

## SCHEDULES

### SCHEDULE 3

Section 12(3)(a).

#### APPEALS AND APPLICATIONS TO TRIBUNAL

##### *Appeals: general*

- 1.—(1) Except in the case of a reviewable matter (see paragraph 3) an appeal may be brought to the Tribunal against any decision, direction or order mentioned in column 1 of the Table.
- (2) Such an appeal may be brought by—
  - (a) the Attorney General, or
  - (b) any person specified in the corresponding entry in column 2 of the Table.
- (3) The Commission shall be the respondent to such an appeal.
- (4) In determining such an appeal the Tribunal—
  - (a) shall consider afresh the decision, direction or order appealed against, and
  - (b) may take into account evidence which was not available to the Commission.
- (5) The Tribunal may—
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the Table.

##### *Appeals: orders under section 23*

- 2.—(1) Paragraph 1(4)(a) does not apply in relation to an appeal against an order made under section 23.
- (2) On such an appeal the Tribunal shall consider whether the information or document in question—
  - (a) relates to a charity;
  - (b) is relevant to the discharge of the functions of the Commission or the official custodian.
- (3) The Tribunal may allow such an appeal only if it is satisfied that the information or document in question does not fall within either head (a) or (b) of sub-paragraph (2).

### *Reviewable matters*

- 3.—(1) In this Schedule references to “reviewable matters” are to—
- (a) decisions on which sub-paragraph (2) applies, and
  - (b) orders to which sub-paragraph (3) applies.
- (2) This sub-paragraph applies to decisions of the Commission—
- (a) to institute an inquiry under section 22 with regard to a particular institution,
  - (b) to institute an inquiry under section 22 with regard to a class of institutions,
  - (c) not to make a common investment scheme under section 43,
  - (d) not to make a common deposit scheme under section 44,
  - (e) not to make an order under section 46 in relation to a charity,
  - (f) not to make an order under section 57 in relation to land held by or in trust for a charity,
  - (g) not to make an order under section 60 in relation to a mortgage of land held by or in trust for a charity.
- (3) This sub-paragraph applies to an order made by the Commission under section 104(1) in relation to a company which is a charity.

### *Reviews*

- 4.—(1) An application may be made to the Tribunal for the review of a reviewable matter.
- (2) Such an application may be made by—
- (a) the Attorney General, or
  - (b) any person mentioned in the entry in column 2 of the Table which corresponds to the entry in column 1 which relates to the reviewable matter.
- (3) The Commission shall be the respondent to such an application.
- (4) In determining such an application the Tribunal shall apply the principles which would be applied by the High Court on an application for judicial review.
- (5) The Tribunal may—
- (a) dismiss the application, or
  - (b) if it allows the application, exercise any power mentioned in the entry in column 3 of the Table which corresponds to the entry in column 1 which relates to the reviewable matter.

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*Interpretation: remission of matters to Commission*

5. References in column 3 of the Table to the power to remit a matter to the Commission are to the power to remit the matter either—

- (a) generally, or
- (b) for determination in accordance with a finding made or direction given by the Tribunal.

**TABLE**

1	2	3
Decision of the Commission not to give a direction under section 1(4) or (5) in relation to an institution or a charity.	The persons are the trustees of the institution or charity concerned.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 16— (a) to enter or not to enter an institution in the register of charities, or (b) to remove or not to remove an institution from the register.	The persons are— (a) the persons who are or claim to be the charity trustees of the institution, (b) (if a body corporate) the institution itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission, (b) direct the Commission to rectify the register.
Decision of the Commission not to make a determination under section 16(9) in relation to particular information contained in the register.	The persons are— (a) the charity trustees of the charity to which the information relates, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be	Power to quash the decision and (if appropriate) remit the matter to the Commission.

