



# Charities Act 2011

## 2011 CHAPTER 25

### PART 6

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

##### *Publicity relating to schemes and orders*

#### **88 Publicity relating to schemes**

- (1) The Commission may not—
- (a) make any order under this Act to establish a scheme for the administration of a charity, or
  - (b) submit such a scheme to the court or the [<sup>F1</sup>Secretary of State] for an order giving it effect,

unless, before doing so, the Commission has complied with the publicity requirements in subsection (2).

This is subject to any disapplication of those requirements under subsection (4).

- (2) The publicity requirements are—
- (a) that the Commission must give public notice of its proposals, inviting representations to be made to it within a period specified in the notice, and
  - (b) that, in the case of a scheme relating to a local charity (other than an ecclesiastical charity) in a parish, or in a community in Wales, the Commission must communicate a draft of the scheme to—
    - (i) the parish council or, if the parish has no council, the chairman of the parish meeting, or
    - (ii) the community council or, if the community has no council, the county council or county borough council.
- (3) The time when any such notice is given or any such communication takes place is to be decided by the Commission.

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**Changes to legislation:** Charities Act 2011, Section 88 is up to date with all changes known to be in force on or before 25 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

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- (4) The Commission may determine that either or both of the publicity requirements is or are not to apply in relation to a particular scheme if it is satisfied that—
- (a) because of the nature of the scheme, or
  - (b) for any other reason,
- compliance with the requirement or requirements is unnecessary.
- (5) Where the Commission gives public notice of any proposals under this section—
- (a) it must take into account any representations made to it within the period specified in the notice, and
  - (b) it may (without further notice) proceed with the proposals either without modifications or with such modifications as it thinks desirable.
- (6) Where the Commission makes an order under this Act to establish a scheme for the administration of a charity, a copy of the order must be available, for at least a month after the order is published, for public inspection at all reasonable times—
- (a) at the Commission's office, and
  - (b) if the charity is a local charity, at some convenient place in the area of the charity.
- (7) Subsection (6)(b) does not apply if the Commission is satisfied that for any reason it is unnecessary for a copy of the scheme to be available locally.
- (8) Any public notice of any proposals which is to be given under this section—
- (a) is to contain such particulars of the proposals, or such directions for obtaining information about them, as the Commission thinks sufficient and appropriate, and
  - (b) is to be given in such manner as the Commission thinks sufficient and appropriate.

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**Textual Amendments**

- F1** Words in s. 88(1)(b) 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)(p)** (with art. 12)
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**Modifications etc. (not altering text)**

- C1** S. 88 applied (with modifications) (2.1.2013) by [The Charitable Incorporated Organisations \(Insolvency and Dissolution\) Regulations 2012 \(S.I. 2012/3013\)](#), regs. 1, **25(4)**
- C2** S. 88 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:**

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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](#)