

MALVERN HILLS BILL

CHARITIES LEGISLATION

	Charities Act 1960	
1	Section 4	Page 2
2	Section 45	Page 4
3	Section 15	Page 6
4	Section 19	Page 8
	Charities Act 2011	
5	Sections 1-4	Pages 10-13
6	Sections 29-30	Pages 14 – 15
7	Section 37	Page 16
8	Sections 73 & 74	Pages 18-22
9	Section 177	Page 23



Charities Act 1960

1960 CHAPTER 58

PART II

PROVISIONS FOR INQUIRING INTO, MAKING KNOWN AND CO-ORDINATING CHARITABLE ACTIVITIES

Registration of charities

4 Register of charities

- (1) There shall be a register of charities which shall be established and maintained by the Commissioners and in which there shall be entered such particulars as the Commissioners may from time to time determine of any charity there registered.
- (2) There shall be entered in the register every charity not excepted by subsection (4) below ; and a charity so excepted may be entered in the register at the request of the charity, but (whether or not it was excepted at the time of registration) may at any time, and shall at the request of the charity, be removed from the register.
- (3) Any institution which no longer appears to the Commissioners to be a charity shall be removed from the register, with effect, where the removal is due to any change in its purposes or trusts, from the date of that change; and there shall also be removed from the register any charity which ceases to exist or does not operate.
- (4) The following charities are not required to be registered, that is to say.—
 - (a) any charity comprised in the Second Schedule to this Act (in this Act referred to as an “exempt charity”);
 - (b) any charity which is excepted by order or regulations;
 - (c) any charity having neither any permanent endowment, nor any income from property amounting to more than fifteen pounds a year, nor the use and occupation of any land;

and no charity is required to be registered, in respect of any registered place of worship.

Status: This is the original version (as it was originally enacted).

- (5) With any application for a charity to be registered there shall be supplied to the Commissioners copies of its trusts (or, if they are not set out in any extant document, particulars of them), and such other documents or information as may be prescribed or as the Commissioners may require for the purpose of the application.
- (6) It shall be the duty—
- (a) of the charity trustees of any charity which is not registered nor excepted from registration to apply for it to be registered, and to supply the documents and information required by subsection (5) above; and
 - (b) of the charity trustees (or last charity trustees) of any institution which is for the time being registered to notify the Commissioners if it ceases to exist, or if there is any change in its trusts, or in the particulars of it entered in the register, and to supply to the Commissioners particulars of any such change and copies of any new trusts or alterations of the trusts ;
- and any person who makes default in carrying out any of the duties imposed by this subsection may be required by order of the Commissioners to make good that default.
- (7) The register (including the entries cancelled when institutions are removed from the register) shall be open to public inspection at all reasonable times; and copies (or particulars) of the trusts of any registered charity as supplied to the Commissioners under this section shall, so long as it remains on the register, be kept by them and be open to public inspection at all reasonable times, except in so far as regulations otherwise provide.
- (8) Nothing in the foregoing subsections shall require any person to supply the Commissioners with copies of schemes for the administration of a charity made otherwise than by the court, or to notify the Commissioners of any change made with respect to a registered charity by such a scheme, or require a person, if he refers the Commissioners to a document or copy already in the possession of the Commissioners or of the Minister of Education, to supply a further copy of the document; but where by virtue of this subsection a copy of any document need not be supplied to the Commissioners, a copy of it, if it relates to a registered charity, shall be open to inspection under subsection (7) above as if supplied to the Commissioners under this section.
- (9) In this section “registered place of worship” means any land or building falling within section nine of the Places of Worship Registration Act, 1855, as amended by this Act (that is to say, the land and buildings which, if this Act had not been passed, would by virtue of that section as amended by subsequent enactments be partially exempted from the operation of the Charitable Trusts Act, 1853), and for the purposes of this subsection “building” includes part of a building.
- (10) This section shall not apply to charities taking effect before the commencement of this Act until such date as the Secretary of State or, as regards any part of the register to be maintained by him, the Minister of Education may appoint by order made by statutory instrument; and different dates may be appointed for different cases or classes of case.



