

Charities Bill [HL]

COMMONS AMENDMENTS

[The page and line references are to Bill 83, the bill as first printed for the Commons]

Clause 2

- 1 Page 2, line 22, at end insert “, or of the efficiency of the police, fire and rescue services or ambulance services”
- 2 Page 2, line 34, leave out “sport which involves physical skill and exertion; and” and insert “sports or games which promote health by involving physical or mental skill or exertion”
- 3 Page 2, line 37, at end insert “; and
(f) in paragraph (l) “fire and rescue services” means services provided by fire and rescue authorities under Part 2 of the Fire and Rescue Services Act 2004 (c. 21).”

Clause 8

- 4 Page 9, line 40, leave out “Secretary of State” and insert “Minister”

Clause 9

- 5 Page 11, line 39, leave out “(subject to subsection (11))”
- 6 Page 11, line 41, leave out from beginning to end of line 3 on page 12
- 7 Page 12, line 22, leave out “by the Commission”
- 8 Page 12, line 31, leave out “by the Secretary of State”
- 9 Page 13, line 8, leave out “Secretary of State” and insert “Minister”
- 10 Page 13, line 13, leave out “Secretary of State” and insert “Minister”
- 11 Page 13, line 22, after “(7)” insert “(a)”
- 12 Page 13, line 26, leave out from “day” to “(registration” in line 27 and insert “on which subsections (1) to (5) above come into force by virtue of an order under section 77 of the Charities Act 2006 relating to section 9 of that Act”

- 13 Page 13, line 41, leave out “Secretary of State” and insert “Minister”
14 Page 14, line 7, leave out “Secretary of State” and insert “Minister”
15 Page 14, line 30, leave out “(subject to section 3(11) above)”

Clause 10

- 16 Page 14, line 34, leave out “commencement of section 9 above” and insert “appointed day”
17 Page 14, line 34, leave out “Secretary of State” and insert “Minister”
18 Page 14, line 43, leave out from “the” to end of line 44 and insert “appointed day.
“(4) In this section “the appointed day” means the day on which section 3A(1) to (5) of the 1993 Act (as substituted by section 9 of this Act) come into force by virtue of an order under section 77 of this Act.”

Clause 11

- 19 Page 15, line 21, leave out subsection (9)
20 Page 15, line 36, leave out “Secretary of State” and insert “Minister”
21 Page 16, line 2, leave out “Secretary of State” and insert “Minister”
22 Page 16, line 8, leave out “Secretary of State” and insert “Minister”
23 Page 16, line 32, leave out “Secretary of State” and insert “Minister”
24 Page 16, line 34, leave out “Secretary of State” and insert “Minister”

Clause 22

- 25 Page 22, line 8, leave out “Secretary of State” and insert “Minister”

Clause 23

- 26 Page 24, leave out lines 14 to 17 and insert –
“(a) a Scottish recognised body, or
(b) a Northern Ireland charity,”
27 Page 24, leave out lines 32 to 35 and insert –
“(a) a Scottish recognised body, or
(b) a Northern Ireland charity,”
28 Page 24, line 44, at end insert –
“(3A) After section 25 insert –
“25A Meaning of “Scottish recognised body” and “Northern Ireland charity” in sections 24 and 25
(1) In sections 24 and 25 above “Scottish recognised body” means a body –
(a) established under the law of Scotland, or
(b) managed or controlled wholly or mainly in or from Scotland,

to which the Commissioners for Her Majesty's Revenue and Customs have given intimation, which has not subsequently been withdrawn, that relief is due under section 505 of the Income and Corporation Taxes Act 1988 in respect of income of the body which is applicable and applied to charitable purposes only.

- (2) In those sections "Northern Ireland charity" means an institution –
- (a) which is a charity under the law of Northern Ireland, and
 - (b) to which the Commissioners for Her Majesty's Revenue and Customs have given intimation, which has not subsequently been withdrawn, that relief is due under section 505 of the Income and Corporation Taxes Act 1988 in respect of income of the institution which is applicable and applied to charitable purposes only."

29 Page 25, line 2, leave out "and 25" and insert "to 25A"

Clause 24

30 Page 25, line 22, after "court" insert "or the Tribunal"

Clause 27

31 Page 29, line 17, after "(2)", insert "above"

Clause 28

32 Page 30, line 15, leave out "Secretary of State" and insert "Minister"

Clause 29

33 Page 31, leave out line 21

Clause 37

34 Page 37, line 11, leave out "(5) to (7)" and insert "(4) to (6)"

Clause 38

35 Page 38, line 3, leave out "or directors"

36 Page 38, leave out lines 13 to 21 and insert –

- "(1) Section 727 of the Companies Act 1985 (power of court to grant relief to officers or auditors of companies) shall have effect in relation to a person to whom this section applies as it has effect in relation to a person employed as an auditor by a company.
- (2) This section applies to –
- (a) a person acting in a capacity within section 73D(1)(b) or (c) above in a case where, apart from this section, section 727 would not apply in relation to him as a person so acting, and
 - (b) a charity trustee of a CIO."

Clause 39

37 Page 39, line 23, leave out “Secretary of State” and insert “Minister”

Clause 40

38 Page 41, line 27, leave out “Secretary of State” and insert “Minister”

Clause 41

39 Page 45, line 1, leave out “Secretary of State” and insert “Minister”

Clause 42

40 Page 45, line 24, at end insert “in response to the question put to the meeting”

Clause 43

41 Page 46, leave out lines 34 to 36

42 Page 48, line 29, leave out “Secretary of State” and insert “Minister”

43 Page 49, line 33, leave out “Secretary of State” and insert “Minister”

Clause 45

44 Page 53, line 21, leave out “to give money or other property” and insert “which is—
(i) an appeal to them to give money or other property, or
(ii) an appeal falling within subsection (4),
(or both) and”

45 Page 53, line 35, leave out subsections (4) and (5) and insert —
“(4) An appeal falls within this subsection if it consists in or includes —
(a) the making of an offer to sell goods or to supply services, or
(b) the exposing of goods for sale,
to members of the public.”

Clause 63

46 Page 68, line 19, leave out “Secretary of State” and insert “Minister”

47 Page 69, line 10, leave out “Secretary of State” and insert “Minister”

Clause 68

48 Page 73, line 20, leave out “Secretary of State” and insert “Minister”

Clause 69

49 Page 73, line 26, leave out “Secretary of State” and insert “Minister”

Clause 70

50 Page 75, line 5, leave out “The Secretary of State” and insert “A relevant Minister”

- 51 Page 75, line 16, leave out “Secretary of State” and insert “relevant Minister”
- 52 Page 75, line 20, leave out “Secretary of State” and insert “relevant Minister”
- 53 Page 75, line 22, leave out “Secretary of State” and insert “relevant Minister”
- 54 Page 75, line 30, leave out “Secretary of State” and insert “relevant Minister”
- 55 Page 75, line 34, leave out “Secretary of State” and insert “relevant Minister”
- 56 Page 75, line 35, leave out “The Secretary of State” and insert “A relevant Minister”
- 57 Page 76, line 2, leave out “the Secretary of State” and insert “a relevant Minister”
- 58 Page 76, line 3, leave out “Secretary of State” and insert “relevant Minister”
- 59 Page 76, line 4, leave out “the exercise of” and insert “any exercise by him of any”
- 60 Page 76, line 6, leave out “Secretary of State” and insert “relevant Minister”
- 61 Page 76, line 11, at end insert –
- “(11) In this section “relevant Minister” means the Secretary of State or the Minister for the Cabinet Office.”

