

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

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## COMMONS AMENDMENTS

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*[The page and line references are to Bill 69, the bill as first printed for the Commons.]*

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### **Clause 1**

**1** Page 2, line 15, at end insert –

- “( ) The Commission may vary or withdraw a warning under this section.
- ( ) Subsection (2) applies to the variation or withdrawal of a warning as it applies to a warning.
- ( ) Subsections (3) to (6) apply to the variation of a warning as they apply to a warning, except that –
  - (a) in subsection (5)(a) references to the warning are to be read as references to the warning as varied, and
  - (b) the matter to be specified under subsection (5)(b) is any change as a result of the variation in the action previously proposed by the Commission.”

### **Clause 9**

**2** Page 7, line 1, leave out Clause 9

### **Clause 10**

**3** Page 8, line 3, at beginning insert “it relates to the management of the charity, and”

### **Clause 11**

**4** Page 10, line 15, at beginning insert “it relates to the management of the charity, and”

**5** Page 12, line 16, after “spent” insert “or, where condition B applies, would become spent if it were a conviction for the relevant disqualifying offence”

**After Clause 14**

6 Insert the following new 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;
    - (b) to have regard to guidance issued by a regulator;
    - (c) to pay fees to a regulator of an amount determined by the regulations or determined by the regulator in accordance with the regulations;
    - (d) 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.”
- (3) Where regulations by virtue of this section apply in relation to charity fund-raising by institutions that are not charities, section 19 of the Charities Act 2011 (fees and other amounts payable to

Commission) applies in relation to the regulations as it applies in relation to the enactments relating to charities (but that is without prejudice to the application of other provisions by virtue of this section or section 77(3)).”

- (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.””

**Clause 17**

7           Page 20, line 34, leave out subsection (6)

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