



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.

78 Interim managers: supplementary

- (1) The Commission may under section 76(3)(g) appoint to be interim manager in respect of a charity such person (other than a member of its staff) as it thinks fit.
- (2) An order made by the Commission under section 76(3)(g) may make provision with respect to the functions to be discharged by the interim manager appointed by the order.

This does not affect the generality of section 337(1) and (2).
- (3) Those functions are to be discharged by the interim manager under the supervision of the Commission.
- (4) In connection with the discharge of those functions, an order under section 76(3)(g) may provide—
 - (a) for the interim manager appointed by the order to have such powers and duties of the charity trustees of the charity concerned (whether arising under this Act or otherwise) as are specified in the order;
 - (b) for any powers or duties specified by virtue of paragraph (a) to be exercisable or performed by the interim manager to the exclusion of those trustees.
- (5) Where a person has been appointed interim manager by any such order—
 - (a) section 110 (power to give advice and guidance) applies to the interim manager and the interim manager's functions as it applies to a charity trustee of the charity concerned and to the charity trustee's duties as such, and
 - (b) the Commission may apply to the High Court for directions in relation to any particular matter arising in connection with the discharge of those functions.

Changes to legislation: Charities Act 2011, Section 78 is up to date with all changes known to be in force on or before 20 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

- (6) The High Court may on an application under subsection (5)(b)—
- (a) give such directions, or
 - (b) make such orders declaring the rights of any persons (whether before the court or not),
- as it thinks just.
- (7) The costs of an application under subsection (5)(b) must be paid by the charity concerned.
- (8) Regulations made by the [^{F1}Secretary of State] may make provision with respect to—
- (a) the appointment and removal of persons appointed in accordance with this section;
 - (b) the remuneration of such persons out of the income of the charities concerned;
 - (c) the making of reports to the Commission by such persons.
- (9) Regulations under subsection (8) may, in particular, authorise the Commission—
- (a) to require security for the due discharge of the functions of a person so appointed to be given by that person;
 - (b) to determine the amount of such a person's remuneration;
 - (c) to disallow any amount of remuneration in such circumstances as are prescribed by the regulations.

Textual Amendments

- F1** Words in s. 78(8) 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\(2\)\(o\)](#) (with art. 12)

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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](#)