Before Clause 72

- 62 Insert the following new Clause –

“Disclosure of information to and by Northern Ireland regulator

- (1) This section applies if a body (referred to in this section as “the Northern Ireland regulator”) is established to exercise functions in Northern Ireland which are similar in nature to the functions exercised in England and Wales by the Charity Commission.
- (2) The Minister may by regulations authorise relevant public authorities to disclose information to the Northern Ireland regulator for the purpose of enabling or assisting the Northern Ireland regulator to discharge any of its functions.
- (3) If the regulations authorise the disclosure of Revenue and Customs information, they must contain provision in relation to that disclosure which corresponds to the provision made in relation to the disclosure of such information by section 10(2) to (4) of the 1993 Act (as substituted by paragraph 99 of Schedule 8 to this Act).
- (4) In the case of information disclosed to the Northern Ireland regulator pursuant to regulations made under this section, any power of the Northern Ireland regulator to disclose the information is exercisable subject to any express restriction subject to which the information was disclosed to the Northern Ireland regulator.
- (5) Subsection (4) does not apply in relation to Revenue and Customs information disclosed to the Northern Ireland regulator pursuant to regulations made under this section; but any such information may not be further disclosed except with the consent of the Commissioners for Her Majesty’s Revenue and Customs.

- (6) Any person specified, or of a description specified, in regulations made under this section who discloses information in contravention of subsection (5) is guilty of an offence and liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (7) It is a defence for a person charged with an offence under subsection (5) of disclosing information to prove that he reasonably believed—
- (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (8) In the application of this section to Scotland or Northern Ireland, the reference to 12 months in subsection (6) is to be read as a reference to 6 months.
- (9) In this section—
- “relevant public authority” means—
 - (a) any government department (other than a Northern Ireland department),
 - (b) any local authority in England, Wales or Scotland,
 - (c) any person who is a constable in England and Wales or Scotland,
 - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities), except a body or person whose functions are exercisable only or mainly in or as regards Northern Ireland and relate only or mainly to transferred matters;
 - “Revenue and Customs information” means information held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11);
 - “transferred matter” has the same meaning as in the Northern Ireland Act 1998 (c. 47).”

Clause 72

- 63 Page 77, line 21, leave out “Secretary of State” and insert “Minister”
- 64 Page 77, line 31, leave out “Secretary of State” and insert “Minister”
- 65 Page 77, line 34, leave out “Secretary of State” and insert “Minister”
- 66 Page 77, line 40, leave out from “the” to “, it” and insert “appointed day (within the meaning of section 10 of this Act”

Clause 73

- 67 Page 78, line 2, leave out “the Secretary of State” and insert “a relevant Minister”
- 68 Page 78, line 9, leave out “Secretary of State” and insert “relevant Minister”
- 69 Page 78, line 10, leave out “the Secretary of State” and insert “a relevant Minister”

- 70 Page 78, line 16, at end insert –
“(ba) any regulations under section (*Disclosure of information to and by Northern Ireland regulator*),”
- 71 Page 78, line 19, after “75” insert “or (*Amendments reflecting changes in company law audit provisions*)”
- 72 Page 78, line 21, after “(b)” insert “(ba)”
- 73 Page 78, line 22, leave out “the Secretary of State” and insert “a relevant Minister”
- 74 Page 78, line 28, at end insert –
“(7) In this section “relevant Minister” means the Secretary of State or the Minister for the Cabinet Office.”

Clause 74

- 75 Page 78, line 34, leave out “The Secretary of State” and insert “A relevant Minister”
- 76 Page 78, line 41, at end insert “(including an enactment restating, with or without modifications, an enactment amended by this Act).”
- 77 Page 78, line 41, at end insert –
“(6) In this section “relevant Minister” means the Secretary of State or the Minister for the Cabinet Office.”

Clause 75

- 78 Page 79, line 2, leave out “Secretary of State” and insert “Minister”

Clause 76

- 79 Page 80, line 8, at end insert –
“(5A) In this Act “the Minister” means the Minister for the Cabinet Office.”

Before Clause 77

- 80 Insert the following new Clause –

“Amendments reflecting changes in company law audit provisions

- (1) The Minister may by order make such amendments of the 1993 Act or this Act as he considers appropriate –
- (a) in consequence of, or in connection with, any changes made or to be made by any enactment to the provisions of company law relating to the accounts of charitable companies or to the auditing of, or preparation of reports in respect of, such accounts;
 - (b) for the purposes of, or in connection with, applying provisions of Schedule 5A to the 1993 Act (group accounts) to charitable companies that are not required to produce group accounts under company law.
- (2) In this section –
“accounts” includes group accounts;
“amendments” includes repeals and modifications;

“charitable companies” means companies which are charities;
“company law” means the enactments relating to companies.”

Clause 77

- 81** Page 80, line 15, at end insert –
“(ca) section (*Amendments reflecting changes in company law audit provisions*),”
- 82** Page 80, line 17, at end insert –
“(f) the following provisions of Schedule 8 –
paragraph 88(1A),
paragraph 99 so far as it confers power to make regulations,
and
paragraph 169(c),
and section 74(1) so far as relating to those provisions.”
- 83** Page 80, line 18, leave out “Secretary of State” and insert “Minister”
- 84** Page 80, line 22, leave out “Secretary of State” and insert “Minister”

Clause 78

- 85** Page 80, line 28, leave out subsections (3) and (4) and insert –
- “(3) The following provisions extend also to Scotland –
- (a) sections 1 to 3 and 5,
 - (b) section 6(5),
 - (c) sections (*Disclosure of information to and by Northern Ireland regulator*) and 73,
 - (d) section 74(2) and (3) and Schedules 9 and 10 so far as relating to the Recreational Charities Act 1958 (c. 17), and
 - (e) section 74(4) and (5), sections 75 to 77 and this section.
- (3A) But the provisions referred to in subsection (3)(a) and (d) affect the law of Scotland only so far as they affect the construction of references to charities or charitable purposes in enactments which relate to matters falling within Section A1 of Part 2 of Schedule 5 to the Scotland Act 1998 (c. 46) (reserved matters: fiscal policy etc.); and so far as they so affect the law of Scotland –
- (a) references in sections 1(1) and 2(1) to the law of England and Wales are to be read as references to the law of Scotland, and
 - (b) the reference in section 1(1) to the High Court is to be read as a reference to the Court of Session.
- (3B) The following provisions extend also to Northern Ireland –
- (a) sections 1 to 3 and 5,
 - (b) section 6(5),
 - (c) section 23,
 - (d) sections (*Disclosure of information to and by Northern Ireland regulator*) and 73,
 - (e) section 74(2) and (3) and Schedules 9 and 10 so far as relating to the Recreational Charities Act 1958 (c. 17), and
 - (f) section 74(4) and (5), sections 75 to 77 and this section.

(3C) But the provisions referred to in subsection (3B)(a) and (e) affect the law of Northern Ireland only so far as they affect the construction of references to charities or charitable purposes in enactments which relate to matters falling within paragraph 9 of Schedule 2 to the Northern Ireland Act 1998 (c. 47) (excepted matters: taxes and duties); and so far as they so affect the law of Northern Ireland –

- (a) references in sections 1(1) and 2(1) to the law of England and Wales are to be read as references to the law of Northern Ireland, and
- (b) the reference in section 1(1) to the High Court is to be read as a reference to the High Court in Northern Ireland.”

86 Page 80, line 34, leave out “But this does not apply to” and insert –

“(6) But subsection (5) does not apply to any amendment or repeal made in the Recreational Charities Act 1958 (c. 17) by a provision referred to in subsection (3) or (3B).

