



**CHARITY COMMISSION  
FOR ENGLAND AND WALES**

**In the matter of a series of Named Charities set out in the Schedule attached (‘the Charities’)**

**STATEMENT OF REASONS GIVEN IN ACCORDANCE WITH SECTION 85 and 86 OF THE CHARITIES ACT 2011 (‘THE ACT’) – ORDER TO DIRECT THE APPLICATION OF CHARITY PROPERTY**

The Charity Commission for England and Wales (‘the Commission’) intends to make an Order under section 85 of the Charities Act 2011(‘the Act’) requiring CCLA Investment Management Ltd (‘CCLA’) to apply, by means of an account transfer, property held in the bank account of each of the named charities ( ‘the Named Charity’ ) referred to in the attached schedule (‘the Schedule ’) for the following reasons:

- The Commission is satisfied that CCLA is in possession or control of property belonging to each Named Charity which is held in a CCLA bank account for the Named Charity
- The Trustees appointed to administer and run the Named Charity have failed to provide instructions to CCLA to apply the property for a considerable period (not less than 7 years) despite CCLA seeking to secure such instructions.
- Upon receiving confirmation from CCLA that the Named Charities have each failed to provide instructions, the Commission has sent correspondence to the last known address of the trustees for each Named Charity requesting a reply within 28 days but has similarly received no response.
- The CCLA are therefore unable to apply the funds held in the Named Charity’s bank account for the purposes of each Named Charity.
- The making of this Order will secure a proper application of this property for the purposes of each Named Charity. It is deemed necessary and desirable to issue this Order to ensure that funds can be spent in accordance with their objects and are not left dormant.

- The Commission has identified UK Community Foundations ('the Receiving Charity') as an appropriate recipient of the charitable funds previously held in trust for each Named Charity. After carrying out research and due diligence the Commission considers the Receiving Charity to be the most appropriate charity to receive the funds in furtherance of each of the Named Charity's objects.

### **Legal test for making the Order**

An Order under section 85 of the Act can be made at any time when the Commission is satisfied:

- a) that a person or persons in possession or control of any property held by or on trust for a charity is or are unwilling or unable to apply it properly for the purposes of the charity, and*
- b) that it is necessary or desirable to make an order under this section for the purpose of securing a proper application of that property for the purposes of the charity.*

### **Reasons for making this Order**

- A. The Commission is satisfied that the trustees of each Named Charity identified in the Schedule are unable to apply the property held by or on trust for the purposes of those Charities.
- B. Without the Commission's intervention (by way of a section 85 Order), the Named Charity cannot be properly administered, and the funds will not be applied for the purposes they were raised.
- C. The Commission has therefore determined that it should use its power under section 85 of the Act to direct the transfer of the property for each Named Charity to the Receiving Charity to ensure that the funds of each Named Charity are spent in line with the Named Charity's purposes as stated in the Schedule.
- D. The use of the Commission's power under section 85 is the most appropriate and proportionate way of ensuring that charitable property do not remain inactive and unused and can be applied for the purpose of securing a proper application of the property for the Named Charity.

## **CCLA Investment Management Ltd is in possession or control of the charitable property which is being held on trust for each Named Charity**

Based on the information considered by the Commission it is of the view that the funds in each of the bank accounts listed in the Schedule as of 01 May 2024, is charitable property ('the Charitable Property').

### **Proportionality**

The Commission as a public authority and regulator of the charitable sector has statutory objectives to increase public trust and confidence in charities; to promote compliance by charity trustees with their legal obligations in connection with the administration of their charities; to promote the effective use of charitable resources and to enhance the accountability of charities to donors, beneficiaries and the general public.

For the reasons set out above, the evidence available shows that it is necessary and /or desirable to act to secure proper application of the Named Charity's property for charitable purposes. The decision to make this Order is in furtherance of the Commission's general duties and has been made with regard to the need to use the Commission's resources in the most efficient, effective and economic way and the principles of best regulatory practice where decisions should be, accountable, consistent , transparent and targeted only at cases in which action is needed . This is because the trustees are not willing to act and CCLA is unable to apply the charitable funds it holds for the purposes of each Named Charity. This impedes the proper administration of each Named Charity and will continue to be the case unless the Commission intervenes by exercising its power to make an order.

Considering the evidence that we hold, any lesser intervention would be inadequate to resolve the issues.

Before deciding to exercise its powers under section 85 of the Act, the Commission considered both the proposed use of the power and whether the same result could be achieved by alternative means, including the use of other statutory powers. On this occasion the Commission considered that exercising its power under section 85 of the

Act for each Named Charity using a scheduled list annexed to the order is proportionate and that no other powers(s) could be used as effectively to achieve the objective of ensuring that funds are applied for the Named Charity's charitable purpose.

### **Human Rights Considerations**

The Commission has considered its duty not to interfere with the rights protected by the European Convention on Human Rights and the Human Rights Act 1998 except to the extent that any such interference is legitimate and proportionate. The Commission is satisfied that the decision to exercise the Commission's power under section 85 of the Act does not interfere with such rights. If there is such interference, it is the Commission's view that the section 85 is lawful, is in accordance with the Commission's statutory objectives and functions (Public Confidence, Compliance, Resources and Accountability) and is proportionate.

### **Equality Duty**

The Commission had due regard to the public sector equality duty when making the decision to use this power. It has not identified an adverse effect as a result of using this power.

### **Better Regulation Principles**

The Commission has considered the better regulation principles in making this decision and is satisfied that it is being undertaken in accordance with those principles.

### **Economic Growth Duty**

The Commission has had regard to the economic growth duty and in particular to the impact of this particular regulatory power on the desirability for economic growth both for each Named Charity and the Receiving Charity. The Commission is satisfied that the use of this power is proportionate. Without the exercise of this power the funds will remain inactive and unused. The exercise of this power will ensure that the charitable funds for each Named Charity will be utilised by the Receiving Charity to further the purpose for which they were given.

**Schedule A - 01 May 2024**

<b>CCLA Fund Name</b>	<b>Registered Charity Number</b>
George Fabry	206438
George Fournier's Charity	209023
P Coborn poor (Prisca Coborn (Covill hall) charity)	211394
Prisca Coborn (Covill hall) charity (share)	211394
The Bow Consolidated Charities	211486
St Mary, Bow, with Bromley St Leonard Charities	211491
W J Thomson Mathematics Prize in connection with Morpeth School	274890
Exhibition Fund of the Girls Educational Foundation at Norton Folgate	312327
Sir Percy Harris fund in connection with Bethnal Green and Shoreditch institute	312834
Leverington	Not registered
St Matthew Robson Charity	Not registered
William Ray Memorial Fund	Not registered
Ben Jonson School	Not registered