

SCHEDULES

SCHEDULE 7

FURTHER PROVISION ABOUT CHARITABLE INCORPORATED ORGANISATIONS

Duties

9. It is the duty of—

- (a) each member of a CIO, and
- (b) each charity trustee of a CIO,

to exercise powers, and (in the case of a charity trustee) to perform functions, in a capacity as such, in the way that member or trustee decides, in good faith, would be most likely to further the purposes of the CIO.

10.—(1) Subject to any provision of a CIO’s constitution permitted by virtue of regulations made under sub-paragraph (2), each charity trustee of a CIO shall in the performance of functions in that capacity exercise such care and skill as is reasonable in the circumstances, having regard in particular—

- (a) to any special knowledge or experience that the trustee has or purports to have, and
- (b) if the trustee acts as a charity trustee in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.

(2) The Department may make regulations permitting a CIO’s constitution to provide that the duty in sub-paragraph (1) does not apply, or does not apply in so far as is specified in the constitution.

(3) Regulations under sub-paragraph (2) may provide for limits on the extent to which, or the cases in which, a CIO’s constitution may disapply the duty in sub-paragraph (1).