(6A) Subsection (5) also does not apply to –

- (a) ”

87 Page 80, line 35, after “(c. 6),” insert “or

- (b) those made by Schedule 8 in the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31), or
- (c) the repeal made in that Act by Schedule 9,”

88 Page 80, line 36, leave out subsection (7)

89 Page 80, line 39, leave out subsection (8)

Schedule 1

90 Page 81, line 11, leave out “Secretary of State” and insert “Minister”

91 Page 81, line 12, leave out “Secretary of State” and insert “Minister”

92 Page 82, line 5, leave out “Secretary of State” and insert “Minister”

93 Page 82, line 6, leave out “Secretary of State” and insert “Minister”

94 Page 82, line 8, leave out “Secretary of State” and insert “Minister”

95 Page 82, line 19, leave out “Secretary of State” and insert “Minister”

96 Page 82, line 21, leave out “Secretary of State” and insert “Minister”

97 Page 82, line 24, leave out “Secretary of State” and insert “Minister”

98 Page 82, line 29, leave out “Secretary of State” and insert “Minister”

99 Page 82, line 33, leave out “Secretary of State” and insert “Minister”

100 Page 82, leave out lines 38 to 43 and insert –

“(2) The terms and conditions of service of persons appointed under sub-paragraph (1) are to be such as the Commission may determine with the approval of the Minister for the Civil Service.”

Schedule 4

101 Page 101, line 40, leave out “Secretary of State” and insert “Minister”

102 Page 101, line 47, leave out “Secretary of State” and insert “Minister”

103 Page 103, line 22, at end insert—

“(4) But sub-paragraph (3) above does not prevent the Commission from considering afresh a question decided in proceedings on a reference if it appears to the Commission—

(a) that there has been a change of circumstances, or

(b) that the decision is inconsistent with a later judicial decision.”

104 Page 104, line 34, leave out “Secretary of State” and insert “Minister”

Schedule 6

105 Page 108, line 4, leave out “Secretary of State” and insert “Minister”

106 Page 108, line 37, leave out “Secretary of State” and insert “Minister”

107 Page 108, line 39, leave out “Secretary of State” and insert “Minister”

108 Page 109, line 30, leave out “Secretary of State” and insert “Minister”

109 Page 110, line 19, leave out “company” and insert “charity”

110 Page 112, line 33, leave out “Secretary of State” and insert “Minister”

111 Page 114, line 16, leave out “Secretary of State” and insert “Minister”

Schedule 7

112 Page 115, line 23, leave out “Secretary of State” and insert “Minister”

113 Page 117, line 4, leave out “Secretary of State” and insert “Minister”

114 Page 118, line 29, leave out “Secretary of State” and insert “Minister”

115 Page 119, line 44, leave out “Secretary of State” and insert “Minister”

116 Page 121, line 6, leave out “Secretary of State” and insert “Minister”

117 Page 124, line 35, leave out “Secretary of State” and insert “Minister”

118 Page 125, line 32, leave out “Secretary of State” and insert “Minister”

119 Page 128, line 28, leave out “Secretary of State” and insert “Minister”

120 Page 129, line 5, leave out “Secretary of State” and insert “Minister”

121 Page 131, line 10, leave out “of the Secretary of State”

Schedule 8

122 Page 133, line 17, at end insert—

“Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31)

14A (1) Section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (regulation of street collections) is amended as follows.

(2) In subsection (1) for “the benefit of charitable or other purposes,” substitute “any purposes in circumstances not involving the making of a charitable appeal.”

(3) In paragraph (b) of the proviso to subsection (1) omit the words from “, and no representation” onwards.

(4) In subsection (4) before the definition of “street” insert –
““charitable appeal” has the same meaning as in Chapter 1 of Part 3 of the Charities Act 2006;”

123 Page 136, line 13, at end insert –

“Recreational Charities Act 1958 (c. 17)

37A In section 6 of the Recreational Charities Act 1958 (short title and extent) for subsection (2) substitute –

“(2) Section 1 of this Act, as amended by section 5 of the Charities Act 2006, has the same effect in relation to the law of Scotland or Northern Ireland as section 5 of that Act has by virtue of section 78(3) to (3C) of that Act.

(3) Sections 1 and 2 of this Act, as in force before the commencement of section 5 of that Act, continue to have effect in relation to the law of Scotland or Northern Ireland so far as they affect the construction of any references to charities or charitable purposes which –

(a) are to be construed in accordance with the law of England and Wales, but

(b) are not contained in enactments relating to matters of the kind mentioned in section 78(3A) or (3C) of that Act.”

124 Page 138, line 24, at end insert –

“Sex Discrimination Act 1975 (c. 65)

In section 21A of the Sex Discrimination Act 1975 (public authorities) in paragraph 14 in the Table of Exceptions in subsection (9), for “Charity Commissioners for England and Wales” substitute “Charity Commission”.

125 Page 143, leave out lines 21 to 29

126 Page 144, line 9, at end insert –

“(1A) In subsection (1) after the definition of “institution” insert –
““the Minister” means the Minister for the Cabinet Office;”.

127 Page 144, line 31, at end insert –

“91A In section 79 (short title, commencement and extent) omit –
(a) in subsection (6), the words “(subject to subsection (7))”, and
(b) subsection (7).

91B In Schedule 7 (repeals) omit the entry relating to the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31).”

128 Page 144, line 33, at end insert –

“92A In the heading for Part 1, for “CHARITY COMMISSIONERS” substitute “CHARITY COMMISSION”.

129 Page 145, line 32, leave out “COMMISSION’S”

130 Page 146, line 32, leave out paragraph 99 and insert—

“99 For section 10 substitute—

“10 Disclosure of information to Commission

- (1) Any relevant public authority may disclose information to the Commission if the disclosure is made for the purpose of enabling or assisting the Commission to discharge any of its functions.
- (2) But Revenue and Customs information may be disclosed under subsection (1) only if it relates to an institution, undertaking or body falling within one (or more) of the following paragraphs—
 - (a) a charity;
 - (b) an institution which is established for charitable, benevolent or philanthropic purposes;
 - (c) an institution by or in respect of which a claim for exemption has at any time been made under section 505(1) of the Income and Corporation Taxes Act 1988;
 - (d) a subsidiary undertaking of a charity;
 - (e) a body entered in the Scottish Charity Register which is managed or controlled wholly or mainly in or from England or Wales.
- (3) In subsection (2)(d) above “subsidiary undertaking of a charity” means an undertaking (as defined by section 259(1) of the Companies Act 1985) in relation to which—
 - (a) a charity is (or is to be treated as) a parent undertaking in accordance with the provisions of section 258 of, and Schedule 10A to, the Companies Act 1985, or
 - (b) two or more charities would, if they were a single charity, be (or be treated as) a parent undertaking in accordance with those provisions.
- (4) For the purposes of the references to a parent undertaking—
 - (a) in subsection (3) above, and
 - (b) in section 258 of, and Schedule 10A to, the Companies Act 1985 as they apply for the purposes of that subsection, “undertaking” includes a charity which is not an undertaking as defined by section 259(1) of that Act.

10A Disclosure of information by Commission

- (1) Subject to subsections (2) and (3) below, the Commission may disclose to any relevant public authority any information received by the Commission in connection with any of the Commission’s functions—
 - (a) if the disclosure is made for the purpose of enabling or assisting the relevant public authority to discharge any of its functions, or
 - (b) if the information so disclosed is otherwise relevant to the discharge of any of the functions of the relevant public authority.
- (2) In the case of information disclosed to the Commission under section 10(1) above, the Commission’s power to disclose the information under subsection (1) above is exercisable subject to

any express restriction subject to which the information was disclosed to the Commission.

- (3) Subsection (2) above does not apply in relation to Revenue and Customs information disclosed to the Commission under section 10(1) above; but any such information may not be further disclosed (whether under subsection (1) above or otherwise) except with the consent of the Commissioners for Her Majesty's Revenue and Customs.
- (4) Any responsible person who discloses information in contravention of subsection (3) above is guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (5) It is a defence for a responsible person charged with an offence under subsection (4) above of disclosing information to prove that he reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (6) In the application of this section to Scotland or Northern Ireland, the reference to 12 months in subsection (4) is to be read as a reference to 6 months.
- (7) In this section “responsible person” means a person who is or was—
 - (a) a member of the Commission,
 - (b) a member of the staff of the Commission,
 - (c) a person acting on behalf of the Commission or a member of the staff of the Commission, or
 - (d) a member of a committee established by the Commission.

