

## SCHEDULES

### SCHEDULE 4

Section 8

#### APPEALS AND APPLICATIONS TO CHARITY TRIBUNAL

After Schedule 1B to the 1993 Act (inserted by Schedule 3 to this Act) insert—

#### “SCHEDULE 1C

Section 2A(4)

#### APPEALS AND APPLICATIONS TO CHARITY TRIBUNAL

##### **Appeals: general**

- 1 (1) Except in the case of a reviewable matter (see paragraph 3) an appeal may be brought to the Tribunal against any decision, direction or order mentioned in column 1 of the Table.
- (2) Such an appeal may be brought by—
  - (a) the Attorney General, or
  - (b) any person specified in the corresponding entry in column 2 of the Table.
- (3) The Commission shall be the respondent to such an appeal.
- (4) In determining such an appeal the Tribunal—
  - (a) shall consider afresh the decision, direction or order appealed against, and
  - (b) may take into account evidence which was not available to the Commission.
- (5) The Tribunal may—
  - (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the Table.

##### **Appeals: orders under section 9**

- 2 (1) Paragraph 1(4)(a) above does not apply in relation to an appeal against an order made under section 9 of this Act.
- (2) On such an appeal the Tribunal shall consider whether the information or document in question—
  - (a) relates to a charity;
  - (b) is relevant to the discharge of the functions of the Commission or the official custodian.
- (3) The Tribunal may allow such an appeal only if it is satisfied that the information or document in question does not fall within either paragraph (a) or paragraph (b) of sub-paragraph (2) above.

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### Reviewable matters

- 3 (1) In this Schedule references to “reviewable matters” are to—
- (a) decisions to which sub-paragraph (2) applies, and
  - (b) orders to which sub-paragraph (3) applies.
- (2) This sub-paragraph applies to decisions of the Commission—
- (a) to institute an inquiry under section 8 of this Act with regard to a particular institution,
  - (b) to institute an inquiry under section 8 of this Act with regard to a class of institutions,
  - (c) not to make a common investment scheme under section 24 of this Act,
  - (d) not to make a common deposit scheme under section 25 of this Act,
  - (e) not to make an order under section 26 of this Act in relation to a charity,
  - (f) not to make an order under section 36 of this Act in relation to land held by or in trust for a charity,
  - (g) not to make an order under section 38 of this Act in relation to a mortgage of land held by or in trust for a charity.
- (3) This sub-paragraph applies to an order made by the Commission under section 69(1) of this Act in relation to a company which is a charity.

### Reviews

- 4 (1) An application may be made to the Tribunal for the review of a reviewable matter.
- (2) Such an application may be made by—
- (a) the Attorney General, or
  - (b) any person mentioned in the entry in column 2 of the Table which corresponds to the entry in column 1 which relates to the reviewable matter.
- (3) The Commission shall be the respondent to such an application.
- (4) In determining such an application the Tribunal shall apply the principles which would be applied by the High Court on an application for judicial review.
- (5) The Tribunal may—
- (a) dismiss the application, or
  - (b) if it allows the application, exercise any power mentioned in the entry in column 3 of the Table which corresponds to the entry in column 1 which relates to the reviewable matter.

### Interpretation: remission of matters to Commission

- 5 References in column 3 of the Table to the power to remit a matter to the Commission are to the power to remit the matter either—
- (a) generally, or
  - (b) for determination in accordance with a finding made or direction given by the Tribunal.

TABLE

<i>1</i>	<i>2</i>	<i>3</i>
Decision of the Commission under section 3 or 3A of this Act— (a) to enter or not to enter an institution in the register of charities, or (b) to remove or not to remove an institution from the register.	The persons are— (a) the persons who are or claim to be the charity trustees of the institution, (b) (if a body corporate) the institution itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission, (b) direct the Commission to rectify the register.
Decision of the Commission not to make a determination under section 3(9) of this Act in relation to particular information contained in the register.	The persons are— (a) the charity trustees of the charity to which the information relates, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 6 of this Act requiring the name of a charity to be changed.	The persons are— (a) the charity trustees of the charity to which the direction relates, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the direction.	Power to— (a) quash the direction and (if appropriate) remit the matter to the Commission, (b) substitute for the direction any other direction which could have been given by the Commission.
Decision of the Commission to institute an inquiry under section 8 of this Act with regard to a particular institution.	The persons are— (a) the persons who have control or management of the institution, and (b) (if a body corporate) the institution itself.	Power to direct the Commission to end the inquiry.