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Direction given by the Commission under section 20 requiring the name of a charity to be changed.	<p>affected by the decision.</p> <p>The persons are—</p> <p>(a) the charity trustees of the charity to which the direction relates,</p> <p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the direction.</p>	<p>Power to—</p> <p>(a) quash the direction and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for the direction any other direction which could have been given by the Commission.</p>
Decision of the Commission to institute an inquiry under section 22 with regard to a particular institution.	<p>The persons are—</p> <p>(a) the persons who have control or management of the institution, and</p> <p>(b) (if a body corporate) the institution itself.</p>	<p>Power to direct the Commission to end the inquiry.</p>
Decision of the Commission to institute an inquiry under section 22 with regard to a class of institutions.	<p>The persons are—</p> <p>(a) the persons who have control or management of any institution which is a member of the class of institutions, and</p> <p>(b) (if a body corporate) any such institution.</p>	<p>Power to—</p> <p>(a) direct the Commission that the inquiry should not consider a particular institution</p> <p>(b) direct the Commission to end the inquiry.</p>
Order made by the Commission under section 23 requiring a person to supply	<p>The persons are any person who is required to supply the information or document.</p>	<p>Power to—</p> <p>(a) quash the order,</p> <p>(b) substitute for all or part of the order any</p>

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information or a document.		other order which could have been made by the Commission.
Order made by the Commission under section 31(1).	<p>The persons are—</p> <p>(a) in a section 31(1) case, the charity trustees of the charity to which the order relates or (if a body corporate) the charity itself,</p> <p>(b) in a section 31(1) case, any person discharged or removed by the order, and</p> <p>(c) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>
Order made by the Commission under section 33(1) in relation to a charity.	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself,</p> <p>(c) in a section 33(1) case, any person suspended by the order, and</p> <p>(d) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which</p>

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Order made by the Commission under section 33(2) in relation to a charity.	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself,</p> <p>(c) in a section 33(2) (i) case, any person removed by the order, and</p> <p>(d) any other person who is or may be affected by the order.</p>	<p>could have been contained in an order made by the Commission.</p> <p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>
Order made by the Commission under section 33(4) removing a charity trustee.	<p>The persons are—</p> <p>(a) the charity trustee,</p> <p>(b) the remaining charity trustees of the charity of which he was a charity trustee,</p> <p>(c) (if a body corporate) the charity itself, and</p> <p>(d) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which</p>

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Order made by the Commission under section 33(5) appointing a charity trustee.	<p>The persons are—</p> <p>(a) the other charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the order.</p>	<p>could have been contained in an order made by the Commission.</p> <p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>
<p>Decision of the Commission—</p> <p>(a) to discharge an order following a review under section 33(10), or</p> <p>(b) not to discharge an order following such a review.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity to which the order relates,</p> <p>(b) (if a body corporate) the charity itself,</p> <p>(c) if the order in question was made under section 33(1) (i), any person suspended by it, and</p> <p>(d) any other person who is or may be</p>	<p>Power to—</p> <p>(a) quash the decision and (if appropriate) remit the matter to the Commission,</p> <p>(b) make the discharge of the order subject to savings or other transitional provisions,</p> <p>(c) remove any savings or other transitional provisions</p>

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	affected by the order.	to which the discharge of the order was subject, (d) discharge the order in whole or in part (whether subject to any savings or other transitional provisions or not).
Order made by the Commission under section 34(2) which suspends a person's membership of a charity.	The persons are— (a) the person whose membership is suspended by the order, and (b) any other person who is or may be affected by the order.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 36(2) which directs a person to take action specified in the order.	The persons are any person who is directed by the order to take the specified action.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 37(2) which directs a person to apply property in a specified manner.	The persons are any person who is directed by the order to apply the property in the specified manner.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make a common investment scheme under section 43.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme,	Power to quash the decision and (if appropriate) remit the matter to the Commission.



