



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.

87 Supervision by Commission of certain Scottish charities

- (1) Sections 76 to 82 (except section 79(2)(b)) and sections 84 to 86 have effect in relation to any body which—
 - (a) is entered in the Scottish Charity Register, and
 - (b) is managed or controlled wholly or mainly in or from England or Wales, as they have effect in relation to a charity.
- (2) Subsection (3) applies where—
 - (a) a body entered in the Scottish Charity Register is managed or controlled wholly or mainly in or from Scotland, but
 - (b) any person in England and Wales holds any property on behalf of the body or of any person concerned in its management or control.
- (3) If the Commission is satisfied, on the basis of such information as may be supplied to it by the Scottish Charity Regulator, as to the matters mentioned in subsection (4), it may make an order requiring the person holding the property not to part with it without the Commission's approval.
- (4) The matters are—
 - (a) that there has been any misconduct or mismanagement in the administration of the body, and
 - (b) that it is necessary or desirable to make an order under subsection (3) for the purpose of protecting the property of the body or securing a proper application of such property for the purposes of the body.

- (5) Subsection (6) applies where—
- (a) any person in England and Wales holds any property on behalf of a body entered in the Scottish Charity Register or of any person concerned in the management or control of such a body, and
 - (b) the Commission is satisfied (whether on the basis of such information as may be supplied to it by the Scottish Charity Regulator or otherwise)—
 - (i) that there has been any misconduct or mismanagement in the administration of the body, and
 - (ii) that it is necessary or desirable to make an order under subsection (6) for the purpose of protecting the property of the body or securing a proper application of such property for the purposes of the body.
- (6) The Commission may by order—
- (a) vest the property in such body or charity as is specified in the order in accordance with subsections (7) and (8),
 - (b) require any persons in whom the property is vested to transfer it to any such body or charity, or
 - (c) appoint any person to transfer the property to any such body or charity.
- (7) The Commission may specify in an order under subsection (6)—
- (a) such other body entered in the Scottish Charity Register, or
 - (b) such charity,
- as it considers appropriate, if the purposes of the body or charity are, in the opinion of the Commission, as similar in character to those of the body referred to in subsection (5)(a) as is reasonably practicable.
- (8) But the Commission must not so specify any body or charity unless it has received from—
- (a) the persons concerned in the management or control of the body, or
 - (b) (as the case may be) the charity trustees of the charity,
- written confirmation that they are willing to accept the property.