Charities Act 1960

1960 CHAPTER 58

PART V

SUPPLEMENTARY

45 Construction of references to a “charity” or to particular classes of charity

(1) In this Act, except in so far as the context otherwise requires.—

“charity” means any institution, corporate or not, which is established for charitable purposes and is subject to the control of the High Court in the exercise of the court's jurisdiction with respect to charities;

“ecclesiastical charity” has the same meaning as in the Local Government Act, 1894;

“exempt charity” means (subject to subsection (9) of section twenty-two of this Act) a charity comprised in the Second Schedule to this Act;

“local charity” means, in relation to any area, a charity established for purposes which are by their nature or by the trusts of the charity directed wholly or mainly to the benefit of that area or of part of it;

“parochial charity” means, in relation to any parish, a charity the benefits of which are, or the separate distribution of the benefits of which is, confined to inhabitants of the parish, or of a single ancient ecclesiastical parish which included that parish or part of it, or of an area consisting of that parish with not more than four neighbouring parishes.

(2) The expression “charity” is not in this Act applicable—

- (a) to any ecclesiastical corporation (that is to say, any corporation in the Church of England, whether sole or aggregate, which is established for spiritual purposes) in respect of the corporate property of the corporation, except to a corporation aggregate having some purposes which are not ecclesiastical in respect of its corporate property held for those purposes ; or
- (b) to any trust of property for purposes for which the property has been consecrated.

Status: This is the original version (as it was originally enacted).

- (3) Subject to subsection (9) of section twenty-two of this Act, a charity shall be deemed for the purposes of this Act to have a permanent endowment unless all property held for the purposes of the charity may be expended for those purposes without distinction between capital and income, and in this Act “permanent endowment” means, in relation to any charity, property held subject to a restriction on its being so expended.
- (4) References in this Act to a charity not having income from property to a specified amount shall be construed by reference to the gross revenues of the charity, but without bringing into account anything for the yearly value of land occupied by the charity apart from the pecuniary income (if any) received from that land; and any question as to the application of any such reference to a charity shall be determined by the Commissioners, whose decision shall be final.
- (5) The Commissioners may direct that for all or any of the purposes of this Act an institution established for any special purposes of or in connection with a charity (being charitable purposes) shall be treated as forming part of that charity or as forming a distinct charity.
- (6) Any reference in this Act to a charity which is excepted by order or regulations shall be construed as referring to a charity which is for the time being permanently or temporarily excepted by order of the Commissioners, or is of a description permanently or temporarily excepted by regulations, and which complies with any conditions of the exception; and any order or regulation made for this purpose may limit any exception so that a charity may be excepted in respect of some matters and not in respect of others.



Charities Act 1960

1960 CHAPTER 58

PART III

APPLICATION OF PROPERTY CY-PRÈS, AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND CENTRAL AUTHORITIES

Extended powers of court, and variation of charters

15 Charities governed by charter, or by or under statute

- (1) Where a Royal charter establishing or regulating a body corporate is amendable by the grant and acceptance of a further charter, a scheme relating to the body corporate or to the administration of property held by the body (including a scheme for the cy-près application of any such property) may be made by the court under the court's jurisdiction with respect to charities notwithstanding that the scheme cannot take effect without the alteration of the charter, but shall be so framed that the scheme, or such part of it as cannot take effect without the alteration of the charter, does not purport to come into operation unless or until Her Majesty thinks fit to amend the charter in such manner as will permit the scheme or that part of it to have effect.
- (2) Where under the court's jurisdiction with respect to charities or the corresponding jurisdiction of a court in Northern Ireland, or under powers conferred by this Act or by any enactment relating to charities of the Parliament of Northern Ireland, a scheme is made with respect to a body corporate, and it appears to Her Majesty expedient, having regard to the scheme, to amend any Royal charter relating to that body, Her Majesty may, on the application of that body, amend the charter accordingly by Order in Council in any way in which the charter could be amended by the grant and acceptance of a further charter; and any such Order in Council may be revoked or varied in like manner as the charter it amends.
- (3) The jurisdiction of the court with respect to charities shall not be excluded or restricted in the case of a charity of any description mentioned in the Fourth Schedule to this Act by the operation of the enactments or instruments there mentioned in relation to that description, and a scheme established for any such charity may modify or supersede

Status: *This is the original version (as it was originally enacted).*

in relation to it the provision made by any such enactment or instrument as if made by a scheme of the court, and may also make any such provision as is authorised by that Schedule.