10B Disclosure to and by principal regulators of exempt charities

- (1) Sections 10 and 10A above apply with the modifications in subsections (2) to (4) below in relation to the disclosure of information to or by the principal regulator of an exempt charity.
- (2) References in those sections to the Commission or to any of its functions are to be read as references to the principal regulator of an exempt charity or to any of the functions of that body or person as principal regulator in relation to the charity.
- (3) Section 10 above has effect as if for subsections (2) and (3) there were substituted—
 - “(2) But Revenue and Customs information may be disclosed under subsection (1) only if it relates to—
 - (a) the exempt charity in relation to which the principal regulator has functions as such, or
 - (b) a subsidiary undertaking of the exempt charity.

- (3) In subsection (2)(b) above “subsidiary undertaking of the exempt charity” means an undertaking (as defined by section 259(1) of the Companies Act 1985) in relation to which—
- (a) the exempt charity is (or is to be treated as) a parent undertaking in accordance with the provisions of section 258 of, and Schedule 10A to, the Companies Act 1985, or
 - (b) the exempt charity and one or more other charities would, if they were a single charity, be (or be treated as) a parent undertaking in accordance with those provisions.”
- (4) Section 10A above has effect as if for the definition of “responsible person” in subsection (7) there were substituted a definition specified by regulations under section 13(4)(b) of the Charities Act 2006 (regulations prescribing principal regulators).
- (5) Regulations under section 13(4)(b) of that Act may also make such amendments or other modifications of any enactment as the Secretary of State considers appropriate for securing that any disclosure provisions that would otherwise apply in relation to the principal regulator of an exempt charity do not apply in relation to that body or person in its or his capacity as principal regulator.
- (6) In subsection (5) above “disclosure provisions” means provisions having effect for authorising, or otherwise in connection with, the disclosure of information by or to the principal regulator concerned.

10C Disclosure of information: supplementary

- (1) In sections 10 and 10A above “relevant public authority” means—
- (a) any government department (including a Northern Ireland department),
 - (b) any local authority,
 - (c) any constable, and
 - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).
- (2) In section 10A above “relevant public authority” also includes any body or person within subsection (1)(d) above in a country or territory outside the United Kingdom.
- (3) In sections 10 to 10B above and this section—
- “enactment” has the same meaning as in the Charities Act 2006;
 - “Revenue and Customs information” means information held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005.

- (4) Nothing in sections 10 and 10A above (or in those sections as applied by section 10B(1) to (4) above) authorises the making of a disclosure which—
- (a) contravenes the Data Protection Act 1998, or
 - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.”
- 131 Page 148, line 41, after “was”, insert—
“(ba) for “they act” substitute “it acts”,”
- 132 Page 149, line 16, at end insert—
“(za) for “they have” substitute “it has”,”
- 133 Page 156, leave out lines 39 and 40 and insert—
“(c) for “the Commissioners so request, be transmitted to them” substitute “the Commission so requests, be transmitted to it”, and”
- 134 Page 157, line 11, at end insert—
“(9) In subsection (8) for “in subsection (3)” substitute “to subsection (3)”.”
- 135 Page 158, line 9, at end insert “, and
(c) for “they may” substitute “it may”.”
- 136 Page 162, line 10, leave out “19B” and insert “19C”
- 137 Page 162, line 35, at end insert—
“(3A) At the end add “or section 75D”.”
- 138 Page 164, line 41, at end insert—
“(2A) Omit—
(a) in the definition of “exempt charity” in subsection (1), the words “(subject to section 24(8) above)”, and
(b) subsection (4).”
- 139 Page 165, line 7, at end insert—
“(ba) in the definition of “institution”, after ““institution” insert “means an institution whether incorporated or not, and”.”
- 140 Page 165, line 11, at end insert—
““the Minister” means the Minister for the Cabinet Office;”
- 141 Page 165, line 15, at end insert—
“169A In section 97(3) (general interpretation) for “Part IV or IX” substitute “Part 4, 7, 8A or 9”.”
- 142 Page 165, line 15, at end insert—
“169B In section 100(3) (extent) for “Section 10” substitute “Sections 10 to 10C”.”
- 143 Page 169, line 32, at end insert—
“*Constitutional Reform Act 2005 (c. 4)*

In Part 3 of Schedule 14 to the Constitutional Reform Act 2005 (the Judicial Appointments Commission: relevant offices etc.) after the

entries relating to section 6(5) of the Tribunals and Inquiries Act 1992
insert—

“President of the Charity Tribunal	Paragraph 1(2) of Schedule 1B to the Charities Act 1993 (c. 10).”
Legal member of the Charity Tribunal	
Ordinary member of the Charity Tribunal	

144 Page 169, line 32, at end insert—

“Charities and Trustee Investment (Scotland) Act 2005 (asp 10)

The Charities and Trustee Investment (Scotland) Act 2005 has effect subject to the following amendments.

In section 36(1) (powers of OSCR in relation to English and Welsh charities)—

- (a) for “Charity Commissioners for England and Wales inform” substitute “Charity Commission for England and Wales informs”,
- (b) for “under section 3” substitute “in accordance with section 3A”, and
- (c) for “section 3(5) of that Act,” substitute “subsection (2) of that section,”.

In section 69(2)(d)(i) (persons disqualified from being charity trustees)—

- (a) at the beginning insert “by the Charity Commission for England and Wales under section 18(2)(i) of the Charities Act 1993 or”, and
- (b) for “under section 18(2)(i) of the Charities Act 1993 (c. 10),” substitute “, whether under section 18(2)(i) of that Act or under”.

145 Page 169, line 32, at end insert—

“Equality Act 2006 (c. 3)

- (1) The Equality Act 2006 has effect subject to the following amendments.
- (2) In section 58(2) (charities relating to religion or belief)—
 - (a) for “Charity Commissioners for England and Wales” substitute “Charity Commission”, and
 - (b) for “the Commissioners” substitute “the Commission”.
- (3) In section 79(1)(a) (interpretation) after “given by” insert “section 1(1) of”.

Schedule 9

146 Page 170, line 5, at beginning insert—

“Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31)	In section 5(1), in paragraph (b) of the proviso, the words from “, and no representation” onwards.”
---	---

147 Page 170, line 18, column 2, at end insert –

“In section 79, in subsection (6) the words “(subject to subsection (7))”, and subsection (7).”
--

148 Page 170, line 20, column 2, at end insert –

“In Schedule 7, the entry relating to the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31).”

149 Page 170, leave out line 29

150 Page 171, line 6, leave out “paragraphs (x) and (zb)” and insert “paragraph (x)”

Schedule 10

151 Page 173, line 21, leave out paragraph 12 and insert –

“12 The amendment made by section 36 does not affect the payment of remuneration or provision of services in accordance with an agreement made before the day on which that section comes into force.”

152 Page 174, line 4, at end insert –

“Section (Disclosure of information to and by Northern Ireland regulator): Disclosure of information to and by Northern Ireland regulator

15A In relation to an offence committed in England and Wales before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44) (general limit on magistrates’ courts power to impose imprisonment), the reference to 12 months in section (*Disclosure of information to and by Northern Ireland regulator*)(6) is to be read as a reference to 6 months.”

153 Page 174, line 20, at end insert –

“18A In relation to an offence committed in England and Wales before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44) (general limit on magistrates’ courts power to impose imprisonment), the reference to 12 months in section 10A(4) of the 1993 Act (as inserted by paragraph 99 of Schedule 8 to this Act) is to be read as a reference to 6 months.”

