

SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUTION ETC. OF CHARITY COMMISSIONERS

- 1 (1) There shall be a Chief Charity Commissioner and two other commissioners.
- (2) Two at least of the commissioners shall be persons who have a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990.
- (3) The chief commissioner and the other commissioners shall be appointed by the Secretary of State, and shall be deemed for all purposes to be employed in the civil service of the Crown.
- (4) There may be paid to each of the commissioners such salary and allowances as the Secretary of State may with the approval of the Treasury determine.
- (5) If at any time it appears to the Secretary of State that there should be more than three commissioners, he may with the approval of the Treasury appoint not more than two additional commissioners.
- 2 (1) The chief commissioner may, with the approval of the Treasury as to number and conditions of service, appoint such assistant commissioners and other officers and such employees as he thinks necessary for the proper discharge of the functions of the Commissioners and of the official custodian.
- (2) There may be paid to officers and employees so appointed such salaries or remuneration as the Treasury may determine.
- 3 (1) The Commissioners may use an official seal for the authentication of documents, and their seal shall be officially and judicially noticed.
- (2) The Documentary Evidence Act 1868, as amended by the Documentary Evidence Act 1882, shall have effect as if in the Schedule to the Act of 1868 the Commissioners were included in the first column and any commissioner or assistant commissioner and any officer authorised to act on behalf of the Commissioners were mentioned in the second column.
- (3) The Commissioners shall have power to regulate their own procedure and, subject to any such regulations and to any directions of the chief commissioner, any one commissioner or any assistant commissioner may act for and in the name of the Commissioners.
- (4) Where the Commissioners act as a board, then—
 - (a) if not more than four commissioners hold office for the time being, the quorum shall be two commissioners (of whom at least one must be a person having a qualification such as is mentioned in paragraph 1(2) above); and
 - (b) if five commissioners so hold office, the quorum shall be three commissioners (of whom at least one must be a person having such a qualification);

Status: This is the original version (as it was originally enacted).

and in the case of an equality of votes the chief commissioner or in his absence the commissioner presiding shall have a second or casting vote.

- (5) The Commissioners shall have power to act notwithstanding any vacancy in their number.
- (6) It is hereby declared that the power of a commissioner or assistant commissioner to act for and in the name of the Commissioners in accordance with sub-paragraph (3) above may, in particular, be exercised in relation to functions of the Commissioners under sections 8, 18, 19 and 63 of this Act, including functions under sections 8, 18 and 19 as applied by section 80(1).
- 4 Legal proceedings may be instituted by or against the Commissioners by the name of the Charity Commissioners for England and Wales, and shall not abate or be affected by any change in the persons who are the commissioners.