



2008 CHAPTER 12

**PART 13**

**FUNDING OF CHARITABLE INSTITUTIONS**

**CHAPTER 1**

**PUBLIC CHARITABLE COLLECTIONS**

*Permits*

PROSPECTIVE

**Withdrawal or variation, etc. of permits**

- 146.**—(1) Where subsection (2), (3) or (4) applies, the Commission may—
- (a) withdraw the permit,
  - (b) attach any condition (or further condition) to the permit, or
  - (c) vary any existing condition of the permit.
- (2) This subsection applies where the Commission—
- (a) has reason to believe that there has been a change in the circumstances which prevailed at the time when it issued the permit, and
  - (b) is of the opinion that, if the application for the permit had been made in the new circumstances, the Commission would not have issued the permit or would have issued it subject to different or additional conditions.
- (3) This subsection applies where the Commission has reason to believe that any information provided to it by the holder of a permit (or, where there is

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Section 146. (See end of Document for details)*

more than one holder, by any of them) for the purposes of the application for the permit was false or misleading in a material particular.

(4) This subsection applies where the Commission has reason to believe that there has been or is likely to be a breach of any condition of a permit issued by it, or that a breach of such a condition is continuing.

(5) Any condition imposed at any time by the Commission under subsection (1) (whether by attaching a new condition to the permit or by varying an existing condition) must be one that it would be appropriate for the Commission to attach to the permit under section 144(3) if the holder was applying for it in the circumstances prevailing at that time.

(6) The exercise by the Commission of the power conferred by paragraph (b) or (c) of subsection (1) on one occasion does not prevent the Commission from exercising any of the powers conferred by that paragraph on a subsequent occasion; and on any subsequent occasion the reference in subsection (2)(a) to the time when the Commission issued the permit is a reference to the time when it last exercised any of those powers.

(7) Where under this section the Commission—

- (a) withdraws a permit,
- (b) attaches a condition to a permit, or
- (c) varies an existing condition of a permit,

the Commission shall serve on the holder written notice of its decision and the reasons for its decision.

(8) That notice shall also state the right of appeal conferred by section 147(3) and the time within which such an appeal must be brought.

(9) Where the Commission under this section withdraws a permit, attaches any condition to a permit, or varies an existing condition of a permit, the permit shall continue to have effect as if it had not been withdrawn or (as the case may be) as if the condition had not been attached or varied—

- (a) until the time for bringing an appeal under section 147(3) has expired, or
- (b) if such an appeal is duly brought, until the determination or abandonment of the appeal.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Section 146.