



House of Commons

Tuesday 5 January 2016

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

CHARITIES (PROTECTION AND SOCIAL INVESTMENT) BILL [*LORDS*]

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in the Order they relate to the Bill.

Mr Rob Wilson

8

☆ Page 7, line 1, leave out Clause 9

Member's explanatory statement

This amendment would remove clause 9 from the Bill. It serves to give notice that the Government will oppose the question that clause 9 stand part of the Bill.

Anna Turley
Louise Haigh
Conor McGinn
Peter Kyle
Jo Stevens
Wes Streeting

7

Clause 11, page 10, line 5, after "person" add "or persons"

Member's explanatory statement

This amendment aims to ensure that, where there has been a collective failure to act, a whole trustee board should be held accountable.

Charities (Protection and Social Investment) Bill [Lords], continued

Anna Turley
 Louise Haigh
 Conor McGinn
 Peter Kyle
 Jo Stevens
 Wes Streeting

5

Clause 11, page 10, line 31, leave out “(either generally or in relation to the charities or classes of charity specified or described in the order)” and insert, “, as defined by the Commission in a specific document to be published after consultation and renewed every five years”.

Member’s explanatory statement

Instead of removing this power altogether, this amendment ensures the Commission publicises its definition of “person unfit to be a charity trustee” following a consultation.

Anna Turley
 Louise Haigh
 Conor McGinn
 Peter Kyle
 Jo Stevens
 Wes Streeting

6

Clause 11, page 11, line 33, after “conduct” insert, “both relevant and serious”

Member’s explanatory statement

To ensure a more narrow and relevant definition of “conduct”.

Mr Rob Wilson

9

☆ Clause 17, page 20, line 34, leave out subsection (6)

Member’s explanatory statement

A technical amendment to remove the Privilege amendment that was inserted in the House of Lords.

NEW CLAUSES

Mr Rob Wilson

NC7

☆ To move the following Clause—

“Reserve powers to control fund-raising

- (1) The Charities Act 1992 is amended as follows.
- (2) In Part 2, after section 64A (reserve power to control fund-raising by charitable institutions) insert—

“64B Reserve power in relation to fund-raising regulators

- (1) Regulations under section 64A may, in particular, impose on charitable institutions requirements to do any of the following—
 - (a) to comply with requirements imposed by a regulator;

Charities (Protection and Social Investment) Bill [Lords], continued

- (b) to have regard to guidance issued by a regulator;
 - (c) to be registered with a regulator for the purpose of its regulation of charity fund-raising.
- (2) “Regulator” means a body specified in the regulations as a regulator for the purposes of this section.
 - (3) A body may be specified as a regulator for the purposes of this section only if the regulation of charity fund-raising appears to the Minister to be a principal function of the body.
 - (4) A body maintained out of money provided by Parliament may not be specified as a regulator (and this section does not confer power by regulations to establish a body to act as regulator).”
- (3) In Part 2, after section 64B insert—

“64C Reserve power to confer additional powers on Charity Commission

- (1) In the case of charity fund-raising which—
 - (a) is carried on by a charity, a person managing a charity or a person or company connected with a charity, or
 - (b) involves soliciting or otherwise procuring funds for the benefit of a charity or a company connected with a charity, or for charitable purposes,
 regulations under section 64A may, in particular, make provision conferring functions on the Charity Commission, including provision applying or reproducing, with or without modification, any provision of the Charities Act 2011.
- (2) The regulations may provide for a power that is exercisable by the Commission by virtue of the regulations to be exercisable by a person appointed by the Commission for the purpose.”
- (4) In section 64A(2) after “this section” insert “and sections 64B and 64C”.
- (5) In section 77(4) (regulations and orders) at the end insert “and, in the case of regulations made by virtue of section 64B or 64C, shall in particular consult the Charity Commission.””

Member’s explanatory statement

This is a new clause to extend the existing reserve power to regulate charity fund-raising (in s.64A of the Charities Act 1992). If exercised, the power could require mandatory registration and compliance with a specified fund-raising regulator or for fund-raising regulation to be carried out by the Charity Commission.

 Geoffrey Clifton-Brown

NC1

To move the following Clause—

“Assessment of harm by charities

- (1) The Secretary of State shall make regulations obliging trustees to identify and assess risks of harm to beneficiaries and the public when carrying out their charitable purpose, together with actions to be taken to manage and minimise risks.

