



House of Commons

Tuesday 15 December 2015

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 tabled to date, arranged in the order they relate to the Bill.

RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 14 December (Standing Order 83C):

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.

Mr Rob Wilson has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].

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

Mr Rob Wilson

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

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

Clause 1, page 1, line 16, after “give” insert “at least 14 days”

Member’s explanatory statement

To require a minimum period of 14 days’ notice of a warning.

2

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

Clause 1, page 2, line 15, at end insert—

“(2) In Schedule 6 to the Charities Act 2011 (appeals and applications to Tribunal) insert in the appropriate place—

1

“Decision of the Commission to issue a warning under section 75A to a charity trustee, trustee for a charity or a charity

The persons are—
 (a) the charity trustees of the charity; and
 (b) (if a body corporate) the charity itself.

Power to quash the decision and (if appropriate) remit the matter to the Commission.””

Member’s explanatory statement

The Bill gives the Commission a power to issue an official warning to a charity or trustee where it feels there has been a breach of trust or duty or other misconduct or mismanagement. This amendment ensures the right of a charity to appeal the warning to the Charities Tribunal.

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

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

3

Clause 2, page 2, line 21, after “75A” insert, “unless a challenge has been made to the Tribunal under Schedule 6 to the Charities Act 2011,”

Member’s explanatory statement

To remove the automatic ability of the Commission to take action after a warning (under section 76 of Charities Act - suspension of trustees) if said warning has been challenged with the Tribunal.

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

4

Clause 6, page 5, line 2, at end insert—

“(4) An order under this section will automatically be discharged on the closure of the inquiry under section 46 which is referred to in subsection (1).”

Member’s explanatory statement

To restrict the power to ensure that if a tribunal appeal is successful, a direction by the Commission as a result of the warning is no longer relevant.

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”.

 NEW CLAUSES

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.
- (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.

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

(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.
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