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SCHEDULES

SCHEDULE 6

Sections 319, 321, 323 and 324

APPEALS AND APPLICATIONS TO TRIBUNAL

Modifications etc. (not altering text) Sch. 6 applied by 1987 c. 15, s. 4(2) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **C1** Sch. 7 para. 48 (with s. 20(2), Sch. 8)) Sch. 6 applied by 1969 c. 22, s. 4(8A) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, C2 Sch. 7 para. 17(1) (with s. 20(2), Sch. 8))

Sch. 6 applied by 1987 c. 3, s. 5(8B) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **C3** Sch. 7 para. 47(2) (with s. 20(2), Sch. 8))

1	Decision,	direction	or	2 Appellants/applicants (see			3 Tribunal powers if appeal
0ľ	der			sections 321(2)(b))	319(2)(b)	and	or application allowed
				$J_{21}(2)(0))$			

section 12(1) or (2) in relation concerned. to an institution or a charity.

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.

Decision of the Commission The persons arenot to make a determination under section 38(3) in relation particular information to contained in the register.

Direction given by Commission under section 42 requiring the name of a charity to be changed.

Decision of the Commission The persons are the trustees Power to quash the decision not to give a direction under of the institution or charity and (if appropriate) remit the

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.
- - (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.

the The persons are—

(a) the charity trustees of the charity to which the direction relates.

Power to-

(a) quash the direction and (if appropriate)

matter to the Commission.

Power to quash the decision and (if appropriate)—

- (a) remit the matter to the Commission;
- (b) direct the Commission to rectify the register.

Power to quash the decision 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.

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).

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 t	he	The persons are—	F
Commis	sion	unc	ler	(a) the charity trustee,	
section	80(1)	removing	а	(b) the remaining charity	
charity to	rustee.		trustees of the charity of		

Power to—

(a) quash the order in whole or in part and (if appropriate) remit

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.

(a) the charity trustees of

The persons are—

- 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.

(a) the charity trustees of

(b) (if a body corporate) the

the charity,

charity itself, (c) in a section $[^{F2}79(4)]$

and

the order.

case, any person

removed by the order,

(d) any other person who is

or may be affected by

Order the The persons are made by Commission under section 79(2) $[^{F1}$ or (4)] in relation to a charity.

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[^{F4}Order made by the [^{F4}The persons are any person [^{F4}Power to quash the order Commission under who is directed by the order to and (if appropriate) remit the section 84B(2) which directs a take the specified action.]

a person not to take action action.]

specified in the order.]

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person to take action specified in the order.]

[^{F4}Order made by Commission section 84B(2) which directs a person to do anything that could otherwise only be done by the members of the charity or any of them.]

Order made by Commission person to apply property in a specified manner. specified manner.

Order made by Commission under section 87(3) in relation to a person holding property on behalf of a body entered in the Scottish Charity Register or of any person concerned in its management or control.

by Order made Commission under section 93(2) in relation to any land vested in the official custodian in trust for a charity.

- the [^{F4}The persons are the member [^{F4}Power to quash the order under or members concerned.]
 - and (if appropriate) remit the matter to the Commission.]

Power to quash the order

and (if appropriate) remit the

matter to the Commission.

the The persons are any person Power to quash the order under who is directed by the order and (if appropriate) remit the section 85(2) which directs a to apply the property in the matter to the Commission.

the The persons are—

- (a) the person holding the property in question, and
- (b) any other person who is or may be affected by the order.

the 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.

Power to quash the decision and (if appropriate) remit the matter to the Commission.

Decision of the Commission The persons arenot to make a common investment scheme under section 96.

- (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.

Decision of the Commission The persons arenot to make a common deposit (a) the charity trustees of a scheme under section 100.

Power to quash the decision and (if appropriate) remit the charity which applied to matter to the Commission.

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> 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.

Decision by the Commission The persons arenot to make an order under section 105 in relation to a charity.

Direction given the Commission under section 107 in relation to an account held in the name of or on behalf of a charity.

- the charity, and
- (b) (if a body corporate) the charity itself.

(a) the charity trustees of

by 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 quash the decision and (if appropriate) remit the matter to the Commission.

Power to—

- (a) quash the direction and (if appropriate) remit the matter to the Commission:
- (b) substitute for the direction any other 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.

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.

Power to quash the decision and (if appropriate) remit the matter to the Commission.

Order made bv Commission under section 112 for the assessment of a solicitor's bill.

the The persons are—

- (a) the solicitor,
 - the work was done by the solicitor, and
- or may be affected by the order.

Decision of the Commission The persons arenot to make an order under section 117 in relation to land held by or in trust for a charity.

- (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.

Decision of the Commission The persons are-

not to make an order under (a) the charity trustees of section 124 in relation to a the charity,

Power to quash the decision and (if appropriate) remit the matter to the Commission

- - (b) any person for whom
 - (c) any other person who is

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mortgage of land held by or in trust for a charity.