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Decision of the Commission not to make a common deposit scheme under section 44.	<p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the decision.</p> <p>The persons are—</p> <p>(a) the charity trustees of a charity which applied to the Commission for the scheme,</p> <p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the decision.</p>	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision by the Commission not to make an order under section 46 in relation to a charity.	<p>The persons are—</p> <p>(a) the charity trustees of the charity, and</p> <p>(b) (if a body corporate) the charity itself.</p>	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 48 in relation to an account held in the name of or on behalf of a charity.	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself, and</p> <p>(c) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the direction and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for the direction any other direction which could have been given by the Commission,</p>

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Decision of the Commission not to make an order under section 57 in relation to land held by or in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	(c) add to the direction anything which could have been contained in a direction given by the Commission.  Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make an order under section 60 in relation to a mortgage of land held by or in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 65(6) requiring the accounts of a charity to be audited.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an

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Order made by the Commission under section 66(2) in relation to a charity, or a decision of the Commission not to make such an order in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, (c) in the case of a decision not to make an order, the auditor, independent examiner or examiner, and (d) any other person who is or may be affected by the order or the decision.	order made by the Commission.  Power to— (a) quash the order or decision and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order of a kind the Commission could have made, (c) make any order which the Commission could have made.
Decision of the Commission not to dispense with the requirements of section 70(1) in relation to a charity or class of charities.	The persons are the charity trustees of any charity affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission— (a) to grant a certificate of incorporation under section 73(1) to the trustees of a charity, or (b) not to grant such a certificate.	The persons are— (a) the trustees of the charity, and (b) any other person who is or may be affected by the decision.	Power to quash— (a) the decision, (b) any conditions or directions inserted in the certificate,  and (if appropriate) remit the matter to the Commission.
Decision of the Commission to	The persons are—	Power to quash the decision and (if

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amend a certificate of incorporation of a charity under section 79(4).	(a) the trustees of the charity, and (b) any other person who is or may be affected by the amended certificate of incorporation.	appropriate) remit the matter to the Commission.
Decision of the Commission not to amend a certificate of incorporation under section 79(4).	The persons are— (a) the trustees of the charity, and (b) any other person who is or may be affected by the decision not to amend the certificate of incorporation.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) make any order the Commission could have made under section 79(4).
Order of the Commission under section 84(1) or (2) which dissolves a charity which is an incorporated body.	The persons are— (a) the trustees of the charity, (b) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission under section 86(4) to	The persons are—	Power to— (a) quash the decision and

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waive, or not to waive, a person's disqualification.	(a) the person who applied for the waiver, and (b) any other person who is or may be affected by the decision.	(if appropriate) remit the matter to the Commission, (b) substitute for the decision any other decision of a kind which could have been made by the Commission.
Order made by the Commission under section 87(4) in relation to a person who has acted as charity trustee or trustee for a charity.	The persons are— (a) the person subject to the order, and (b) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission.
Order made by the Commission under section 90(5) or (6) requiring a trustee or connected person to repay, or not to receive, remuneration.	The persons are— (a) the trustee or connected person, (b) the other charity trustees of the charity concerned, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission.
Decision of the Commission to give, or withhold, consent under section 96(2), 97(4) or 98(1) in	The persons are— (a) the charity trustees of the charity,	Power to quash the decision and (if appropriate) remit the matter to the Commission.

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relation to a body corporate which is a charity.	(b) the body corporate itself, and (c) any other person who is or may be affected by the decision.	
Order made by the Commission under section 104(1) in relation to a company which is a charity.	The persons are— (a) the directors of the company, (b) the company itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 104(4) which gives directions to a person or to charity trustees.	The persons are— (a) in the case of directions given to a person, that person, (b) in the case of directions given to charity trustees, those charity trustees and (if a body corporate) the charity of which they are charity trustees, and	Power to— (a) quash the order, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.

