



2022 CHAPTER 11

Power of Commission to delegate to staff

2. In Schedule 1 to the Charities Act (Northern Ireland) 2008 (provision about the Charity Commission), after paragraph 9 insert—

“Performance of functions by staff

(1) Anything authorised or required to be done by the Commission may be done by any member of the Commission’s staff who is authorised for that purpose by the Commission, whether generally or specially (but this is subject to sub-paragraphs (2) and (7)).

(2) The following may not be delegated under sub-paragraph (1)—

- (a) the instituting of an inquiry under section 22(1);
- (b) the making of a decision that a report or statement be published under section 22(6)(a) or (b);
- (c) the making of an order under any of sections 33 to 37;
- (d) the making of regulations in exercise of power conferred by a statutory provision.

(3) The Department may make a scheme describing—

- (a) things that may, consistently with sub-paragraph (2), be delegated under sub-paragraph (1), and
- (b) in relation to anything which may be delegated under sub-paragraph (1), the member or members of the Commission’s staff to whom it may be delegated.

(4) The delegation which may be allowed by a scheme under sub-paragraph (3) includes (in addition to delegation of described things or to described staff)—

- (a) delegation of all things authorised or required to be done by the Commission and not excepted by sub-paragraph (2), or delegation of all such things with additional exceptions described by the scheme;
- (b) delegation to all staff, or delegation to all staff other than those described by the scheme.

(5) Before making a scheme under sub-paragraph (3), the Department must consult the Commission; and before making the first scheme under sub-paragraph (3), the Department must carry out a public consultation.

(6) The Department must publish a scheme made by it under sub-paragraph (3).

(7) A delegation under sub-paragraph (1) is effective only so far as it is in accordance with a scheme under sub-paragraph (3).

(8) Sub-paragraph (1) is additional to paragraph 9(1)(a) (delegation to committees).

(9) In this paragraph—

“the Department” means the Department for Communities;

“member of the Commission’s staff” includes any person working for the Commission under paragraph 4(1)(a) or (b) or 5(1) (employees, service-providers and secondees).”.