Charities Act 1960

1960 CHAPTER 58

PART III

APPLICATION OF PROPERTY CY-PRÈS, AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND CENTRAL AUTHORITIES

Powers of Commissioners and Minister to make schemes, etc.

19 Further powers to make schemes or alter application of charitable property

- (1) Where it appears to the Commissioners that a scheme should be established for the administration of a charity, but also that it is necessary or desirable for the scheme to alter the provision made by an Act of Parliament establishing or regulating the charity or to make any other provision which goes or might go beyond the powers exercisable by them apart from this section, or that it is for any reason proper for the scheme to be subject to parliamentary review, then (subject to subsection (6) below) the Commissioners - may settle a scheme accordingly with a view to its being given effect under this section.
- (2) A scheme settled by the Commissioners under this section may be given effect by order of the Secretary of State made by statutory instrument, and a draft of the statutory instrument shall be laid before Parliament.
- (3) Without prejudice to the operation of section six of the Statutory Instruments Act, 1946, in other cases, in the case of a scheme which goes beyond the powers exercisable apart from this section in altering a statutory provision contained in or having effect under any public general Act of Parliament, the order shall not be made unless the draft has been approved by resolution of each House of Parliament.
- (4) Subject to subsection (5) below, any provision of a scheme brought into effect under this section may be modified or superseded by the court or the Commissioners as if it were a scheme brought into effect by order of the Commissioners under section eighteen of this Act.

- (5) Where subsection (3) above applies to a scheme, the order giving effect to it may direct that the scheme shall not be modified or superseded by a scheme brought into effect otherwise than under this section, and may also direct that that subsection shall apply to any scheme modifying or superseding the scheme to which the order gives effect.
- (6) The Commissioners shall not proceed under this section without the like application or the like reference from the Secretary of State, and the like notice to the charity trustees, as would be required if they were proceeding (without an order of the court) under section eighteen of this Act; but on any application or reference made with a view to a scheme, the Commissioners may proceed under this section or that as appears to them appropriate.
- (7) Notwithstanding anything in the trusts of a charity, no expenditure incurred in preparing or promoting a Bill in Parliament shall without the consent of the court or the Commissioners be defrayed out of any moneys applicable for the purposes of a charity:

Provided that this subsection shall not apply in the case of an exempt charity.

- (8) Where the Commissioners are satisfied—
 - (a) that the whole of the income of a charity cannot in existing circumstances be effectively applied for the purposes of the charity; and
 - (b) that, if those circumstances continue, a scheme might be made for applying the surplus cy-près; and
 - (c) that it is for any reason not yet desirable to make such a scheme;
 then the Commissioners may by order authorise the charity trustees at their discretion (but subject to any conditions imposed by the order) to apply any accrued or accruing income for any purposes for which it might be made applicable by such a scheme, and any application authorised by the order shall be deemed to be within the purposes of the charity:

Provided that the order shall not extend to more than three hundred pounds out of income accrued before the date of the order, nor to income accruing more than three years after that date, nor to more than one hundred pounds out of the income accruing in any of those three years.

- (9) In the application of this section to the Minister of Education, a reference to that Minister shall be substituted for the reference in subsection (2) to the Secretary of State.



Charities Act 2011

2011 CHAPTER 25

PART 1

MEANING OF “CHARITY” AND “CHARITABLE PURPOSE”

CHAPTER 1

GENERAL

Charity

1 Meaning of “charity”

- (1) For the purposes of the law of England and Wales, “charity” means an institution which—
- (a) is established for charitable purposes only, and
 - (b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.
- (2) The definition of “charity” in subsection (1) does not apply for the purposes of an enactment if a different definition of that term applies for those purposes by virtue of that or any other enactment.

Modifications etc. (not altering text)

- C1** S. 1(1) restricted (1.4.2012) by [The Finance Act 2010, Schedule 6, Part 1 \(Further Consequential and Incidental Provision etc\) Order 2012 \(S.I. 2012/735\)](#), arts. 1, **5(1)** (with art. 2)
- C2** S. 1(1) restricted (1.4.2012) by [The Finance Act 2010, Schedule 6, Part 1 \(Further Consequential and Incidental Provision etc\) Order 2012 \(S.I. 2012/735\)](#), arts. 1, **6(1)** (with art. 3)

Changes to legislation: Charities Act 2011, Part 1 is up to date with all changes known to be in force on or before 31 January 2026. 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

Charitable purpose

2 Meaning of “charitable purpose”

- (1) For the purposes of the law of England and Wales, a charitable purpose is a purpose which—
 - (a) falls within section 3(1), and
 - (b) is for the public benefit (see section 4).
- (2) Any reference in any enactment or document (in whatever terms)—
 - (a) to charitable purposes, or
 - (b) to institutions having purposes that are charitable under the law relating to charities in England and Wales,
 is to be read in accordance with subsection (1).
- (3) Subsection (2) does not apply where the context otherwise requires.
- (4) This section is subject to section 11 (which makes special provision for Chapter 2 of this Part onwards).

