

*Status: Point in time view as at 27/02/2007.*

*Changes to legislation: Housing Act 1996, Cross Heading: Registered charity: power to appoint new director or trustee is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### REGISTERED SOCIAL LANDLORDS: REGULATION

#### PART II

#### CONSTITUTION, CHANGE OF RULES, AMALGAMATION AND DISSOLUTION

##### *Registered charity: power to appoint new director or trustee*

- 6 (1) The [F<sup>1</sup>Relevant Authority] may by order appoint a person to be a director or trustee of a registered social landlord which is a registered charity—
- (a) in place of a person removed by the [F<sup>1</sup>Relevant Authority],
  - (b) where there are no directors or no trustees, or
  - (c) where the [F<sup>1</sup>Relevant Authority] is of the opinion that it is necessary for the proper management of the charity's affairs to have an additional director or trustee.

The power conferred by paragraph (c) may be exercised notwithstanding that it will cause the maximum number of directors or trustees permissible under the charity's constitution to be exceeded.

- (2) The [F<sup>1</sup>Relevant Authority] shall only exercise its power under sub-paragraph (1) if—
- (a) the charity has, at any time before the power is exercised, received financial assistance, had property transferred to it, or received a grant or loan as mentioned in paragraph 5, and
  - (b) the [F<sup>1</sup>Relevant Authority] has consulted the [F<sup>2</sup>Charity Commission] .
- (3) A person may be so appointed notwithstanding any restrictions on appointment in the charity's constitution or rules.
- (4) A person appointed under this paragraph shall hold office for such period and on such terms as the [F<sup>1</sup>Relevant Authority] may specify; and on the expiry of the appointment the [F<sup>1</sup>Relevant Authority] may renew the appointment for such period as it may specify.

This does not prevent a person appointed under this paragraph from retiring in accordance with the charity's constitution or rules.

- (5) A person appointed under this paragraph as director or trustee of a registered charity is entitled—

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- (a) to attend, speak and vote at any general meeting of the charity and to receive all notices of and other communications relating to any such meeting which a member is entitled to receive,
- (b) to move a resolution at any general meeting of the charity, and
- (c) to require a general meeting of the charity to be convened within 21 days of a request to that effect made in writing to the directors or trustees.

#### Textual Amendments

- F1** Words in Pt. I substituted (1.11.1998) by 1998 c. 38, s. 140, **Sch. 16 para. 82(1)(2)** (with ss. 139(2), 141(1), 143(2)); S.I. 1998/2244, **art.5**.
- F2** Words in Sch. 1 para. 6(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 192(2)**; S.I. 2007/309, art. 2, Sch.

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