Charities (Protection and Social Investment) Bill [*Lords*], *continued*

- (2) The regulations will include provision that charities with a turnover of excess of £1 million are required to publish assessments of harm relating to the charity's purpose as set out in subsection (1).
- (3) The regulations shall provide that charities specified in subsection (2) publish their assessments of harm relating to their purpose in their annual reports.
- (4) Regulations under this section must be made by statutory instrument."

Member's explanatory statement

Charity Commission guidance states that carrying out a charity's purposes for the public benefit includes managing risks of harm to the charity's beneficiaries or the public that might result from carrying out this purpose. The New Clause seeks to place a legal obligation on charities to carry out such assessments and charities with a turnover of £1 million would be required to publish them.

Anna Turley
 Louise Haigh
 Conor McGinn
 Peter Kyle
 Jo Stevens
 Wes Streeting

NC2

To move the following Clause—

“Power to make representations

- (1) A charity may undertake political campaigning or political activity in the context of supporting the delivery of its charitable purposes.
- (2) A charity may campaign to ensure support for, or to oppose, a change in the law, policy or decisions of central government, local authorities or other public bodies.”

Member's explanatory statement

This New Clause would enshrine in legislation the right of charities to undertake political campaigning activity.

Anna Turley
 Louise Haigh
 Conor McGinn
 Peter Kyle
 Jo Stevens
 Wes Streeting

NC3

To move the following Clause—

“Independent schools' facilities: public benefit

In section 4 of the Charities Act 2011 (the public benefit requirement), after subsection (4) insert—

- “(5) Independent schools which are charities must engage actively with local communities and state schools with a view to sharing resources and facilities.

Charities (Protection and Social Investment) Bill [Lords], continued

- (6) The Charity Commission must publish guidance setting out the minimum that independent schools which are charities must do to comply with the duty in subsection (5).”

Member’s explanatory statement

This New Clause would require independent schools to engage with their local communities and state schools to share resources and facilities.

Anna Turley
Louise Haigh
Conor McGinn
Peter Kyle
Jo Stevens
Wes Streeting

NC4

To move the following Clause—

“Independent schools’ sports facilities: public benefit

In section 4 of the Charities Act 2011 (the public benefit requirement), after subsection (4) insert—

- “(5) Independent schools which are charities must engage fully with local communities and state schools with a view to sharing sports facilities and coaching expertise.
- (6) The Charity Commission must publish guidance setting out the minimum that independent schools which are charities must do to comply with the duty in subsection (5).”

Member’s explanatory statement

This New Clause would require independent schools to engage with their local communities and state schools to share sports resources and facilities.

Anna Turley
Louise Haigh
Conor McGinn
Peter Kyle
Jo Stevens
Wes Streeting

NC5

To move the following Clause—

“Independent schools’ music and arts facilities: public benefit

In section 4 of the Charities Act 2011 (the public benefit requirement), after subsection (4) insert—

- “(5) Independent schools which are charities must engage fully with local communities and state schools with a view to sharing facilities for music, drama and arts.

Charities (Protection and Social Investment) Bill [Lords], continued

- (6) The Charity Commission must publish guidance setting out the minimum that independent schools which are charities must do to comply with the duty in subsection (5).”

Member’s explanatory statement

This New Clause would require independent schools to engage with their local communities and state schools to share music resources and facilities.

Anna Turley
 Louise Haigh
 Conor McGinn
 Peter Kyle
 Jo Stevens
 Wes Streeting

NC6

To move the following Clause—

“Independent schools’ careers advice: public benefit

In section 4 of the Charities Act 2011 (the public benefit requirement), after subsection (4) insert—

- “(5) Independent schools which are charities must engage fully with local communities and state schools with a view to careers advice, work experience and further education admissions advice.
- (6) The Charity Commission must publish guidance setting out the minimum that independent schools which are charities must do to comply with the duty in subsection (5).”

Member’s explanatory statement

This New Clause would require independent schools to engage with their local communities and state schools to share careers advice, work experience opportunities and further education admissions.

ORDER OF THE HOUSE [3 DECEMBER 2015]

That the following provisions shall apply to the Charities (Protection and Social Investment) Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 7 January 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

Charities (Protection and Social Investment) Bill [*Lords*], *continued*

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.

ORDER OF THE COMMITTEE [TUESDAY 15 DECEMBER]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 15 December) meet—
 - (a) at 2.00 pm on Tuesday 15 December;
 - (b) at 4.30 pm and 7.00 pm on Tuesday 5 January;
 - (c) at 11.30 am and 2.00 pm on Thursday 7 January;
 - (2) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5 pm on 7 January.
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