



Charities Act 2022

2022 CHAPTER 6

PART 4

CHARITY TRUSTEES

29 Powers relating to appointments of trustees

After section 184A of the Charities Act 2011 insert—

“Invalid appointment of charity trustee

184B Power to confirm trustee appointments etc

- (1) Subsection (2) applies if—
 - (a) a person acts, or intends to act, as a charity trustee in relation to a charity, but
 - (b) there is not, or might not be, a valid appointment or election of that person to a qualifying position in relation to that charity.
- (2) The Commission may, with the consent of the person concerned, by order provide that for the purposes of anything done (or not done) on or after the date of the order—
 - (a) any defect in the person’s appointment or election to a qualifying position (including any absence of appointment or election) is to be ignored in relation to the charity, and
 - (b) so far as is necessary for those purposes, a valid appointment or election to that qualifying position is to be treated as having been made in respect of the person.
- (3) For the purposes of this section a position is a “qualifying position” in relation to a charity if, as a result of a person holding that position, the person is a charity trustee of the charity.

Status: This is the original version (as it was originally enacted).

- (4) The fact that a position is not a position in a charity does not prevent it from being a qualifying position in relation to the charity.
- (5) An order under subsection (2) may include—
 - (a) provision with respect to the vesting in or transfer of property that the Commission could make on the removal or appointment of a charity trustee by it under section 69 (Commission’s concurrent jurisdiction with High Court for certain purposes);
 - (b) provision that an act of a person who is the subject of the order is valid notwithstanding that there was not at the time the act was carried out a valid appointment or election to a qualifying position in respect of that person.
- (6) An order containing provision made by virtue of subsection (5)(a) has the same effect as an order made under section 69.”