

*These notes refer to the Charities Act 2006 (c.50)  
which received Royal Assent on 8 November 2006*

# CHARITIES ACT 2006

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Section 25 – Power to determine membership of charity**

97. Some charities have a body of members with voting and other constitutional rights, such as the right to elect some or all of the trustees of the charity. If, for example, a charity's membership records were incomplete, there might be a dispute as to who the members of the charity were. That could in turn impede the proper administration of the charity - for example, by casting doubt as to whether or not particular people have been validly elected as trustees.
98. **Section 25** inserts a new section 29A into the 1993 Act. New section 29A gives the Charity Commission, or a person appointed by the Commission for the purpose, the power to decide authoritatively who the members of a charity are. The Commission, or the person it has appointed for the purpose, may exercise this power in two circumstances. The first is when the charity in question applies for such a decision to be made. The second is at any time after the Commission has begun a statutory inquiry into the charity under section 8 of the 1993 Act.
99. An amendment made to section 97(1) of the 1993 Act by Schedule 8 to the Act has the effect that, if the charity in question has a body of members distinct from the charity trustees, "members" in the new section 29A means that body of members.