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Decision of the Commission to institute an inquiry under section 8 of this Act with regard to a class of institutions.	The persons are— (a) the persons who have control or management of any institution which is a member of the class of institutions, and (b) (if a body corporate) any such institution.	Power to— (a) direct the Commission that the inquiry should not consider a particular institution, (b) direct the Commission to end the inquiry.
Order made by the Commission under section 9 of this Act requiring a person to supply information or a document.	The persons are any person who is required to supply the information or document.	Power to— (a) quash the order, (b) substitute for all or part of the order any other order which could have been made by the Commission.
Order made by the Commission under section 16(1) of this Act (including such an order made by virtue of section 23(1)).	The persons are— (a) in a section 16(1) (a) case, the charity trustees of the charity to which the order relates or (if a body corporate) the charity itself, (b) in a section 16(1) (b) case, any person discharged or removed by the order, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission, (b) substitute for all or part of the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 18(1) of this Act in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, (c) in a section 18(1) (i) case, any person suspended by the order, and (d) any other person who is or may be	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission, (b) substitute for all or part of the order any other order which could have been made by the Commission,

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	affected by the order.	(c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 18(2) of this Act in relation to a charity.	<p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself,</p> <p>(c) in a section 18(2) (i) case, any person removed by the order, and</p> <p>(d) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>
Order made by the Commission under section 18(4) of this Act removing a charity trustee.	<p>The persons are—</p> <p>(a) the charity trustee,</p> <p>(b) the remaining charity trustees of the charity of which he was a charity trustee,</p> <p>(c) (if a body corporate) the charity itself, and</p> <p>(d) any other person who is or may be affected by the order.</p>	<p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p>
Order made by the Commission under section 18(5) of this Act appointing a charity trustee.	<p>The persons are—</p> <p>(a) the other charity trustees of the charity,</p> <p>(b) (if a body corporate) the charity itself, and</p>	<p>Power to—</p> <p>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for all or part of the order</p>

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	(c) any other person who is or may be affected by the order.	any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission— (a) to discharge an order following a review under section 18(13) of this Act, or (b) not to discharge an order following such a review.	The persons are— (a) the charity trustees of the charity to which the order relates, (b) (if a body corporate) the charity itself, (c) if the order in question was made under section 18(1) (i), any person suspended by it, and (d) any other person who is or may be affected by the order.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) make the discharge of the order subject to savings or other transitional provisions, (c) remove any savings or other transitional provisions to which the discharge of the order was subject, (d) discharge the order in whole or in part (whether subject to any savings or other transitional provisions or not).
Order made by the Commission under section 18A(2) of this Act which suspends a person's membership of a charity.	The persons are— (a) the person whose membership is suspended by the order, and (b) any other person who is or may be affected by the order.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 19A(2) of this Act which directs a person to take action specified in the order.	The persons are any person who is directed by the order to take the specified action.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 19B(2) of this Act	The persons are any person who is directed by the order to apply the	Power to quash the order and (if appropriate)

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which directs a person to apply property in a specified manner.	property in the specified manner.	remit the matter to the Commission.
Order made by the Commission under section 23(2) of this Act in relation to any land vested in the official custodian in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission not to make a common investment scheme under section 24 of this Act.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make a common deposit scheme under section 25 of this Act.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision by the Commission not to make an order under section 26	The persons are— (a) the charity trustees of the charity, and	Power to quash the decision and (if appropriate) remit

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of this Act in relation to a charity.	(b) (if a body corporate) the charity itself.	the matter to the Commission.
Direction given by the Commission under section 28 of this Act in relation to an account held in the name of or on behalf of a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the direction and (if appropriate) remit the matter to the Commission, (b) substitute for the direction any other direction which could have been given by the Commission, (c) add to the direction anything which could have been contained in a direction given by the Commission.
Order made by the Commission under section 31 of this Act for the taxation of a solicitor's bill.	The persons are— (a) the solicitor, (b) any person for whom the work was done by the solicitor, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission not to make an order under section 36 of this Act in relation to land held by or in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make an order under section 38 of this Act in relation to a mortgage of land held by or in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and	Power to quash the decision and (if appropriate) remit the matter to the Commission.