- (b) (if a body corporate) the charity itself, and (c) any other person who is
- or may be affected by the decision.
- Order made by the The persons are— Commission under section 146(1) requiring the accounts of a charity to be audited.

Order made by Commission under section 147(2) in relation to a charitable company.

- (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.
- the The persons are—
 - (a) the directors of the
 - company,
 - (b) the company itself, and
 - (c) any other person who is or may be affected by the order.

Order made bv 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.

Order made bv Commission under section 153(1) requiring the group accounts of a parent charity to be audited.

the The persons are—

- (a) the charity trustees of the company,
- the company itself, (b)
- (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.

the 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.

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.

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.

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

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Order made bv 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.

Order made bv Commission under 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.

the 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.

the The persons are—

- (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.

Decision of the Commission The persons areunder section 168(3) to request charity trustees to prepare an annual report for a charity.

dispense to not requirements the section 169(1) in relation to a charity or class of charities.

Decision of the Commission The persons are under section 181(2) to waive, or not to waive, a person's disqualification.

charity itself.

Decision of the Commission The persons are the charity Power to quash the decision with trustees of any charity affected and (if appropriate) remit the of by the decision.

- (a) the person who applied for the waiver, and
- (b) any other person who is or may be affected by the decision.

have been contained in an order made by the Commission.

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.

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.

Power to quash the decision (a) the charity trustees, and and (if appropriate) remit the (b) (if a body corporate) the matter to the Commission.

matter to the Commission.

Power to—

- (a) quash the decision and (if appropriate) remit the matter to the Commission;
- (b) substitute for the decision any other

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Order made by Commission under section 184(3) in relation to a person who has acted as charity trustee or trustee for a charity.

the The persons are—

- (a) the person subject to the order, and
- (b) any other person who is or may be affected by the order.

Order made bv Commission under section 186(5) or (6) requiring a trustee or connected person to repay, or not to receive, remuneration.

Decision of the Commission The persons areto give, or withhold, consent under section 198(1) or 201(1)in relation to a charitable company.

Decision of the Commission The persons are any person Power to quash the decision to grant an registration as a charity.

Decision of the Commission The persons areunder section 208 to refuse application for the an constitution of a CIO and its (b) any other person who is registration as a charity.

Decision of the Commission The persons are under section 227 to refuse to register an amendment to the constitution of a CIO.

- the The persons are—
 - (a) the trustee or connected person.
 - (b) the other charity trustees of the charity concerned, and
 - (c) any other person who is or may be affected by the order.

 - (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.

application (other than the persons who and (if appropriate)under section 207 for the made the application) who is constitution of a CIO and its or may be affected by the decision.

- (a) the persons who made the application, and
- or may be affected by the decision.

- (a) the CIO,
- (b) the charity trustees of the CIO, and
- (c) any other person who is or may be affected by the decision.

decision of a kind which could have been made by the Commission.

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.

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.

Power to quash the decision and (if appropriate) remit the matter to the Commission.

- (a) remit the matter to the Commission;
- (b) direct the Commission to rectify the register of charities.

Power to-

- (a) quash the decision and (if appropriate) remit the matter to the Commission:
- (b) direct the Commission to grant the application.

Power to quash the decision and (if appropriate)—

- (a) remit the matter to the Commission;
- (b) direct the Commission to register the amendment.

(a) quash the decision

Commission:

and (if appropriate)

(b) direct the Commission

remit the matter to the

to grant the application.

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Decision of the Commission The persons areunder 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.

Decision of the Commission The persons are any creditor Power to quash the decision grant an to under section 235 for the amalgamated. amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.

Decision of the Commission The persons are under section 237 to refuse application for the an amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.

to confirm a resolution passed of the CIO. by a CIO under section 240(1).

Decision of the Commission The persons are under section 242 to refuse to confirm a resolution passed by a CIO.

[^{F5}Decision of Commission under regulations made by virtue of section 245 to grant an application for the dissolution of a CIO.

- (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.

application of any of the CIOs being and (if appropriate) remit the matter to the Commission.

- (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) the CIO,
- (b) the charity trustees of the CIO, and
- (c) any other person who is or may be affected by the decision.

the The persons are-

- (a) the CIO,
 - (b) the charity trustees of the CIO, or the persons who were or claim to have been the charity trustees of the CIO immediately before it was dissolved,
 - (c) any creditor of the CIO, and
 - (d) any other person who is or may be affected by the decision.

Decision of the Commission The persons areunder regulations made by (a) the CIO,

Power to-

Power to-

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 The persons are any creditor Power to quash the decision and (if appropriate) remit the matter to the Commission.

Power to—

- (a) quash the decision and (if appropriate) remit the matter to the Commission:
- (b) direct the Commission to confirm the resolution.

Power to quash the decision and (if appropriate) remit the matter to the Commission.

