

Charities Bill [HL]

AMENDMENTS TO BE MOVED IN SPECIAL PUBLIC BILL COMMITTEE

Clause 37

LORD PARKINSON OF WHITLEY BAY

Page 28, line 23, leave out subsection (1) and insert –

“(1) The Charities Act 2011 is amended as follows.

(1A) In section 337 (other provisions as to orders of Commission) –”

Member’s explanatory statement

This amendment is consequential upon the amendment at page 28, line 31.

Page 28, line 24, at end insert –

“(a) after subsection (2) insert –

“(2A) Where an application is made for an order under this Act or the Commission proposes to make such an order, the Commission –

(a) may itself give such public notice as it thinks fit of the contents of the order applied for or proposed to be made, or

(b) may require it to be given by –

(i) any person making an application for the order, or

(ii) any charity that would be affected by the order.”;

Member’s explanatory statement

This amendment makes provision for public notice of the contents of an order applied for or as proposed to be made, including provision enabling the Charity Commission to require another to give public notice.

Page 28, line 25, at end insert –

“(3ZA) Where the Commission’s written consent is sought under section 67A, 198, 226 or 280A in relation to a charity, the Commission –

(a) may itself give such public notice as it thinks fit of the contents of the consent sought, or

(b) may require it to be given by the charity.”

Member's explanatory statement

This amendment makes provision for public notice where the Charity Commission's written consent is sought, including provision enabling the Charity Commission to require another to give public notice.

Page 28, line 31, at end insert –

- “(4) In section 338 (directions of the Commission or person conducting inquiry), in subsection (2), for “any such directions” substitute “a direction of the Commission under any provision of this Act”.”

Member's explanatory statement

This amendment alters section 338(2) of the Charities Act 2011, which applies provision in section 337(1) to (3) about orders made by the Charity Commission to directions given by the Commission, in consequence of the amendment at page 28, line 24, which inserts section 337(2A).

Schedule 2**LORD PARKINSON OF WHITLEY BAY**

Page 36, line 18, at end insert –

- “19A In section 24 of the Cathedrals Measure 2021 (No. 2)(investment powers, etc), after subsection (7) insert –

“(7A) The members of the Chapter of a cathedral may not pass a resolution under –

- (a) section 282 of the Charities Act 2011 (resolution to spend larger fund), or
- (b) section 284A of that Act (power to borrow from permanent endowment),

unless the Chapter has obtained the consent of the Church Commissioners.””

Member's explanatory statement

This amendment of the Cathedrals Measure 2021 relates to clauses 10 and 12 and requires a cathedral chapter to secure the consent of the Church Commissioners before resolving under section 282 to spend part of a larger endowment fund or under section 284A to borrow from permanent endowment, as a chapter must for similar matters under that Measure.

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10 November 2021