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	(c) any other person who is or may be affected by the decision.	
Order made by the Commission under section 43(4) of this Act requiring the accounts of a charity to be audited.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 44(2) of this Act in relation to a charity, or a decision of the Commission not to make such an order in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, (c) in the case of a decision not to make an order, the auditor, independent examiner or examiner, and (d) any other person who is or may be affected by the order or the decision.	Power to— (a) quash the order or decision and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order of a kind the Commission could have made, (c) make any order which the Commission could have made.
Decision of the Commission under section 46(5) of this Act to request charity trustees to prepare an annual report for a charity.	The persons are— (a) the charity trustees, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to dispense with the requirements of section 48(1) in relation to a charity or class of charities.	The persons are the charity trustees of any charity affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission—	The persons are—	Power to quash— (a) the decision,

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<p>(a) to grant a certificate of incorporation under section 50(1) of this Act to the trustees of a charity, or</p> <p>(b) not to grant such a certificate.</p> <p>Decision of the Commission to amend a certificate of incorporation of a charity under section 56(4) of this Act.</p> <p>Decision of the Commission not to amend a certificate of incorporation under section 56(4) of this Act.</p> <p>Order of the Commission under section 61(1) or (2) of this Act which dissolves a charity which is an incorporated body.</p> <p>Decision of the Commission to give, or withhold, consent under section 64(2), 65(4) or 66(1) of this Act in relation to a body</p>	<p>(a) the trustees of the charity, and</p> <p>(b) any other person who is or may be affected by the decision.</p> <p>The persons are—</p> <p>(a) the trustees of the charity, and</p> <p>(b) any other person who is or may be affected by the amended certificate of incorporation.</p> <p>The persons are—</p> <p>(a) the trustees of the charity, and</p> <p>(b) any other person who is or may be affected by the decision not to amend the certificate of incorporation.</p> <p>The persons are—</p> <p>(a) the trustees of the charity,</p> <p>(b) the charity itself, and</p> <p>(c) any other person who is or may be affected by the order.</p> <p>The persons are—</p> <p>(a) the charity trustees of the charity,</p> <p>(b) the body corporate itself, and</p> <p>(c) any other person who is or may be</p>	<p>(b) any conditions or directions inserted in the certificate, and (if appropriate) remit the matter to the Commission.</p> <p>Power to quash the decision and (if appropriate) remit the matter to the Commission.</p> <p>Power to—</p> <p>(a) quash the decision and (if appropriate) remit the matter to the Commission,</p> <p>(b) make any order the Commission could have made under section 56(4).</p> <p>Power to—</p> <p>(a) quash the order and (if appropriate) remit the matter to the Commission,</p> <p>(b) substitute for the order any other order which could have been made by the Commission,</p> <p>(c) add to the order anything which could have been contained in an order made by the Commission.</p> <p>Power to quash the decision and (if appropriate) remit the matter to the Commission.</p>

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corporate which is a charity.	affected by the decision.	
Order made by the Commission under section 69(1) of this Act in relation to a company which is a charity.	The persons are— (a) the directors of the company, (b) the company itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 69(4) of this Act which gives directions to a person or to charity trustees.	The persons are— (a) in the case of directions given to a person, that person, (b) in the case of directions given to charity trustees, those charity trustees and (if a body corporate) the charity of which they are charity trustees, and (c) any other person who is or may be affected by the directions.	Power to— (a) quash the order, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission under section 69E of this Act to grant an application for the constitution of a CIO and its registration as a charity.	The persons are any person (other than the persons who made the application) who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission, (b) direct the Commission to rectify the register of charities.
Decision of the Commission under section 69E of this Act not to grant an application for the	The persons are— (a) the persons who made the application, and	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission,

