



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 make schemes etc.

73 Powers to make schemes altering provision made by Acts, etc.

- (1) If it appears to the Commission that a scheme should be established for the administration of a charity, but also—
- (a) that it is necessary or desirable for the scheme—
 - (i) to alter the provision made by an Act establishing or regulating the charity, or
 - (ii) to make any other provision which goes or might go beyond the powers exercisable by the Commission apart from this section, or
 - (b) that it is for any reason proper for the scheme to be subject to parliamentary review,

the Commission may (subject to subsection (7)) settle a scheme accordingly with a view to its being given effect under this section.

- (2) A scheme settled by the Commission under this section may be given effect by order of the [^{F1}Secretary of State].

^{F2}(3)

^{F3}(4)

- (5) ^{F4}... Any provision of a scheme brought into effect under this section may be modified or superseded by the court or the Commission as if it were a scheme brought into effect by order of the Commission under section 69.

^{F5}(6)

Changes to legislation: Charities Act 2011, Section 73 is up to date with all changes known to be in force on or before 08 April 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) View outstanding changes

- (7) The Commission must not proceed under this section without the same application, and the same notice to the charity trustees, as would be required if the Commission was proceeding (without an order of the court) under section 69.
- (8) But on any application for a scheme, or in a case where it acts by virtue of section 70(5) or (6), the Commission may proceed under this section or section 69 as appears to it appropriate.

Textual Amendments

- F1** Words in s. 73(2) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(n)** (with art. 12)
- F2** S. 73(3) omitted (31.10.2022) by virtue of [Charities Act 2022 \(c. 6\)](#), **ss. 5(a)**, 41(4); S.I. 2022/1109, Sch. para. 2
- F3** S. 73(4) omitted (31.10.2022) by virtue of [Charities Act 2022 \(c. 6\)](#), **ss. 5(a)**, 41(4); S.I. 2022/1109, Sch. para. 2
- F4** Words in s. 73(5) omitted (31.10.2022) by virtue of [Charities Act 2022 \(c. 6\)](#), **ss. 5(b)**, 41(4); S.I. 2022/1109, Sch. para. 2
- F5** S. 73(6) omitted (31.10.2022) by virtue of [Charities Act 2022 \(c. 6\)](#), **ss. 5(c)**, 41(4); S.I. 2022/1109, Sch. para. 2

Modifications etc. (not altering text)

- C1** Ss. 73(1)-(6) applied by 1987 c. 3, s. 5(8) (as substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 47(2)** (with s. 20(2), Sch. 8))

Changes to legislation:

Charities Act 2011, Section 73 is up to date with all changes known to be in force on or before 08 April 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)