

*Status: Point in time view as at 14/03/2012.*

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## SCHEDULES

### SCHEDULE 1

Section 13

#### THE CHARITY COMMISSION

##### *Membership*

- 1 (1) The Commission is to consist of—
  - (a) a person appointed by the Minister to chair the Commission, and
  - (b) at least 4, but not more than 8, other members appointed by the Minister.
- (2) The Minister must exercise the power in sub-paragraph (1) so as to secure that—
  - (a) the knowledge and experience of the members of the Commission (taken together) includes knowledge and experience of the matters mentioned in sub-paragraph (3),
  - (b) at least two members have a 7 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, and
  - (c) at least one member—
    - (i) knows about conditions in Wales, and
    - (ii) has been appointed following consultation with the Welsh Ministers.
- (3) The matters are—
  - (a) the law relating to charities,
  - (b) charity accounts and the financing of charities, and
  - (c) the operation and regulation of charities of different sizes and descriptions.
- (4) In sub-paragraph (2)(c) “member” does not include the person appointed to chair the Commission.

##### *Terms of appointment and remuneration*

- 2 The members of the Commission hold and vacate office as such in accordance with the terms of their respective appointments.
- 3 (1) An appointment of a person to hold office as a member of the Commission must be for a term of no more than 3 years.
- (2) A person holding office as a member of the Commission—
  - (a) may resign that office by giving notice in writing to the Minister, and
  - (b) may be removed from office by the Minister on the ground of incapacity or misbehaviour.
- (3) Before removing a member of the Commission the Minister must consult—
  - (a) the Commission, and
  - (b) if the member was appointed following consultation with the Welsh Ministers, the Welsh Ministers.

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- (4) No person may hold office as a member of the Commission for more than 10 years in total.
  - (5) For the purposes of sub-paragraph (4), time spent holding office as a Charity Commissioner for England and Wales counts as time spent holding office as a member of the Commission.
- 4
- (1) The Commission must pay to its members such remuneration, and such other allowances, as may be determined by the Minister.
  - (2) The Commission must, if required to do so by the Minister—
    - (a) pay such pension, allowances or gratuities as may be determined by the Minister to or in respect of a person who is or has been a member of the Commission, or
    - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
  - (3) Sub-paragraph (4) applies if the Minister determines that there are special circumstances which make it right for a person ceasing to hold office as a member of the Commission to receive compensation.
  - (4) The Commission must pay to the person a sum by way of compensation of such amount as may be determined by the Minister.

#### *Staff*

- 5
- (1) The Commission—
    - (a) must appoint a chief executive, and
    - (b) may appoint such other staff as it may determine.
  - (2) The terms and conditions of service of persons appointed under sub-paragraph (1) are to be such as the Commission may determine with the approval of the Minister for the Civil Service.

#### *Committees*

- 6
- (1) The Commission may establish committees and any committee of the Commission may establish sub-committees.
  - (2) The members of a committee of the Commission may include persons who are not members of the Commission (and the members of a sub-committee may include persons who are not members of the committee or of the Commission).

#### *Procedure etc.*

- 7
- (1) The Commission may regulate its own procedure (including quorum).
  - (2) The validity of anything done by the Commission is not affected by—
    - (a) a vacancy among its members, or
    - (b) a defect in the appointment of a member.

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### *Performance of functions*

- 8 Anything authorised or required to be done by the Commission may be done by—
- (a) any member or member of staff of the Commission who is authorised for that purpose by the Commission, whether generally or specially;
  - (b) any committee of the Commission which has been so authorised.

### *Evidence*

- 9 The Documentary Evidence Act 1868 has effect as if—
- (a) the Commission were mentioned in the first column of the Schedule to that Act,
  - (b) any member or member of staff of the Commission authorised to act on behalf of the Commission were specified in the second column of that Schedule in connection with the Commission, and
  - (c) the regulations referred to in that Act included any document issued by or under the authority of the Commission.

### *Execution of documents*

- 10 (1) A document is executed by the Commission by the fixing of its common seal to the document.
- (2) But the fixing of that seal to a document must be authenticated by the signature of—
- (a) any member of the Commission, or
  - (b) any member of its staff,
- who is authorised for the purpose by the Commission.
- (3) A document which is expressed (in whatever form of words) to be executed by the Commission and is signed by—
- (a) any member of the Commission, or
  - (b) any member of its staff,
- who is authorised for the purpose by the Commission has the same effect as if executed in accordance with sub-paragraphs (1) and (2).
- (4) A document executed by the Commission which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it is to be presumed (unless a contrary intention is proved) to be delivered upon its being executed.
- (5) In favour of a purchaser a document is to be treated as having been duly executed by the Commission if it purports to be signed on its behalf by—
- (a) any member of the Commission, or
  - (b) any member of its staff;
- and, if it makes it clear on its face that it is intended to be a deed, it is to be treated as having been delivered upon its being executed.
- (6) For the purposes of this paragraph—
- “authorised” means authorised whether generally or specially, and
  - “purchaser”—
- (a) means a purchaser in good faith for valuable consideration, and
  - (b) includes a lessee, mortgagee or other person who for valuable consideration acquired an interest in property.

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*Annual report*

- 11 (1) As soon as practicable after the end of each financial year the Commission must publish a report on—
- (a) the discharge of its functions,
  - (b) the extent to which, in its opinion, its objectives (see section 14) have been met,
  - (c) the performance of its general duties (see section 16), and
  - (d) the management of its affairs,
- during that year.
- (2) The Commission must lay a copy of each such report before Parliament.
- (3) “Financial year” means the 12 months ending with 31 March in any year.

*Annual public meeting*

- 12 (1) The Commission must hold a public meeting (“the annual meeting”) for the purpose of enabling a report under paragraph 11 to be considered.
- (2) The annual meeting must be held within the period of 3 months beginning with the day on which the report is published.
- (3) The Commission must organise the annual meeting so as to allow—
- (a) a general discussion of the contents of the report which is being considered, and
  - (b) a reasonable opportunity for those attending the meeting to put questions to the Commission about matters to which the report relates.
- (4) But subject to sub-paragraph (3) the annual meeting is to be organised and conducted in such a way as the Commission considers appropriate.
- (5) The Commission must—
- (a) take such steps as are reasonable in the circumstances to ensure that notice of the annual meeting is given to every registered charity, and
  - (b) publish notice of the annual meeting in the way appearing to it to be best calculated to bring it to the attention of members of the public.
- (6) Each such notice must—
- (a) give details of the time and place at which the meeting is to be held,
  - (b) set out the proposed agenda for the meeting,
  - (c) indicate the proposed duration of the meeting, and
  - (d) give details of the Commission's arrangements for enabling persons to attend.
- (7) If the Commission proposes to alter any of the arrangements which have been included in notices given or published under sub-paragraph (5) it must—
- (a) give reasonable notice of the alteration, and
  - (b) publish the notice in the way appearing to it to be best calculated to bring it to the attention of registered charities and members of the public.

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