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constitution of a CIO and its registration as a charity.	(b) any other person who is or may be affected by the decision.	(b) direct the Commission to grant the application.
Decision of the Commission under section 69H of this Act not to grant an application for the conversion of a charitable company or a registered society into a CIO and the CIO's registration as a charity.	The persons are— (a) the charity which made the application, (b) the charity trustees of the charity, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.
Decision of the Commission under section 69K of this Act to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are any creditor of any of the CIOs being amalgamated.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 69K of this Act not to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are— (a) the CIOs which applied for the amalgamation, (b) the charity trustees of the CIOs, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.
Decision of the Commission to confirm a resolution passed by a CIO under section 69M(1) of this Act.	The persons are any creditor of the CIO.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to confirm a resolution passed by a CIO under section 69M(1) of this Act.	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission

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		to confirm the resolution.
Decision of the Commission under section 72(4) of this Act to waive, or not to waive, a person's disqualification.	The persons are— (a) the person who applied for the waiver, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) substitute for the decision any other decision of a kind which could have been made by the Commission.
Order made by the Commission under section 73(4) of this Act in relation to a person who has acted as charity trustee or trustee for a charity.	The persons are— (a) the person subject to the order, and (b) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission.
Order made by the Commission under section 73C(5) or (6) of this Act requiring a trustee or connected person to repay, or not to receive, remuneration.	The persons are— (a) the trustee or connected person, (b) (b the other charity trustees of the charity concerned, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission.
Decision of the Commission to notify charity trustees under section 74A(2) of this Act that it objects to a resolution of the charity trustees under section 74(2) or 74C(2).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision.
Decision of the Commission not to concur under section 75A of this Act with a resolution of charity trustees under section 75A(3) or 75B(2).	The persons are— (a) the charity trustees, (b) (b (if a body corporate) the charity itself, and (c) any other person who is or may be	Power to quash the decision and (if appropriate) remit the matter to the Commission.

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	affected by the decision.	
Decision of the Commission to withhold approval for the transfer of property from trustees to a parish council under section 79(1) of this Act.	The persons are— (a) the trustees, (b) (b the parish council, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 80(2) of this Act in relation to a person holding property on behalf of a recognised body or of any person concerned in its management or control.	The persons are— (a) the person holding the property in question, and (b) any other person who is or may be affected by the order.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to give a direction under section 96(5) or (6) of this Act in relation to an institution or a charity.	The persons are the trustees of the institution or charity concerned.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under paragraph 15 of Schedule 5B to this Act to refuse to register an amendment to the constitution of a CIO.	The persons are— (a) the CIO, (b) (b the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission, (b) direct the Commission to register the amendment.

**Power to amend Table etc.**

- 6 (1) The Minister may by order—
- (a) amend or otherwise modify an entry in the Table,
  - (b) add an entry to the Table, or
  - (c) remove an entry from the Table.
- (2) An order under sub-paragraph (1) may make such amendments, repeals or other modifications of paragraphs 1 to 5 of this Schedule, or of an enactment which applies this Schedule, as the Minister considers appropriate in consequence of any change in the Table made by the order.
- (3) No order shall be made under this paragraph unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

- 7 Paragraph 6 above applies (with the necessary modifications) in relation to section 57 of the Charities Act 2006 as if—
- (a) the provisions of that section were contained in this Schedule, and
  - (b) the reference in that paragraph to paragraphs 1 to 5 of this Schedule included a reference to any other provision relating to appeals to the Tribunal which is contained in Chapter 1 of Part 3 of the Charities Act 2006.

## SCHEDULE 1D

Section 2A(4)

### REFERENCES TO CHARITY TRIBUNAL

#### References by Commission

- 1 (1) A question which—
- (a) has arisen in connection with the exercise by the Commission of any of its functions, and
  - (b) involves either the operation of charity law in any respect or its application to a particular state of affairs,
- may be referred to the Tribunal by the Commission if the Commission considers it desirable to refer the question to the Tribunal.
- (2) The Commission may make such a reference only with the consent of the Attorney General.
- (3) The Commission shall be a party to proceedings before the Tribunal on the reference.
- (4) The following shall be entitled to be parties to proceedings before the Tribunal on the reference—
- (a) the Attorney General, and
  - (b) with the Tribunal's permission—
    - (i) the charity trustees of any charity which is likely to be affected by the Tribunal's decision on the reference,
    - (ii) any such charity which is a body corporate, and
    - (iii) any other person who is likely to be so affected.

