

*These notes refer to the Charities Act (Northern Ireland)
2022 (c.11) which received Royal Assent on 30 March 2022*

Charities Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Actions of Commission staff treated as Commission actions

Section 1 makes provision with retrospective effect to make the majority of decisions taken by Commission staff lawful and provide fresh appeal rights for those decisions in accordance with Schedule 3 to the Act.

Importantly, decisions which are the subject of ongoing litigation or were taken under section 22(3), (4) or (6) or 24(1) of the 2008 Act and decisions to make an order under sections 23(1) and 33 to 36 will not be subject to the section in order that individuals' rights under Article 6 or 8 of, or Article 1 of Protocol 1 to the European Convention on Human Rights (ECHR) are protected. Such decisions will therefore remain unlawful, as will decisions which were additionally unlawful on grounds other than the unlawful-delegation ground. Where an unlawful decision has been replaced by a fresh lawful decision before this Act becomes law, this Act does not alter the operation of that replacement decision.

This Act also modifies the Charity Tribunal Rules (Northern Ireland) 2010 in relation to appeal rights for decisions made lawful by virtue of this Act.