



# Charities Act 2022

## 2022 CHAPTER 6

### PART 1

#### PURPOSES, POWERS AND GOVERNING DOCUMENTS

##### *Ex gratia payments etc*

PROSPECTIVE

#### **16 Power of Commission etc to authorise ex gratia payments etc**

In section 106 of the Charities Act 2011 (power of Commission to authorise ex gratia payments etc)—

(a) for subsection (1) substitute—

“(1) The Commission, the Attorney General or the court may authorise the charity trustees of a charity to take any action falling within subsection (2)(a) or (b) in a case where the charity trustees—

- (a) (apart from by virtue of this section or section 331A) have no power to take the action, but
- (b) in all the circumstances could reasonably be regarded as being under a moral obligation to take it.

(1A) In relation to a charity established by (or whose purposes or functions are set out in) legislation, subsection (1) is not disapplied only because the legislation concerned prohibits application of property of the charity otherwise than as set out in the legislation.

(1B) In subsection (1A) “legislation” means—

- (a) an Act of Parliament;
- (b) an Act or Measure of Senedd Cymru;
- (c) subordinate legislation (within the meaning of the Interpretation Act 1978) made under an Act of Parliament;

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2022, Section 16. (See end of Document for details)*

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- (d) an instrument made under an Act or Measure of Senedd Cymru; or
  - (e) a Measure of the Church Assembly or of the General Synod of the Church of England.”;
- (b) in subsection (3), after second “Commission” insert “by order and”.

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**Commencement Information**

- II** S. 16 not in force at Royal Assent, see [s. 41\(4\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Charities Act 2022, Section 16.