154 Page 174, line 21, leave out paragraphs 19 and 20

Charities Bill [HL]

COMMONS AMENDMENTS

[The page and line references are to Bill 83, the bill as first printed for the Commons]

Clause 2

- 1 Page 2, line 22, at end insert “, or of the efficiency of the police, fire and rescue services or ambulance services”
- 2 Page 2, line 34, leave out “sport which involves physical skill and exertion; and” and insert “sports or games which promote health by involving physical or mental skill or exertion”
- 3 Page 2, line 37, at end insert “; and
(f) in paragraph (l) “fire and rescue services” means services provided by fire and rescue authorities under Part 2 of the Fire and Rescue Services Act 2004 (c. 21).”

Clause 8

- 4 Page 9, line 40, leave out “Secretary of State” and insert “Minister”

Clause 9

- 5 Page 11, line 39, leave out “(subject to subsection (11))”
- 6 Page 11, line 41, leave out from beginning to end of line 3 on page 12
- 7 Page 12, line 22, leave out “by the Commission”
- 8 Page 12, line 31, leave out “by the Secretary of State”
- 9 Page 13, line 8, leave out “Secretary of State” and insert “Minister”
- 10 Page 13, line 13, leave out “Secretary of State” and insert “Minister”
- 11 Page 13, line 22, after “(7)” insert “(a)”
- 12 Page 13, line 26, leave out from “day” to “(registration” in line 27 and insert “on which subsections (1) to (5) above come into force by virtue of an order under section 77 of the Charities Act 2006 relating to section 9 of that Act”

- 13 Page 13, line 41, leave out “Secretary of State” and insert “Minister”
14 Page 14, line 7, leave out “Secretary of State” and insert “Minister”
15 Page 14, line 30, leave out “(subject to section 3(11) above)”

Clause 10

- 16 Page 14, line 34, leave out “commencement of section 9 above” and insert “appointed day”
17 Page 14, line 34, leave out “Secretary of State” and insert “Minister”
18 Page 14, line 43, leave out from “the” to end of line 44 and insert “appointed day.
“(4) In this section “the appointed day” means the day on which section 3A(1) to (5) of the 1993 Act (as substituted by section 9 of this Act) come into force by virtue of an order under section 77 of this Act.”

Clause 11

- 19 Page 15, line 21, leave out subsection (9)
20 Page 15, line 36, leave out “Secretary of State” and insert “Minister”
21 Page 16, line 2, leave out “Secretary of State” and insert “Minister”
22 Page 16, line 8, leave out “Secretary of State” and insert “Minister”
23 Page 16, line 32, leave out “Secretary of State” and insert “Minister”
24 Page 16, line 34, leave out “Secretary of State” and insert “Minister”

Clause 22

- 25 Page 22, line 8, leave out “Secretary of State” and insert “Minister”

Clause 23

- 26 Page 24, leave out lines 14 to 17 and insert –
“(a) a Scottish recognised body, or
(b) a Northern Ireland charity,”
27 Page 24, leave out lines 32 to 35 and insert –
“(a) a Scottish recognised body, or
(b) a Northern Ireland charity,”
28 Page 24, line 44, at end insert –
“(3A) After section 25 insert –
“25A Meaning of “Scottish recognised body” and “Northern Ireland charity” in sections 24 and 25
(1) In sections 24 and 25 above “Scottish recognised body” means a body –
(a) established under the law of Scotland, or
(b) managed or controlled wholly or mainly in or from Scotland,

to which the Commissioners for Her Majesty's Revenue and Customs have given intimation, which has not subsequently been withdrawn, that relief is due under section 505 of the Income and Corporation Taxes Act 1988 in respect of income of the body which is applicable and applied to charitable purposes only.

- (2) In those sections "Northern Ireland charity" means an institution –
- (a) which is a charity under the law of Northern Ireland, and
 - (b) to which the Commissioners for Her Majesty's Revenue and Customs have given intimation, which has not subsequently been withdrawn, that relief is due under section 505 of the Income and Corporation Taxes Act 1988 in respect of income of the institution which is applicable and applied to charitable purposes only."

29 Page 25, line 2, leave out "and 25" and insert "to 25A"

Clause 24

30 Page 25, line 22, after "court" insert "or the Tribunal"

Clause 27

31 Page 29, line 17, after "(2)", insert "above"

Clause 28

32 Page 30, line 15, leave out "Secretary of State" and insert "Minister"

Clause 29

33 Page 31, leave out line 21

Clause 37

34 Page 37, line 11, leave out "(5) to (7)" and insert "(4) to (6)"

Clause 38

35 Page 38, line 3, leave out "or directors"

36 Page 38, leave out lines 13 to 21 and insert –

- "(1) Section 727 of the Companies Act 1985 (power of court to grant relief to officers or auditors of companies) shall have effect in relation to a person to whom this section applies as it has effect in relation to a person employed as an auditor by a company.
- (2) This section applies to –
- (a) a person acting in a capacity within section 73D(1)(b) or (c) above in a case where, apart from this section, section 727 would not apply in relation to him as a person so acting, and
 - (b) a charity trustee of a CIO."

Clause 39

37 Page 39, line 23, leave out “Secretary of State” and insert “Minister”

Clause 40

38 Page 41, line 27, leave out “Secretary of State” and insert “Minister”

Clause 41

39 Page 45, line 1, leave out “Secretary of State” and insert “Minister”

Clause 42

40 Page 45, line 24, at end insert “in response to the question put to the meeting”

Clause 43

41 Page 46, leave out lines 34 to 36

42 Page 48, line 29, leave out “Secretary of State” and insert “Minister”

43 Page 49, line 33, leave out “Secretary of State” and insert “Minister”

Clause 45

44 Page 53, line 21, leave out “to give money or other property” and insert “which is—
(i) an appeal to them to give money or other property, or
(ii) an appeal falling within subsection (4),
(or both) and”

45 Page 53, line 35, leave out subsections (4) and (5) and insert —
“(4) An appeal falls within this subsection if it consists in or includes —
(a) the making of an offer to sell goods or to supply services, or
(b) the exposing of goods for sale,
to members of the public.”

Clause 63

46 Page 68, line 19, leave out “Secretary of State” and insert “Minister”

47 Page 69, line 10, leave out “Secretary of State” and insert “Minister”

Clause 68

48 Page 73, line 20, leave out “Secretary of State” and insert “Minister”

Clause 69

49 Page 73, line 26, leave out “Secretary of State” and insert “Minister”

Clause 70

50 Page 75, line 5, leave out “The Secretary of State” and insert “A relevant Minister”

- 51 Page 75, line 16, leave out “Secretary of State” and insert “relevant Minister”
- 52 Page 75, line 20, leave out “Secretary of State” and insert “relevant Minister”
- 53 Page 75, line 22, leave out “Secretary of State” and insert “relevant Minister”
- 54 Page 75, line 30, leave out “Secretary of State” and insert “relevant Minister”
- 55 Page 75, line 34, leave out “Secretary of State” and insert “relevant Minister”
- 56 Page 75, line 35, leave out “The Secretary of State” and insert “A relevant Minister”
- 57 Page 76, line 2, leave out “the Secretary of State” and insert “a relevant Minister”
- 58 Page 76, line 3, leave out “Secretary of State” and insert “relevant Minister”
- 59 Page 76, line 4, leave out “the exercise of” and insert “any exercise by him of any”
- 60 Page 76, line 6, leave out “Secretary of State” and insert “relevant Minister”
- 61 Page 76, line 11, at end insert –
- “(11) In this section “relevant Minister” means the Secretary of State or the Minister for the Cabinet Office.”