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<p>Decision of the Commission under section 110 to grant an application for the constitution of a CIO and its registration as a charity.</p>	<p>(c) any other person who is or may be affected by the directions.</p> <p>The persons are any person (other than the persons who made the application) who is or may be affected by the decision.</p>	<p>Power to quash the decision and (if appropriate)—</p> <p>(a) remit the matter to the Commission,</p> <p>(b) direct the Commission to rectify the register of charities.</p>
<p>Decision of the Commission under section 110 not to grant an application for the constitution of a CIO and its registration as a charity.</p>	<p>The persons are—</p> <p>(a) the persons who made the application, and</p> <p>(b) any other person who is or may be affected by the decision.</p>	<p>Power to—</p> <p>(a) quash the decision and (if appropriate) remit the matter to the Commission,</p> <p>(b) direct the Commission to grant the application.</p>
<p>Decision of the Commission under section 113 not to grant an application for the conversion of a charitable company or a registered society into a CIO and the CIO's registration as a charity.</p>	<p>The persons are—</p> <p>(a) the charity which made the application,</p> <p>(b) the charity trustees of the charity, and</p> <p>(c) any other person who is or may be affected by the decision.</p>	<p>Power to—</p> <p>(a) quash the decision and (if appropriate) remit the matter to the Commission,</p> <p>(b) direct the Commission to grant the application.</p>
<p>Decision of the Commission under section 116 to grant an application for</p>	<p>The persons are any creditor of any of the CIOs being amalgamated.</p>	<p>Power to quash the decision and (if appropriate) remit</p>

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the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.		the matter to the Commission.
Decision of the Commission under section 116 not to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are— (a) the CIOs which applied for the amalgamation, (b) the charity trustees of the CIOs, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.
Decision of the Commission to confirm a resolution passed by a CIO under section 118(1).	The persons are any creditor of the CIO.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to confirm a resolution passed by a CIO under section 118(1).	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to confirm the resolution.
Decision of the Commission to notify charity trustees under section 124(2) that it objects to a resolution of the charity trustees under section 123(2) or 126(2).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision.



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Decision of the Commission not to concur under section 129 with a resolution of charity trustees under section 129(3) or section 130(2).	The persons are— (a) the charity trustees, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision under section 138 to refuse to issue a public collections certificate or to attach any condition to such a certificate.	The person who applied for the certificate.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) substitute for the decision any other decision of a kind that the Commission could have made.
Decision of the Commission under section 141 not to direct that a public collections certificate be transferred.	The persons are— (a) the person to whom the certificate has been issued, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) substitute for the decision any other decision of a kind that the Commission could have made.
Decision of the Commission under section 142— (a) to withdraw or suspend a	The person to whom the certificate has been issued.	Power to— (a) quash the decision and (if appropriate) remit the

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<p>public collections certificate,</p> <p>(b) to attach a condition to such a certificate, or</p> <p>(c) to vary an existing condition of such a certificate.</p>		<p>matter to the Commission,</p> <p>(b) substitute for the decision any other decision of a kind that the Commission could have made.</p>
<p>Decision of the Commission to refuse to make a designation under section 166 in relation to a charity.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity, and</p> <p>(b) (if a body corporate) the charity itself.</p>	<p>Power to—</p> <p>(a) quash the decision and (if appropriate) remit the matter to the Commission, and</p> <p>(b) direct the Commission to make a designation under section 166 in relation to the charity.</p>
<p>Decision of the Commission under section 166(5) to withdraw the designation of a charity as a designated religious charity.</p>	<p>The persons are—</p> <p>(a) the charity trustees of the charity, and</p> <p>(b) (if a body corporate) the charity itself.</p>	<p>Power to quash the decision and (if appropriate) remit the matter to the Commission.</p>
<p>Decision of the Commission under paragraph 15 of Schedule 7 to refuse to register an amendment to the constitution of a CIO.</p>	<p>The persons are—</p> <p>(a) the CIO,</p> <p>(b) the charity trustees of the CIO, and</p> <p>(c) any other person who is or may be affected by the decision.</p>	<p>Power to quash the decision and (if appropriate)—</p> <p>(a) remit the matter to the Commission,</p> <p>(b) direct the Commission to register the amendment.</p>

*Power to amend Table, etc.*

6.—(1) The Department may by order—

- (a) amend or otherwise modify an entry in the Table,
- (b) add an entry to the Table, or
- (c) remove an entry from the Table.

(2) An order under sub-paragraph (1) may make such amendments, repeals or other modifications of paragraphs 1 to 5 of this Schedule, or of a statutory provision which applies this Schedule, as the Department considers appropriate in consequence of any change in the Table made by the order.

(3) No order shall be made under this paragraph unless a draft of the order has been laid before and approved by a resolution of the Assembly.