



Charities (Protection and Social Investment) Act 2016

2016 CHAPTER 4

1 Official warnings by the Commission

Before section 76 of the Charities Act 2011, after the heading “Powers of Commission to act for protection of charities etc” insert—

“75A Official warnings by the Commission

- (1) The Commission may issue a warning—
 - (a) to a charity trustee or trustee for a charity who it considers has committed a breach of trust or duty or other misconduct or mismanagement in that capacity, or
 - (b) to a charity in connection with which it considers a breach of trust or duty or other misconduct or mismanagement has been committed.
- (2) The Commission—
 - (a) may publish a warning it has issued;
 - (b) may issue or publish a warning in any way it considers appropriate.
- (3) Before issuing a warning under this section, the Commission must give notice of its intention to do so to the charity, and each charity trustee or trustee for the charity, except any who cannot be found or who has no known address in the United Kingdom.
- (4) Any such notice—
 - (a) may be given by post, and
 - (b) if given by post, may be addressed to the recipient's last known address in the United Kingdom.
- (5) The notice must specify—
 - (a) the power under subsection (1) to give the warning, and the grounds for the warning;

Changes to legislation: There are currently no known outstanding effects for the Charities (Protection and Social Investment) Act 2016, Section 1. (See end of Document for details)

- (b) any action that the Commission considers should be taken, or that the Commission is considering taking, to rectify the misconduct or mismanagement referred to in subsection (1);
 - (c) whether and, if so, how the Commission proposes to publish the warning;
 - (d) a period within which representations may be made to the Commission about the content of the proposed warning.
- (6) Where the Commission gives notice under subsection (3) of its intention to issue a warning—
 - (a) it must take into account any representations made to it within the period specified in the notice, and
 - (b) it may (without further notice) issue the warning either without modifications or with such modifications as it thinks desirable.
- (7) The Commission may vary or withdraw a warning under this section.
- (8) Subsection (2) applies to the variation or withdrawal of a warning as it applies to a warning.
- (9) Subsections (3) to (6) apply to the variation of a warning as they apply to a warning, except that—
 - (a) in subsection (5)(a) references to the warning are to be read as references to the warning as varied, and
 - (b) the matter to be specified under subsection (5)(b) is any change as a result of the variation in the action previously proposed by the Commission.”

Commencement Information

II [S. 1](#) in force at 1.11.2016 by [S.I. 2016/815](#), [reg. 4\(a\)](#)

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