Before Clause 72

- 62 Insert the following new Clause –

“Disclosure of information to and by Northern Ireland regulator

- (1) This section applies if a body (referred to in this section as “the Northern Ireland regulator”) is established to exercise functions in Northern Ireland which are similar in nature to the functions exercised in England and Wales by the Charity Commission.
- (2) The Minister may by regulations authorise relevant public authorities to disclose information to the Northern Ireland regulator for the purpose of enabling or assisting the Northern Ireland regulator to discharge any of its functions.
- (3) If the regulations authorise the disclosure of Revenue and Customs information, they must contain provision in relation to that disclosure which corresponds to the provision made in relation to the disclosure of such information by section 10(2) to (4) of the 1993 Act (as substituted by paragraph 99 of Schedule 8 to this Act).
- (4) In the case of information disclosed to the Northern Ireland regulator pursuant to regulations made under this section, any power of the Northern Ireland regulator to disclose the information is exercisable subject to any express restriction subject to which the information was disclosed to the Northern Ireland regulator.
- (5) Subsection (4) does not apply in relation to Revenue and Customs information disclosed to the Northern Ireland regulator pursuant to regulations made under this section; but any such information may not be further disclosed except with the consent of the Commissioners for Her Majesty’s Revenue and Customs.

- (6) Any person specified, or of a description specified, in regulations made under this section who discloses information in contravention of subsection (5) is guilty of an offence and liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (7) It is a defence for a person charged with an offence under subsection (5) of disclosing information to prove that he reasonably believed—
- (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (8) In the application of this section to Scotland or Northern Ireland, the reference to 12 months in subsection (6) is to be read as a reference to 6 months.
- (9) In this section—
- “relevant public authority” means—
 - (a) any government department (other than a Northern Ireland department),
 - (b) any local authority in England, Wales or Scotland,
 - (c) any person who is a constable in England and Wales or Scotland,
 - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities), except a body or person whose functions are exercisable only or mainly in or as regards Northern Ireland and relate only or mainly to transferred matters;
 - “Revenue and Customs information” means information held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11);
 - “transferred matter” has the same meaning as in the Northern Ireland Act 1998 (c. 47).”

Clause 72

- 63 Page 77, line 21, leave out “Secretary of State” and insert “Minister”
- 64 Page 77, line 31, leave out “Secretary of State” and insert “Minister”
- 65 Page 77, line 34, leave out “Secretary of State” and insert “Minister”
- 66 Page 77, line 40, leave out from “the” to “, it” and insert “appointed day (within the meaning of section 10 of this Act”

Clause 73

- 67 Page 78, line 2, leave out “the Secretary of State” and insert “a relevant Minister”
- 68 Page 78, line 9, leave out “Secretary of State” and insert “relevant Minister”
- 69 Page 78, line 10, leave out “the Secretary of State” and insert “a relevant Minister”

- 70 Page 78, line 16, at end insert –
“(ba) any regulations under section (*Disclosure of information to and by Northern Ireland regulator*),”
- 71 Page 78, line 19, after “75” insert “or (*Amendments reflecting changes in company law audit provisions*)”
- 72 Page 78, line 21, after “(b)” insert “(ba)”
- 73 Page 78, line 22, leave out “the Secretary of State” and insert “a relevant Minister”
- 74 Page 78, line 28, at end insert –
“(7) In this section “relevant Minister” means the Secretary of State or the Minister for the Cabinet Office.”

Clause 74

- 75 Page 78, line 34, leave out “The Secretary of State” and insert “A relevant Minister”
- 76 Page 78, line 41, at end insert “(including an enactment restating, with or without modifications, an enactment amended by this Act).”
- 77 Page 78, line 41, at end insert –
“(6) In this section “relevant Minister” means the Secretary of State or the Minister for the Cabinet Office.”

Clause 75

- 78 Page 79, line 2, leave out “Secretary of State” and insert “Minister”

Clause 76

- 79 Page 80, line 8, at end insert –
“(5A) In this Act “the Minister” means the Minister for the Cabinet Office.”

Before Clause 77

- 80 Insert the following new Clause –

“Amendments reflecting changes in company law audit provisions

- (1) The Minister may by order make such amendments of the 1993 Act or this Act as he considers appropriate –
- (a) in consequence of, or in connection with, any changes made or to be made by any enactment to the provisions of company law relating to the accounts of charitable companies or to the auditing of, or preparation of reports in respect of, such accounts;
 - (b) for the purposes of, or in connection with, applying provisions of Schedule 5A to the 1993 Act (group accounts) to charitable companies that are not required to produce group accounts under company law.
- (2) In this section –
“accounts” includes group accounts;
“amendments” includes repeals and modifications;

“charitable companies” means companies which are charities;
“company law” means the enactments relating to companies.”

Clause 77

- 81 Page 80, line 15, at end insert –
“(ca) section (*Amendments reflecting changes in company law audit provisions*),”
- 82 Page 80, line 17, at end insert –
“(f) the following provisions of Schedule 8 –
paragraph 88(1A),
paragraph 99 so far as it confers power to make regulations,
and
paragraph 169(c),
and section 74(1) so far as relating to those provisions.”
- 83 Page 80, line 18, leave out “Secretary of State” and insert “Minister”
- 84 Page 80, line 22, leave out “Secretary of State” and insert “Minister”

Clause 78

- 85 Page 80, line 28, leave out subsections (3) and (4) and insert –
- “(3) The following provisions extend also to Scotland –
- (a) sections 1 to 3 and 5,
 - (b) section 6(5),
 - (c) sections (*Disclosure of information to and by Northern Ireland regulator*) and 73,
 - (d) section 74(2) and (3) and Schedules 9 and 10 so far as relating to the Recreational Charities Act 1958 (c. 17), and
 - (e) section 74(4) and (5), sections 75 to 77 and this section.
- (3A) But the provisions referred to in subsection (3)(a) and (d) affect the law of Scotland only so far as they affect the construction of references to charities or charitable purposes in enactments which relate to matters falling within Section A1 of Part 2 of Schedule 5 to the Scotland Act 1998 (c. 46) (reserved matters: fiscal policy etc.); and so far as they so affect the law of Scotland –
- (a) references in sections 1(1) and 2(1) to the law of England and Wales are to be read as references to the law of Scotland, and
 - (b) the reference in section 1(1) to the High Court is to be read as a reference to the Court of Session.
- (3B) The following provisions extend also to Northern Ireland –
- (a) sections 1 to 3 and 5,
 - (b) section 6(5),
 - (c) section 23,
 - (d) sections (*Disclosure of information to and by Northern Ireland regulator*) and 73,
 - (e) section 74(2) and (3) and Schedules 9 and 10 so far as relating to the Recreational Charities Act 1958 (c. 17), and
 - (f) section 74(4) and (5), sections 75 to 77 and this section.

(3C) But the provisions referred to in subsection (3B)(a) and (e) affect the law of Northern Ireland only so far as they affect the construction of references to charities or charitable purposes in enactments which relate to matters falling within paragraph 9 of Schedule 2 to the Northern Ireland Act 1998 (c. 47) (excepted matters: taxes and duties); and so far as they so affect the law of Northern Ireland –

- (a) references in sections 1(1) and 2(1) to the law of England and Wales are to be read as references to the law of Northern Ireland, and
- (b) the reference in section 1(1) to the High Court is to be read as a reference to the High Court in Northern Ireland.”

86 Page 80, line 34, leave out “But this does not apply to” and insert –

“(6) But subsection (5) does not apply to any amendment or repeal made in the Recreational Charities Act 1958 (c. 17) by a provision referred to in subsection (3) or (3B).

