

*Status: Point in time view as at 09/11/2016.*

*Changes to legislation: Charities Act 2011, Cross Heading: Terms of appointment and remuneration is up to date with all changes known to be in force on or before 05 August 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

#### THE CHARITY COMMISSION

##### *Terms of appointment and remuneration*

- 2 The members of the Commission hold and vacate office as such in accordance with the terms of their respective appointments.
- 3 (1) An appointment of a person to hold office as a member of the Commission must be for a term of no more than 3 years.
- (2) A person holding office as a member of the Commission—
- (a) may resign that office by giving notice in writing to the [<sup>F1</sup>Secretary of State], and
  - (b) may be removed from office by the [<sup>F2</sup>Secretary of State] on the ground of incapacity or misbehaviour.
- (3) Before removing a member of the Commission the [<sup>F3</sup>Secretary of State] must consult—
- (a) the Commission, and
  - (b) if the member was appointed following consultation with the Welsh Ministers, the Welsh Ministers.
- (4) No person may hold office as a member of the Commission for more than 10 years in total.
- (5) For the purposes of sub-paragraph (4), time spent holding office as a Charity Commissioner for England and Wales counts as time spent holding office as a member of the Commission.

#### Textual Amendments

- F1** Words in Sch. 1 para. 3(2)(a) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), Sch. 2 para. 25(2)(oo) (with art. 12)
- F2** Words in Sch. 1 para. 3(2)(b) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), Sch. 2 para. 25(2)(oo) (with art. 12)
- F3** Words in Sch. 1 para. 3(3) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), Sch. 2 para. 25(2)(oo) (with art. 12)

- 4 (1) The Commission must pay to its members such remuneration, and such other allowances, as may be determined by the [<sup>F4</sup>Secretary of State].
- (2) The Commission must, if required to do so by the [<sup>F5</sup>Secretary of State]—

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- (a) pay such pension, allowances or gratuities as may be determined by the [<sup>F6</sup>Secretary of State] to or in respect of a person who is or has been a member of the Commission, or
  - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) Sub-paragraph (4) applies if the [<sup>F7</sup>Secretary of State] determines that there are special circumstances which make it right for a person ceasing to hold office as a member of the Commission to receive compensation.
- (4) The Commission must pay to the person a sum by way of compensation of such amount as may be determined by the [<sup>F8</sup>Secretary of State].

#### Textual Amendments

- F4** Words in Sch. 1 para. 4(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(oo)** (with art. 12)
- F5** Words in Sch. 1 para. 4(2) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(oo)** (with art. 12)
- F6** Words in Sch. 1 para. 4(2)(a) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(oo)** (with art. 12)
- F7** Words in Sch. 1 para. 4(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(oo)** (with art. 12)
- F8** Words in Sch. 1 para. 4(4) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(oo)** (with art. 12)

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