



# Charities Act 2011

## 2011 CHAPTER 25

### PART 6

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

##### *Additional powers of Commission*

#### **110 Power to give advice**

- (1) The Commission may, on the written application of any charity trustee or trustee for a charity, give the applicant its opinion or advice in relation to any matter—
  - (a) relating to the performance of any duties of the applicant, as such a trustee, in relation to the charity concerned, or
  - (b) otherwise relating to the proper administration of the charity.
- (2) A person ("P") who—
  - (a) is a charity trustee or trustee for a charity, and
  - (b) acts in accordance with any opinion or advice given by the Commission under subsection (1) (whether to P or another trustee),is to be treated, as regards P's responsibility for so acting, as having acted in accordance with P's trust.
- (3) But subsection (2) does not apply to P if, when so acting—
  - (a) P knows or has reasonable cause to suspect that the opinion or advice was given in ignorance of material facts, or
  - (b) a decision of the court or the Tribunal has been obtained on the matter or proceedings are pending to obtain one.