

## SCHEDULE 2

Article 3

### TRANSITIONAL PROVISIONS AND SAVINGS

#### **Inquiries under section 8 of the 1993 Act**

**1.**—(1) Where the Commission has instituted an inquiry under section 8 of the 1993 Act before 1st August 2011, the inquiry may extend to an academy or sixth form college charity as if it had been requested by the principal regulator of that charity.

(2) Subject to sub-paragraph (3), the Commission must not institute any inquiry under section 8 (as amended by the provisions of the 2006 Act commenced by article 2 of this Order for the purposes specified in Schedule 1) on or after 1st August 2011—

- (a) in relation to a foundation or voluntary school charity and in respect of any period beginning before that day; or
- (b) which covers any period beginning before that day and would extend to a foundation or voluntary school charity.

(3) The Commission may, if—

- (a) a request is made by the principal regulator of a foundation or voluntary school charity; and
- (b) it considers it appropriate to do so,

institute an inquiry under section 8 of the 1993 Act on or after 1st August 2011 into that charity in respect of a relevant matter.

(4) For the purposes of this paragraph a matter is a relevant matter if—

- (a) it initially arose before 1st August 2011 but during the current financial year of the charity; and
- (b) the Commission was not aware of it before that day.

(5) In this paragraph—

“current financial year” means, in relation to a charity, a financial year—

- (a) which began before 1st August 2011; but
- (b) ends on or after that day;

“financial year” has the meaning given by section 97(1) of the 1993 Act.

#### **Costs in promoting a Bill before Parliament**

**2.** Where immediately before 1st August 2011 a foundation or voluntary school charity was preparing or promoting a Bill in Parliament, section 17(7) of the 1993 Act does not apply in respect of any expenditure incurred by that charity on or after that day in the preparation or promotion of that Bill.

#### **Ongoing charity proceedings**

**3.**—(1) Any charity proceedings—

- (a) relating to a foundation or voluntary school charity; and
- (b) taken before 1st August 2011,

continue on or after that day as if they had been authorised by the Commission.

(2) In this paragraph “charity proceedings” has the meaning given by section 33(8) of the 1993 Act.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Persons acting as charity trustee or trustee while disqualified**

4.—(1) The Commission may not make any order under section 73(4) of the 1993 Act which would require a person (“P”) to—

- (a) repay to a foundation or voluntary school charity the whole or part of any relevant sum received by P by way of remuneration or expenses; or
- (b) pay to that charity the whole or part of the monetary value of any relevant benefit in kind received by P.

(2) For the purposes of this paragraph—

- (a) a sum by way of remuneration or expenses or a benefit in kind received by P is a relevant sum or benefit in kind if it is received by P in connection with P’s acting as a charity trustee of or trustee for the foundation or voluntary school charity at any time—
  - (i) before 1st August 2011; and
  - (ii) when P was disqualified by section 72 of the 1993 Act for acting as such a trustee; and
- (b) it does not matter whether the sum or benefit is received by P before, on or after 1st August 2011.