commission to register the amendment.
Decision of the Commission under section 231 to refuse an application for the conversion of a charitable company or a registered society into a CIO and the CIO's registration as a charity.	The persons are— (a) the charity which made the application, (b) the charity trustees of the charity, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to grant the application.
Decision of the Commission to grant an application under section 235 for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are any creditor of any of the CIOs being amalgamated.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 237 to refuse	The persons are—	Power to—

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an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	(a) the CIOs which applied for the amalgamation, (b) the charity trustees of the CIOs, and (c) any other person who is or may be affected by the decision.	(a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to grant the application.
Decision of the Commission to confirm a resolution passed by a CIO under section 240(1).	The persons are any creditor of the CIO.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 242 to refuse to confirm a resolution passed by a CIO.	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to confirm the resolution.
Decision of the Commission— (a) to grant a certificate of incorporation under section 251(1) to the charity trustees of a charity, or (b) not to grant such a certificate.	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the decision.	Power to quash— (a) the decision; (b) any conditions or directions inserted in the certificate;
Decision of the Commission to amend a certificate of incorporation under section 262(5).	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the amended certificate of incorporation.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to amend a certificate of incorporation under section 262(5).	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the decision not to amend the certificate of incorporation.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) make any order the Commission could have made under section 262(5).
Order of the Commission under section 263(1) or (2) which dissolves an incorporated body.	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order which

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		could have been made by the Commission;
		(c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission to notify charity trustees under section 271(1) that it objects to a resolution of the charity trustees under section 268(1).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision.
Decision of the Commission to notify charity trustees under section 278(1) that it objects to a resolution of the charity trustees under section 275(2).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision.
Decision of the Commission not to concur under section 284 with a resolution of charity trustees under section 282(2).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to concur under section 291 with a resolution of charity trustees under section 289(2).	The persons are— (a) the charity trustees, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission to withhold approval for the transfer of property from trustees to a parish or community council under section 298(2).	The persons are— (a) the trustees, (b) the parish or community council, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission to give or withhold consent under section 42(4) of the Companies Act 2006.	The persons are— (a) the charity trustees of the charitable company, (b) the company itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.

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