

Charities (Protection and Social Investment) Bill [HL]

FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 13

LORD WATSON OF INVERGOWRIE
BARONESS HAYTER OF KENTISH TOWN

20B★ Page 17, line 23, leave out “from time to time”

BARONESS BARKER
LORD WALLACE OF SALTAIRE
LORD WATSON OF INVERGOWRIE
BARONESS HAYTER OF KENTISH TOWN

21 Page 17, line 24, leave out “social”

BARONESS BARKER
LORD WALLACE OF SALTAIRE

22 Page 17, line 24, at end insert “and make this review publicly available, including an assessment of how this use of funds furthers the charity’s purpose”

LORD WATSON OF INVERGOWRIE
BARONESS HAYTER OF KENTISH TOWN

22ZA★ Page 17, line 24, at end insert “and make a report of this review publicly available, including an assessment of how this use of funds furthers the charity’s purpose.

(3A) Reports under subsection (3) must be published not more than 5 years apart, and the first must be published within 3 years of the day on which this Act is passed.”

Amendment
No.

Clause 13 – *continued*

LORD HODGSON OF ASTLEY ABBOTTS

22A Page 17, line 38, at end insert –

“292D Marketing of social investments

- (1) Any financial promotion which is communicated by a charity shall not be subject to the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005.
- (2) The Treasury may by regulations set out rules for the communication of financial promotions by charities.
- (3) In making any such regulations, the Treasury shall have regard to –
 - (a) the desirability of creating rules which are proportionate to the nature, scale and capacity of different charities and which are easy to understand and follow;
 - (b) the desirability of creating rules which support the growth, development and financing of charities and which are enabling and facilitative;
 - (c) the desirability of facilitating, where appropriate, direct investment on the part of consumers into charities, including charities which operate locally to the consumer;
 - (d) the desirability of consistency of approach in the regulatory treatment of communications made by different forms of charities;
 - (e) the differing expectations that consumers may have in relation to different kinds of investment or other transaction and, in particular, the fact that many when investing in charities do so for a variety of non-financial reasons; and
 - (f) the desirability, where appropriate, of the Financial Conduct Authority exercising its functions in a way that recognises differences in the nature of, and objectives of, charities as compared to other organisations which are subject to the requirements of the Financial Services and Markets Act 2000.”

After Clause 13

LORD HODGSON OF ASTLEY ABBOTTS
[In substitution for Amendment 23]

22B Insert the following new Clause –

“Appeals and applications to Charity Appeal Tribunal

- (1) The Charities Act 2011 is amended as follows.
- (2) For section 319 (appeals: general) substitute –

“319 Appeals: general

- (1) Except in the case of a reviewable matter (see section 322) an appeal may be brought to the Tribunal against any decision, order or direction made by the Commission or any decision on the part of the Commission not to make any decision, order or direction.

Amendment
No.

After Clause 13 – *continued*

- (2) Such an appeal may be brought by the following –
 - (a) the Attorney General;
 - (b) the charity trustees of the charity subject to the relevant decision, order or direction;
 - (c) (if a body corporate) the charity subject to the relevant decision, order or direction;
 - (d) any other person who is the subject of the relevant decision, order or direction or who is significantly interested in and affected by the relevant decision, order or direction.
- (3) The Commission is to be the respondent to such an appeal.
- (4) In determining such an appeal the Tribunal –
 - (a) must consider afresh the legal decision, order, direction or decision not to act (as the case may be), and
 - (b) may take into account evidence which is not available to the Commission.
- (5) The Tribunal may –
 - (a) dismiss the appeal; or
 - (b) if it allows the appeal, exercise any of the following powers –
 - (i) to quash (in whole or in part) the decision, order or direction and (if appropriate) remit the matter to the Commission;
 - (ii) to substitute for the decision, order or direction any other decision, order or direction which could have been made or given by the Commission;
 - (iii) to add to the decision, order or direction anything which could have been contained in a decision, order or direction of the Commission;
 - (iv) to give such direction to the Commission as it considers appropriate; and
 - (v) where appropriate, to make any decision, order or direction which the Commission could have made.”
- (3) For section 321(2) substitute –

“(2) Such an application may be brought by –

 - (a) the Attorney General;
 - (b) the charity trustees of the charity subject to the relevant reviewable matter;
 - (c) (if a body corporate) the charity subject to the relevant reviewable matter; or
 - (d) any other person who is the subject of the relevant reviewable matter or who is significantly interested in and affected by the relevant reviewable matter.”
- (4) For section 323 (remission of matters to Commission) substitute –

Amendment
No.

After Clause 13 – continued

“323 Remission of matters to Commission

The reference in section 319(5)(b)(i) to “remit the matter to the Commission” means the power to remit the matter –

- (a) generally, or
 - (b) for determination in accordance with a finding made or direction given by the Tribunal.”
- (5) Omit section 324 (power to amend provisions relating to appeals and applications to Tribunal).
- (6) Omit Schedule 6 (appeals and applications to Tribunal).”

23 [Withdrawn]

LORD MOYNIHAN
LORD GLENTORAN

23A Insert the following new 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).”

LORD WALLACE OF SALTAIRE
BARONESS BARKER

23B Insert the following new 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.
- (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).”

24 [Withdrawn]

25 [Withdrawn]

**Amendment
No.**

Clause 14

BARONESS BARKER
LORD WALLACE OF SALTAIRE

- 26 Page 18, line 6, at end insert –
“() The Chancellor of the Exchequer and the Minister for the Cabinet Office must carry out a review into the operation of this Act as it relates to social investment, including –
(a) the effectiveness of the social investment market;
(b) public understanding of how funds are used by charities for the purposes of investment;
(c) the interaction between grant-making and social investment.”
- 27 Page 18, line 11, at end insert –
“() any other areas deemed relevant by the Minister”

LORD WATSON OF INVERGOWRIE
BARONESS HAYTER OF KENTISH TOWN

- 28 [*Withdrawn*]
- 29 Page 18, line 15, leave out “5” and insert “3”

Clause 15

LORD BRIDGES OF HEADLEY

- 30 Page 18, line 20, leave out “This Act comes” and insert –
“() This section and section 14 come into force on the day on which this Act is passed.
() The other provisions of this Act come”

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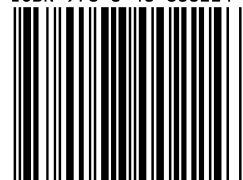
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