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virtue of section 245 not to grant an application for the dissolution of a CIO.

Decision of the Commission The persons areunder regulations made by virtue of section 245 to dissolve a CIO which it has reasonable cause to believe is not in operation.

Decision of the Commission The persons areunder regulations made by virtue of section 245 to dissolve a CIO it no longer considers to be a charity.

Decision of the Commission The persons areunder regulations made by virtue of section 245 to dissolve a CIO which is being wound up.

- (b) the charity trustees of the CIO, and
- (c) any other person who is or may be affected by the decision.

- (a) the persons who were or claim to have been the charity trustees of the CIO immediately before it was dissolved,
- (b) any creditor of the CIO, and
- (c) any other person who is or may be affected by the decision.

- claim to have been the charity trustees of the CIO immediately before it was dissolved,
- (b) any creditor of the CIO, and
- (c) any other person who is or may be affected by the decision.
- - claim to have been the charity trustees of the CIO immediately before it was dissolved,
 - (b) the liquidator of the CIO (if any),
 - (c) any creditor of the CIO, and
 - (d) any other person who is or may be affected by the decision.

Order made by Commission under regulations made by virtue of section 245 specifying the charitable purposes, charity or charities for which the official custodian holds on trust the property of a CIO which has been dissolved.

- the The persons are—
 - (a) the persons who were or claim to have been the charity trustees of the CIO immediately before it was dissolved, and
 - (b) 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

Power to quash the decision (a) the persons who were or and (if appropriate) remit the matter to the Commission.

Power to quash the decision (a) the persons who were or and (if appropriate) remit the matter to the Commission.

- (a) quash the decision and (if appropriate)
 - remit the matter to the Commission.
- (b) direct the Commission to grant the application.

Power to quash the decision and (if appropriate) remit the matter to the Commission.

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Order made by Commission under regulations made by virtue of section 245 vesting property held by the official custodian in a charity or charities.

the The persons are—

- (a) the persons who were or claim to have been the charity trustees of the CIO immediately before it was dissolved, and
- (b) any other person who is or may be affected by the order.

Decision of the Commission The persons areunder regulations made by virtue of section 245 to restore or not to restore a CIO to the register.

Decision of the

Commission-

- (a) to grant a certificate of incorporation under section $\overline{251(1)}$ to the charity trustees of a charity, or
- (b) not to grant such a certificate.

Decision of the Commission The persons areto amend а incorporation under of section 262(5).

- (a) the persons who were or claim to have been the charity trustees of the CIO immediately before it was dissolved, and
- (b) any other person who is or may be affected by the decision.

The persons are—

- (a) the charity trustees of the charity, and
- (b) any other person who is or may be affected by the decision.

- certificate (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.

Power to quash the decision and (if appropriate)-

- (a) remit the matter to the Commission,
- (b) direct the Commission to rectify the register.]

Power to quash-

(a) the decision;

(b) any conditions or

certificate;

directions inserted in the

have been made by the Commission,

(c) add to the order anything which could have been included in an order made by the Commission.

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 included in an order made by the Commission.

Decision of the Commission The persons arenot to amend a certificate

Power to-

section 298(2).

Status: Point in time view as at 31/07/2016. Changes to legislation: Charities Act 2011, SCHEDULE 6 is up to date with all changes known to be in force on or before 20 March 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)

of incorporation under section 262(5).	 (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. 	 (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 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	Power to quash the decision and (if appropriate) remit the matter to the Commission.

Status: Point in time view as at 31/07/2016. Changes to legislation: Charities Act 2011, SCHEDULE 6 is up to date with all changes known to be in force on or before 20 March 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)

> (c) any other person who is or may be affected by the decision.

Decision of the Commission The persons areto give or withhold consent under section 42(4) of the Companies Act 2006.

- (a) the charity trustees of the charitable company,

Power to quash the decision and (if appropriate) remit the matter to the Commission.

(b) the company itself, and (c) any other person who is or may be affected by the decision.

Textual Amendments

- Words in Sch. 6 inserted (31.7.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), F1 ss. 4(6)(a), 17(4); S.I. 2016/815, reg. 2(c)
- Words in Sch. 6 substituted (31.7.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), F2 ss. 4(6)(b), 17(4); S.I. 2016/815, reg. 2(c)
- F3 Words in Sch. 6 inserted (31.7.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), ss. 6(5), 17(4); S.I. 2016/815, reg. 2(e)
- F4 Words in Sch. 6 inserted (31.7.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), ss. 7(5), 17(4); S.I. 2016/815, reg. 2(f)
- F5 Words in Sch. 6 inserted (2.1.2013) by The Charitable Incorporated Organisations (Consequential Amendments) Order 2012 (S.I. 2012/3014), arts. 1, 8

Status:

Point in time view as at 31/07/2016.

Changes to legislation:

Charities Act 2011, SCHEDULE 6 is up to date with all changes known to be in force on or before 20 March 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.