3 Descriptions of purposes

- (1) A purpose falls within this subsection if it falls within any of the following descriptions of purposes—
 - (a) the prevention or relief of poverty;
 - (b) the advancement of education;
 - (c) the advancement of religion;
 - (d) the advancement of health or the saving of lives;
 - (e) the advancement of citizenship or community development;
 - (f) the advancement of the arts, culture, heritage or science;
 - (g) the advancement of amateur sport;
 - (h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
 - (i) the advancement of environmental protection or improvement;
 - (j) the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage;
 - (k) the advancement of animal welfare;
 - (l) the promotion of the efficiency of the armed forces of the Crown or of the efficiency of the police, fire and rescue services or ambulance services;
 - (m) any other purposes—
 - (i) that are not within paragraphs (a) to (l) but are recognised as charitable purposes by virtue of section 5 (recreational and similar trusts, etc.) or under the old law,
 - (ii) that may reasonably be regarded as analogous to, or within the spirit of, any purposes falling within any of paragraphs (a) to (l) or sub-paragraph (i), or
 - (iii) that may reasonably be regarded as analogous to, or within the spirit of, any purposes which have been recognised, under the law relating to charities in England and Wales, as falling within sub-paragraph (ii) or this sub-paragraph.

Changes to legislation: Charities Act 2011, Part 1 is up to date with all changes known to be in force on or before 31 January 2026. 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

- (2) In subsection (1)—
- (a) in paragraph (c), “religion” includes—
 - (i) a religion which involves belief in more than one god, and
 - (ii) a religion which does not involve belief in a god,
 - (b) in paragraph (d), “the advancement of health” includes the prevention or relief of sickness, disease or human suffering,
 - (c) paragraph (e) includes—
 - (i) rural or urban regeneration, and
 - (ii) the promotion of civic responsibility, volunteering, the voluntary sector or the effectiveness or efficiency of charities,
 - (d) in paragraph (g), “sport” means sports or games which promote health by involving physical or mental skill or exertion,
 - (e) paragraph (j) includes relief given by the provision of accommodation or care to the persons mentioned in that paragraph, and
 - (f) in paragraph (l), “fire and rescue services” means services provided by fire and rescue authorities under Part 2 of the Fire and Rescue Services Act 2004.
- (3) Where any of the terms used in any of paragraphs (a) to (l) of subsection (1), or in subsection (2), has a particular meaning under the law relating to charities in England and Wales, the term is to be taken as having the same meaning where it appears in that provision.
- (4) In subsection (1)(m)(i), “the old law” means the law relating to charities in England and Wales as in force immediately before 1 April 2008.

Modifications etc. (not altering text)

- C3** S. 3(1)(b) applied (28.4.2022) by 2010 c. 32, s. 12(5)(6) (as inserted by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 164(2), 208(4)(t))

4 The public benefit requirement

- (1) In this Act “the public benefit requirement” means the requirement in section 2(1)(b) that a purpose falling within section 3(1) must be for the public benefit if it is to be a charitable purpose.
- (2) In determining whether the public benefit requirement is satisfied in relation to any purpose falling within section 3(1), it is not to be presumed that a purpose of a particular description is for the public benefit.
- (3) In this Chapter any reference to the public benefit is a reference to the public benefit as that term is understood for the purposes of the law relating to charities in England and Wales.
- (4) Subsection (3) is subject to subsection (2).

Changes to legislation: Charities Act 2011, Part 1 is up to date with all changes known to be in force on or before 31 January 2026. 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

- (a) charities, or
- (b) charitable purposes,

in enactments which relate to matters falling within Section A1 of Part 2 of Schedule 5 to the Scotland Act 1998 (reserved matters: fiscal policy etc.).

