

**Memorandum for Public Bill Committee on the application of Standing Order No. 83L of the Standing Orders of the House of Commons relating to Public Business to the Charities (Protection and Social Investment) Bill [as amended]**

***The Bill on Introduction***

The following is the Department's assessment of the Bill at introduction.

*Territorial application*<sup>1</sup>

1. The Bill relates exclusively to England and Wales.
2. There are other references to, or possible effects on, other jurisdictions, but these references or effects are minor or consequential in nature. For example, clauses 2 to 8 amend sections of the Charities Act 2011 which have effect in relation to a charity registered in Scotland which is managed or controlled wholly or mainly in or from England and/or Wales, and add new sections which are caught by section 87 of that Act.

*Subject matter and legislative competence of devolved administrations*<sup>2</sup>

3. In the view of the Government, provision corresponding to the Bill would be within the legislative competence of the Scottish Parliament and the Northern Ireland Assembly. The Bill deals, in general terms, with charities. In relation to Scotland, charities are not reserved to the UK Government under the Scotland Act 1998 (Schedule 5). In relation to Northern Ireland, charities are not an excepted matter or a reserved matter under the Northern Ireland Act 1998 (Schedules 2 and 3). There are examples of charities legislation made by the devolved administrations in Scotland and Northern Ireland: the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Act (Northern Ireland) 2008. Charities are not devolved to the National Assembly for Wales under the Government of Wales Act 2006.

The above assessment is presented in tabular form below.

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<sup>1</sup> References in this statement to an effect of a provision being minor or consequential are to its being minor or consequential for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

<sup>2</sup> References in this statement to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

| Provision    | England                                  | Wales                                  |                                  | Scotland             |                                     | Northern Ireland             |   |
|--------------|--|--|----------------------------------|----------------------|-------------------------------------|------------------------------|---|
|              | Extends to E & W and applies to England? | Extends to E & W and applies to Wales? | Is the matter devolved in Wales? | Applies to Scotland? | Is the matter devolved in Scotland? | Applies to Northern Ireland? | Is the matter devolved in Northern Ireland? |
| Clauses 1-17 | Yes                                      | Yes                                    | No                               | No                   | Yes                                 | No                           | Yes   |

### **Commons Stage Committee amendments**

The following is the Department's assessment of the amendments to the Bill made at Commons Committee stage.

#### *Territorial application*

4. The amendments made at Committee stage apply to England and Wales only. They do not affect the territorial application of the provisions of the Bill.

#### *Subject matter and legislative competence of devolved administrations*

5. The amendments that apply to England and Wales deal with charities which, as noted in paragraph 3 above, are within the legislative competence of the Scottish Parliament and Northern Ireland Assembly but not within the legislative competence of the Welsh Assembly. They do not affect the Department's view on whether corresponding provision could be made by any of the devolved legislatures for any provisions of the Bill.

The above assessment is presented in tabular form below in respect of the Bill as amended at Commons Committee stage.

| Provision    | England                                  | Wales                                  |                                  | Scotland             |                                     | Northern Ireland             |   |
|--------------|--|--|----------------------------------|----------------------|-------------------------------------|------------------------------|---|
|              | Extends to E & W and applies to England? | Extends to E & W and applies to Wales? | Is the matter devolved in Wales? | Applies to Scotland? | Is the matter devolved in Scotland? | Applies to Northern Ireland? | Is the matter devolved in Northern Ireland? |
| Clauses 1-17 | Yes                                      | Yes                                    | No                               | No                   | Yes                                 | No                           | Yes   |