

SCHEDULES

SCHEDULE 2

Section 6

ESTABLISHMENT OF THE CHARITY COMMISSION: SUPPLEMENTARY

- 1 In this Schedule—
- “commencement” means the coming into force of section 6, and
 - “the Commission” means the Charity Commission.

Appointments to Commission

- 2 (1) The person who immediately before commencement was the Chief Charity Commissioner for England and Wales is on commencement to become the chairman of the Commission as if duly appointed under paragraph 1 of Schedule 1A to the 1993 Act.
- (2) Any other person who immediately before commencement was a Charity Commissioner for England and Wales is on commencement to become a member of the Commission as if duly appointed under that paragraph.
- (3) While a person holds office as a member of the Commission by virtue of this paragraph he shall—
- (a) continue to be deemed to be employed in the civil service of the Crown, and
 - (b) hold that office on the terms on which he held office as a Charity Commissioner for England and Wales immediately before commencement.
- (4) Sub-paragraph (3)(b) is subject to—
- (a) sub-paragraph (5),
 - (b) paragraph 3(4) and (5) of Schedule 1A to the 1993 Act, and
 - (c) any necessary modifications to the terms in question.
- (5) No person may hold office as a member of the Commission by virtue of this paragraph for a term exceeding three years from commencement.
- (6) Paragraphs 2 and 3(1) to (3) of Schedule 1A to the 1993 Act, and paragraphs 2 and 3 of Schedule 1 to this Act, shall not apply in relation to a person while he holds office as a member of the Commission by virtue of this paragraph.

Effect of transfers under section 6

- 3 (1) Anything which—
- (a) has been done (or has effect as if done) by or in relation to the Commissioners, and
 - (b) is in effect immediately before commencement,
- is to be treated as if done by or in relation to the Commission.
- (2) Anything (including legal proceedings) which—

Status: This is the original version (as it was originally enacted).

- (a) relates to anything transferred by section 6(4), and
 - (b) is in the process of being done by or in relation to the Commissioners, may be continued by or in relation to the Commission.
- (3) But nothing in section 6 or this paragraph affects the validity of anything done by or in relation to the Commissioners.
- (4) In this paragraph “the Commissioners” means the Charity Commissioners for England and Wales (and includes any person acting for them by virtue of paragraph 3(3) of Schedule 1 to the 1993 Act).

First annual report of Commission

- 4 (1) This paragraph applies if there is a period of one or more days which—
- (a) began on the day after the end of the last year for which the Charity Commissioners for England and Wales made a report under section 1(5) of the 1993 Act, and
 - (b) ended on the day before commencement.
- (2) The first report published by the Commission under paragraph 11 of Schedule 1A to the 1993 Act shall also be a report on the operations of the Charity Commissioners for England and Wales during the period mentioned in sub-paragraph (1).

Resource accounts of Commission

- 5 (1) The new Commission and the old Commission shall be treated as being the same government department for the purposes of section 5 of the Government Resources and Accounts Act 2000 (c. 20).
- (2) Resource accounts sent to the Comptroller and Auditor General by the new Commission in respect of any period before commencement shall be resource accounts in the name of the new Commission.
- (3) In this paragraph—
- “the new Commission” means the Charity Commission established by section 6, and
 - “the old Commission” means the government department known as the Charity Commission and existing immediately before commencement.