(2) In so far as this Chapter affects the law of Scotland—

- (a) references in sections 1(1) and 2(1) to the law of England and Wales are to be read as references to the law of Scotland, and
- (b) the reference in section 1(1) to the High Court is to be read as a reference to the Court of Session.

8 Application of this Chapter in relation to Northern Ireland

(1) This Chapter affects the law of Northern Ireland only in so far as it affects the construction of references to—

- (a) charities, or
- (b) charitable purposes,

in enactments which relate to matters falling within paragraph 9 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters: taxes and duties).

(2) In so far as this Chapter affects the law of Northern Ireland—

- (a) references in sections 1(1) and 2(1) to the law of England and Wales are to be read as references to the law of Northern Ireland, and
- (b) the reference in section 1(1) to the High Court is to be read as a reference to the High Court in Northern Ireland.

9 Interpretation

(1) In this Chapter “enactment” includes—

- (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978), and
- (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England,

and references to enactments include enactments whenever passed or made.

(2) In section 2(2) the reference to a document includes a document whenever made.

(3) In this Act “institution” means an institution whether incorporated or not, and includes a trust or undertaking.

(4) Subsections (1) to (3) apply except where the context otherwise requires.

CHAPTER 2

SPECIAL PROVISION FOR THIS ACT

10 Ecclesiastical corporations etc. not charities in certain contexts

(1) In the rest of this Act, “charity”, except in so far as the context otherwise requires, has the meaning given by section 1(1).



Charities Act 2011

2011 CHAPTER 25

PART 4

REGISTRATION AND NAMES OF CHARITIES

The register

29 The register

- (1) There continues to be a register of charities, to be kept by the Commission in such manner as it thinks fit.
- (2) The register must contain—
 - (a) the name of every charity registered in accordance with section 30, and
 - (b) such other particulars of, and such other information relating to, every such charity as the Commission thinks fit.
- (3) In this Act, except in so far as the context otherwise requires, “the register” means the register of charities kept under this section and “registered” is to be read accordingly.

Modifications etc. (not altering text)

- C1** S. 29 modified (2.1.2013) by [The Charitable Incorporated Organisations \(General\) Regulations 2012](#) (S.I. 2012/3012), regs. 1, **6(2)(a)**

Charities required to be registered

30 Charities required to be registered: general

- (1) Every charity must be registered in the register unless subsection (2) applies to it.
- (2) The following are not required to be registered—

Changes to legislation: Charities Act 2011, Part 4 is up to date with all changes known to be in force on or before 03 February 2026. 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

- (a) an exempt charity (see section 22 and Schedule 3),
 - (b) a charity which for the time being—
 - (i) is permanently or temporarily excepted by order of the Commission, and
 - (ii) complies with any conditions of the exception, and whose gross income does not exceed £100,000,
 - (c) a charity which for the time being—
 - (i) is, or is of a description, permanently or temporarily excepted by regulations made by the [^{F1}Secretary of State], and
 - (ii) complies with any conditions of the exception, and whose gross income does not exceed £100,000, and
 - (d) a charity whose gross income does not exceed £5,000.
- (3) A charity within—
- (a) subsection (2)(b) or (c), or
 - (b) subsection (2)(d),
- must, if it so requests, be registered in the register.
- (4) In this section any reference to a charity's gross income is to be read, in relation to a particular time—
- (a) as a reference to the charity's gross income in its financial year immediately preceding that time, or
 - (b) if the Commission so determines, as a reference to the amount which the Commission estimates to be the likely amount of the charity's gross income in such financial year of the charity as is specified in the determination.

Textual Amendments

- F1** Words in s. 30(2)(c)(i) 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)(e)** (with art. 12)

Modifications etc. (not altering text)

- C2** Ss. 30-34 excluded (2.1.2013) by [The Charitable Incorporated Organisations \(General\) Regulations 2012 \(S.I. 2012/3012\)](#), regs. 1, **6(3)**

31 Restrictions on extending the range of excepted charities etc.

- (1) No order may be made under section 30(2)(b) so as to except any charity that was not excepted immediately before 31 January 2009.
- (2) Subject to subsection (3), no regulations may be made under section 30(2)(c) so as to except any charity or description of charities that was not excepted immediately before 31 January 2009.
- (3) Such regulations must be made under section 30(2)(c) as are necessary to secure that any institution ceasing to be an exempt charity by virtue of an order made under section 23 is excepted under section 30(2)(c) (subject to compliance with any conditions of the exception and the financial limit mentioned in section 30(2)(c)).
- (4) Subsection (1) does not prevent an order which—



