

# Charities (Protection and Social Investment) Bill [HL]

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AMENDMENT  
TO BE MOVED  
IN GRAND COMMITTEE  
*[Supplementary to the Marshalled List]*

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**After Clause 12**

LORD BEW

**15A★** Insert the following new Clause—

*“Damages for torts by trustees or their employees*

**Damages for torts by trustees of unincorporated charities or their employees**

- (1) The Charities Act 2011 is amended as follows.
- (2) After section 284 (when and how section 282 resolution takes effect) insert—

**“284A Damages for torts by trustees or their employees**

- (1) This section applies where—
  - (a) a trustee of an unincorporated charity is liable in tort by reason of his conduct in his capacity as a trustee of that charity; or
  - (b) a person employed by a trustee or trustees of an unincorporated charity is liable in tort by reason of his conduct in the course of that employment.
- (2) Where this section applies, a person entitled to damages for the tort shall be entitled to recover those damages from the assets of the charity.
- (3) Subsection (2) shall not affect the liability of any trustee, employee, or any other person.
- (4) Where a claim is made under subsection (2), the provisions of the Civil Liability (Contribution) Act 1978 shall apply as if the charity had legal personality.

**After Clause 12**—*continued*

- (5) Where a claim is made under subsection (2), or a contribution is claimed from the assets of a charity under subsection (4), the charity may be named as a party and may be represented by its trustees or such other person as may be appointed by the court in any legal proceedings.””

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*22nd June 2015*

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