(6A) Subsection (5) also does not apply to –

- (a) ”

87 Page 80, line 35, after “(c. 6),” insert “or

- (b) those made by Schedule 8 in the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31), or
- (c) the repeal made in that Act by Schedule 9,”

88 Page 80, line 36, leave out subsection (7)

89 Page 80, line 39, leave out subsection (8)

Schedule 1

90 Page 81, line 11, leave out “Secretary of State” and insert “Minister”

91 Page 81, line 12, leave out “Secretary of State” and insert “Minister”

92 Page 82, line 5, leave out “Secretary of State” and insert “Minister”

93 Page 82, line 6, leave out “Secretary of State” and insert “Minister”

94 Page 82, line 8, leave out “Secretary of State” and insert “Minister”

95 Page 82, line 19, leave out “Secretary of State” and insert “Minister”

96 Page 82, line 21, leave out “Secretary of State” and insert “Minister”

97 Page 82, line 24, leave out “Secretary of State” and insert “Minister”

98 Page 82, line 29, leave out “Secretary of State” and insert “Minister”

99 Page 82, line 33, leave out “Secretary of State” and insert “Minister”

100 Page 82, leave out lines 38 to 43 and insert –

“(2) The terms and conditions of service of persons appointed under sub-paragraph (1) are to be such as the Commission may determine with the approval of the Minister for the Civil Service.”

Schedule 4

101 Page 101, line 40, leave out “Secretary of State” and insert “Minister”

102 Page 101, line 47, leave out “Secretary of State” and insert “Minister”

103 Page 103, line 22, at end insert—

“(4) But sub-paragraph (3) above does not prevent the Commission from considering afresh a question decided in proceedings on a reference if it appears to the Commission—

(a) that there has been a change of circumstances, or

(b) that the decision is inconsistent with a later judicial decision.”

104 Page 104, line 34, leave out “Secretary of State” and insert “Minister”

Schedule 6

105 Page 108, line 4, leave out “Secretary of State” and insert “Minister”

106 Page 108, line 37, leave out “Secretary of State” and insert “Minister”

107 Page 108, line 39, leave out “Secretary of State” and insert “Minister”

108 Page 109, line 30, leave out “Secretary of State” and insert “Minister”

109 Page 110, line 19, leave out “company” and insert “charity”

110 Page 112, line 33, leave out “Secretary of State” and insert “Minister”

111 Page 114, line 16, leave out “Secretary of State” and insert “Minister”

Schedule 7

112 Page 115, line 23, leave out “Secretary of State” and insert “Minister”

113 Page 117, line 4, leave out “Secretary of State” and insert “Minister”

114 Page 118, line 29, leave out “Secretary of State” and insert “Minister”

115 Page 119, line 44, leave out “Secretary of State” and insert “Minister”

116 Page 121, line 6, leave out “Secretary of State” and insert “Minister”

117 Page 124, line 35, leave out “Secretary of State” and insert “Minister”

118 Page 125, line 32, leave out “Secretary of State” and insert “Minister”

119 Page 128, line 28, leave out “Secretary of State” and insert “Minister”

120 Page 129, line 5, leave out “Secretary of State” and insert “Minister”

121 Page 131, line 10, leave out “of the Secretary of State”

Schedule 8

122 Page 133, line 17, at end insert—

“Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31)

14A (1) Section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (regulation of street collections) is amended as follows.

(2) In subsection (1) for “the benefit of charitable or other purposes,” substitute “any purposes in circumstances not involving the making of a charitable appeal.”

(3) In paragraph (b) of the proviso to subsection (1) omit the words from “, and no representation” onwards.

(4) In subsection (4) before the definition of “street” insert –
““charitable appeal” has the same meaning as in Chapter 1 of Part 3 of the Charities Act 2006;”

123 Page 136, line 13, at end insert –

“Recreational Charities Act 1958 (c. 17)

37A In section 6 of the Recreational Charities Act 1958 (short title and extent) for subsection (2) substitute –

“(2) Section 1 of this Act, as amended by section 5 of the Charities Act 2006, has the same effect in relation to the law of Scotland or Northern Ireland as section 5 of that Act has by virtue of section 78(3) to (3C) of that Act.

(3) Sections 1 and 2 of this Act, as in force before the commencement of section 5 of that Act, continue to have effect in relation to the law of Scotland or Northern Ireland so far as they affect the construction of any references to charities or charitable purposes which –

(a) are to be construed in accordance with the law of England and Wales, but

(b) are not contained in enactments relating to matters of the kind mentioned in section 78(3A) or (3C) of that Act.”

124 Page 138, line 24, at end insert –

“Sex Discrimination Act 1975 (c. 65)

In section 21A of the Sex Discrimination Act 1975 (public authorities) in paragraph 14 in the Table of Exceptions in subsection (9), for “Charity Commissioners for England and Wales” substitute “Charity Commission”.

125 Page 143, leave out lines 21 to 29

126 Page 144, line 9, at end insert –

“(1A) In subsection (1) after the definition of “institution” insert –
““the Minister” means the Minister for the Cabinet Office;”.

127 Page 144, line 31, at end insert –

“91A In section 79 (short title, commencement and extent) omit –
(a) in subsection (6), the words “(subject to subsection (7))”, and
(b) subsection (7).

91B In Schedule 7 (repeals) omit the entry relating to the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31).”

128 Page 144, line 33, at end insert –

“92A In the heading for Part 1, for “CHARITY COMMISSIONERS” substitute “CHARITY COMMISSION”.

129 Page 145, line 32, leave out “COMMISSION’S”

130 Page 146, line 32, leave out paragraph 99 and insert—

“99 For section 10 substitute—

“10 Disclosure of information to Commission

- (1) Any relevant public authority may disclose information to the Commission if the disclosure is made for the purpose of enabling or assisting the Commission to discharge any of its functions.
- (2) But Revenue and Customs information may be disclosed under subsection (1) only if it relates to an institution, undertaking or body falling within one (or more) of the following paragraphs—
 - (a) a charity;
 - (b) an institution which is established for charitable, benevolent or philanthropic purposes;
 - (c) an institution by or in respect of which a claim for exemption has at any time been made under section 505(1) of the Income and Corporation Taxes Act 1988;
 - (d) a subsidiary undertaking of a charity;
 - (e) a body entered in the Scottish Charity Register which is managed or controlled wholly or mainly in or from England or Wales.
- (3) In subsection (2)(d) above “subsidiary undertaking of a charity” means an undertaking (as defined by section 259(1) of the Companies Act 1985) in relation to which—
 - (a) a charity is (or is to be treated as) a parent undertaking in accordance with the provisions of section 258 of, and Schedule 10A to, the Companies Act 1985, or
 - (b) two or more charities would, if they were a single charity, be (or be treated as) a parent undertaking in accordance with those provisions.
- (4) For the purposes of the references to a parent undertaking—
 - (a) in subsection (3) above, and
 - (b) in section 258 of, and Schedule 10A to, the Companies Act 1985 as they apply for the purposes of that subsection, “undertaking” includes a charity which is not an undertaking as defined by section 259(1) of that Act.

10A Disclosure of information by Commission

- (1) Subject to subsections (2) and (3) below, the Commission may disclose to any relevant public authority any information received by the Commission in connection with any of the Commission’s functions—
 - (a) if the disclosure is made for the purpose of enabling or assisting the relevant public authority to discharge any of its functions, or
 - (b) if the information so disclosed is otherwise relevant to the discharge of any of the functions of the relevant public authority.
- (2) In the case of information disclosed to the Commission under section 10(1) above, the Commission’s power to disclose the information under subsection (1) above is exercisable subject to

any express restriction subject to which the information was disclosed to the Commission.

- (3) Subsection (2) above does not apply in relation to Revenue and Customs information disclosed to the Commission under section 10(1) above; but any such information may not be further disclosed (whether under subsection (1) above or otherwise) except with the consent of the Commissioners for Her Majesty's Revenue and Customs.
- (4) Any responsible person who discloses information in contravention of subsection (3) above is guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (5) It is a defence for a responsible person charged with an offence under subsection (4) above of disclosing information to prove that he reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (6) In the application of this section to Scotland or Northern Ireland, the reference to 12 months in subsection (4) is to be read as a reference to 6 months.
- (7) In this section “responsible person” means a person who is or was—
 - (a) a member of the Commission,
 - (b) a member of the staff of the Commission,
 - (c) a person acting on behalf of the Commission or a member of the staff of the Commission, or
 - (d) a member of a committee established by the Commission.