#### References by Attorney General

- 2 (1) A question which involves either—
- (a) the operation of charity law in any respect, or
  - (b) the application of charity law to a particular state of affairs,
- may be referred to the Tribunal by the Attorney General if the Attorney General considers it desirable to refer the question to the Tribunal.
- (2) The Attorney General shall be a party to proceedings before the Tribunal on the reference.
- (3) The following shall be entitled to be parties to proceedings before the Tribunal on the reference—
- (a) the Commission, and

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- (b) with the Tribunal’s permission—
  - (i) the charity trustees of any charity which is likely to be affected by the Tribunal’s decision on the reference,
  - (ii) any such charity which is a body corporate, and
  - (iii) any other person who is likely to be so affected.

### **Powers of Commission in relation to matters referred to Tribunal**

- 3 (1) This paragraph applies where a question which involves the application of charity law to a particular state of affairs has been referred to the Tribunal under paragraph 1 or 2 above.
- (2) The Commission shall not take any steps in reliance on any view as to the application of charity law to that state of affairs until—
  - (a) proceedings on the reference (including any proceedings on appeal) have been concluded, and
  - (b) any period during which an appeal (or further appeal) may ordinarily be made has ended.
- (3) Where—
  - (a) paragraphs (a) and (b) of sub-paragraph (2) above are satisfied, and
  - (b) the question has been decided in proceedings on the reference,
 the Commission shall give effect to that decision when dealing with the particular state of affairs to which the reference related.

### **Suspension of time limits while reference in progress**

- 4 (1) Sub-paragraph (2) below applies if—
  - (a) paragraph 3(2) above prevents the Commission from taking any steps which it would otherwise be permitted or required to take, and
  - (b) the steps in question may be taken only during a period specified in an enactment (“the specified period”).
- (2) The running of the specified period is suspended for the period which—
  - (a) begins with the date on which the question is referred to the Tribunal, and
  - (b) ends with the date on which paragraphs (a) and (b) of paragraph 3(2) above are satisfied.
- (3) Nothing in this paragraph or section 74A of this Act prevents the specified period being suspended concurrently by virtue of sub-paragraph (2) above and that section.

### **Agreement for Commission to act while reference in progress**

- 5 (1) Paragraph 3(2) above does not apply in relation to any steps taken by the Commission with the agreement of—
  - (a) the persons who are parties to the proceedings on the reference at the time when those steps are taken, and
  - (b) (if not within paragraph (a) above) the charity trustees of any charity which—
    - (i) is likely to be directly affected by the taking of those steps, and
    - (ii) is not a party to the proceedings at that time.



- (2) The Commission may take those steps despite the suspension in accordance with paragraph 4(2) above of any period during which it would otherwise be permitted or required to take them.
- (3) Paragraph 3(3) above does not require the Commission to give effect to a decision as to the application of charity law to a particular state of affairs to the extent that the decision is inconsistent with any steps already taken by the Commission in relation to that state of affairs in accordance with this paragraph.

### **Appeals and applications in respect of matters determined on references**

- 6
  - (1) No appeal or application may be made to the Tribunal by a person to whom sub-paragraph (2) below applies in respect of an order or decision made, or direction given, by the Commission in accordance with paragraph 3(3) above.
  - (2) This sub-paragraph applies to a person who was at any stage a party to the proceedings in which the question referred to the Tribunal was decided.
  - (3) Rules under section 2B(1) of this Act may include provision as to who is to be treated for the purposes of sub-paragraph (2) above as being (or not being) a party to the proceedings.
  - (4) Any enactment (including one contained in this Act) which provides for an appeal or application to be made to the Tribunal has effect subject to sub-paragraph (1) above.

### **Interpretation**

- 7
  - (1) In this Schedule—
    - “charity law” means—
      - (a) any enactment contained in, or made under, this Act or the Charities Act 2006,
      - (b) any other enactment specified in regulations made by the Minister, and
      - (c) any rule of law which relates to charities, and
    - “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978), and includes an enactment whenever passed or made.
  - (2) The exclusions contained in section 96(2) of this Act (ecclesiastical corporations etc.) do not have effect for the purposes of this Schedule.”