Charities Act 2011

2011 CHAPTER 25

PART 4

REGISTRATION AND NAMES OF CHARITIES

Effect of registration and right to inspect register

37 Effect of registration

- (1) An institution is, for all purposes other than rectification of the register, conclusively presumed to be or to have been a charity at any time when it is or was on the register.
- (2) For the purposes of subsection (1) an institution is to be treated as not being on the register during any period when the entry relating to it is in suspense under section 36(4).

Changes to legislation:

Charities Act 2011, Section 37 is up to date with all changes known to be in force on or before 09 February 2026. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 120(1)(a) words in s. 120(1) renumbered as s. 120(1)(a) by [2025 c. 26 Sch. 2 para. 71\(3\)\(b\)](#)
- s. 120(1)(b) and word inserted by [2025 c. 26 Sch. 2 para. 71\(3\)\(c\)](#)

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. 120(1)(a) words in s. 120(1) renumbered as s. 120(1)(a) by [2025 c. 26 Sch. 2 para. 71\(3\)\(b\)](#)
- s. 120(1)(b) and word inserted by [2025 c. 26 Sch. 2 para. 71\(3\)\(c\)](#)



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 09 February 2026. 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 09 February 2026. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 120(1)(a) words in s. 120(1) renumbered as s. 120(1)(a) by [2025 c. 26 Sch. 2 para. 71\(3\)\(b\)](#)
- s. 120(1)(b) and word inserted by [2025 c. 26 Sch. 2 para. 71\(3\)\(c\)](#)

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. 120(1)(a) words in s. 120(1) renumbered as s. 120(1)(a) by [2025 c. 26 Sch. 2 para. 71\(3\)\(b\)](#)
- s. 120(1)(b) and word inserted by [2025 c. 26 Sch. 2 para. 71\(3\)\(c\)](#)



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.

74 Restriction on expenditure on promoting Bills

- (1) No expenditure incurred in preparing or promoting a Bill in Parliament is to be defrayed without the consent of the court or the Commission out of any money applicable for the purposes of a charity.
- (2) Subsection (1) applies regardless of anything in the trusts of a charity.

Modifications etc. (not altering text)

- C1** S. 74 excluded (15.7.2013) by [The Charities Act 2011 \(Commencement No. 2\) Order 2013 \(S.I. 2013/1775\)](#), [Sch. 2 para. 2](#)
- C2** S. 74 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 74 is up to date with all changes known to be in force on or before 09 February 2026. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 120(1)(a) words in s. 120(1) renumbered as s. 120(1)(a) by [2025 c. 26 Sch. 2 para. 71\(3\)\(b\)](#)
- s. 120(1)(b) and word inserted by [2025 c. 26 Sch. 2 para. 71\(3\)\(c\)](#)

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. 120(1)(a) words in s. 120(1) renumbered as s. 120(1)(a) by [2025 c. 26 Sch. 2 para. 71\(3\)\(b\)](#)
- s. 120(1)(b) and word inserted by [2025 c. 26 Sch. 2 para. 71\(3\)\(c\)](#)



Charities Act 2011

2011 CHAPTER 25

PART 9

CHARITY TRUSTEES, TRUSTEES AND AUDITORS ETC.

Meaning of “charity trustees”

177 Meaning of “charity trustees”

In this Act, except in so far as the context otherwise requires, “charity trustees” means the persons having the general control and management of the administration of a charity.

Changes to legislation:

Charities Act 2011, Section 177 is up to date with all changes known to be in force on or before 08 February 2026. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 120(1)(a) words in s. 120(1) renumbered as s. 120(1)(a) by [2025 c. 26 Sch. 2 para. 71\(3\)\(b\)](#)
- s. 120(1)(b) and word inserted by [2025 c. 26 Sch. 2 para. 71\(3\)\(c\)](#)

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. 120(1)(a) words in s. 120(1) renumbered as s. 120(1)(a) by [2025 c. 26 Sch. 2 para. 71\(3\)\(b\)](#)
- s. 120(1)(b) and word inserted by [2025 c. 26 Sch. 2 para. 71\(3\)\(c\)](#)