10B Disclosure to and by principal regulators of exempt charities

- (1) Sections 10 and 10A above apply with the modifications in subsections (2) to (4) below in relation to the disclosure of information to or by the principal regulator of an exempt charity.
- (2) References in those sections to the Commission or to any of its functions are to be read as references to the principal regulator of an exempt charity or to any of the functions of that body or person as principal regulator in relation to the charity.
- (3) Section 10 above has effect as if for subsections (2) and (3) there were substituted—
 - “(2) But Revenue and Customs information may be disclosed under subsection (1) only if it relates to—
 - (a) the exempt charity in relation to which the principal regulator has functions as such, or
 - (b) a subsidiary undertaking of the exempt charity.

- (3) In subsection (2)(b) above “subsidiary undertaking of the exempt charity” means an undertaking (as defined by section 259(1) of the Companies Act 1985) in relation to which—
- (a) the exempt charity is (or is to be treated as) a parent undertaking in accordance with the provisions of section 258 of, and Schedule 10A to, the Companies Act 1985, or
 - (b) the exempt charity and one or more other charities would, if they were a single charity, be (or be treated as) a parent undertaking in accordance with those provisions.”
- (4) Section 10A above has effect as if for the definition of “responsible person” in subsection (7) there were substituted a definition specified by regulations under section 13(4)(b) of the Charities Act 2006 (regulations prescribing principal regulators).
- (5) Regulations under section 13(4)(b) of that Act may also make such amendments or other modifications of any enactment as the Secretary of State considers appropriate for securing that any disclosure provisions that would otherwise apply in relation to the principal regulator of an exempt charity do not apply in relation to that body or person in its or his capacity as principal regulator.
- (6) In subsection (5) above “disclosure provisions” means provisions having effect for authorising, or otherwise in connection with, the disclosure of information by or to the principal regulator concerned.

10C Disclosure of information: supplementary

- (1) In sections 10 and 10A above “relevant public authority” means—
- (a) any government department (including a Northern Ireland department),
 - (b) any local authority,
 - (c) any constable, and
 - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).
- (2) In section 10A above “relevant public authority” also includes any body or person within subsection (1)(d) above in a country or territory outside the United Kingdom.
- (3) In sections 10 to 10B above and this section—
- “enactment” has the same meaning as in the Charities Act 2006;
 - “Revenue and Customs information” means information held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005.

- (4) Nothing in sections 10 and 10A above (or in those sections as applied by section 10B(1) to (4) above) authorises the making of a disclosure which—
- (a) contravenes the Data Protection Act 1998, or
 - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.”
- 131 Page 148, line 41, after “was”, insert—
“(ba) for “they act” substitute “it acts”,”
- 132 Page 149, line 16, at end insert—
“(za) for “they have” substitute “it has”,”
- 133 Page 156, leave out lines 39 and 40 and insert—
“(c) for “the Commissioners so request, be transmitted to them” substitute “the Commission so requests, be transmitted to it”, and”
- 134 Page 157, line 11, at end insert—
“(9) In subsection (8) for “in subsection (3)” substitute “to subsection (3)”.”
- 135 Page 158, line 9, at end insert “, and
(c) for “they may” substitute “it may”.”
- 136 Page 162, line 10, leave out “19B” and insert “19C”
- 137 Page 162, line 35, at end insert—
“(3A) At the end add “or section 75D”.”
- 138 Page 164, line 41, at end insert—
“(2A) Omit—
(a) in the definition of “exempt charity” in subsection (1), the words “(subject to section 24(8) above)”, and
(b) subsection (4).”
- 139 Page 165, line 7, at end insert—
“(ba) in the definition of “institution”, after ““institution” insert “means an institution whether incorporated or not, and”.”
- 140 Page 165, line 11, at end insert—
““the Minister” means the Minister for the Cabinet Office;”
- 141 Page 165, line 15, at end insert—
“169A In section 97(3) (general interpretation) for “Part IV or IX” substitute “Part 4, 7, 8A or 9”.”
- 142 Page 165, line 15, at end insert—
“169B In section 100(3) (extent) for “Section 10” substitute “Sections 10 to 10C”.”
- 143 Page 169, line 32, at end insert—
“*Constitutional Reform Act 2005 (c. 4)*

In Part 3 of Schedule 14 to the Constitutional Reform Act 2005 (the Judicial Appointments Commission: relevant offices etc.) after the

entries relating to section 6(5) of the Tribunals and Inquiries Act 1992
insert—

“President of the Charity Tribunal	Paragraph 1(2) of Schedule 1B to the Charities Act 1993 (c. 10).”
Legal member of the Charity Tribunal	
Ordinary member of the Charity Tribunal	

144 Page 169, line 32, at end insert—

“Charities and Trustee Investment (Scotland) Act 2005 (asp 10)

The Charities and Trustee Investment (Scotland) Act 2005 has effect subject to the following amendments.

In section 36(1) (powers of OSCR in relation to English and Welsh charities)—

- (a) for “Charity Commissioners for England and Wales inform” substitute “Charity Commission for England and Wales informs”,
- (b) for “under section 3” substitute “in accordance with section 3A”, and
- (c) for “section 3(5) of that Act,” substitute “subsection (2) of that section,”.

In section 69(2)(d)(i) (persons disqualified from being charity trustees)—

- (a) at the beginning insert “by the Charity Commission for England and Wales under section 18(2)(i) of the Charities Act 1993 or”, and
- (b) for “under section 18(2)(i) of the Charities Act 1993 (c. 10),” substitute “, whether under section 18(2)(i) of that Act or under”.

145 Page 169, line 32, at end insert—

“Equality Act 2006 (c. 3)

- (1) The Equality Act 2006 has effect subject to the following amendments.
- (2) In section 58(2) (charities relating to religion or belief)—
 - (a) for “Charity Commissioners for England and Wales” substitute “Charity Commission”, and
 - (b) for “the Commissioners” substitute “the Commission”.
- (3) In section 79(1)(a) (interpretation) after “given by” insert “section 1(1) of”.

Schedule 9

146 Page 170, line 5, at beginning insert—

“Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31)	In section 5(1), in paragraph (b) of the proviso, the words from “, and no representation” onwards.”
---	---

147 Page 170, line 18, column 2, at end insert –

“In section 79, in subsection (6) the words “(subject to subsection (7))”, and subsection (7).”
--

148 Page 170, line 20, column 2, at end insert –

“In Schedule 7, the entry relating to the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31).”

149 Page 170, leave out line 29

150 Page 171, line 6, leave out “paragraphs (x) and (zb)” and insert “paragraph (x)”

Schedule 10

151 Page 173, line 21, leave out paragraph 12 and insert –

“12 The amendment made by section 36 does not affect the payment of remuneration or provision of services in accordance with an agreement made before the day on which that section comes into force.”

152 Page 174, line 4, at end insert –

“Section (Disclosure of information to and by Northern Ireland regulator): Disclosure of information to and by Northern Ireland regulator

15A In relation to an offence committed in England and Wales before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44) (general limit on magistrates’ courts power to impose imprisonment), the reference to 12 months in section *(Disclosure of information to and by Northern Ireland regulator)*(6) is to be read as a reference to 6 months.”

153 Page 174, line 20, at end insert –

“18A In relation to an offence committed in England and Wales before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44) (general limit on magistrates’ courts power to impose imprisonment), the reference to 12 months in section 10A(4) of the 1993 Act (as inserted by paragraph 99 of Schedule 8 to this Act) is to be read as a reference to 6 months.”

154 Page 174, line 21, leave out paragraphs 19 and 20

