

*Status: Point in time view as at 28/04/2022.*

*Changes to legislation: Housing Act 1996, Cross Heading: Registered charity: power to appoint new officer is up to date with all changes known to be in force on or before 11 September 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 [F<sup>1</sup>officer]*

##### Textual Amendments

- F1** Words in Sch. 1 para. 6 cross-heading substituted (18.10.2011) by [Housing \(Wales\) Measure 2011 \(nawm 5\)](#), ss. 85(2), 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

- 6 (1) The [F<sup>2</sup>Relevant Authority] may by order appoint a person to be a [F<sup>3</sup>officer] of a registered social landlord which is a registered charity—
- (a) in place of a person removed by the [F<sup>2</sup>Relevant Authority],
  - (b) where there are [F<sup>4</sup>no officers], or
  - (c) where the [F<sup>2</sup>Relevant Authority] is of the opinion that it is necessary [F<sup>5</sup>to have an additional officer in order to ensure that the company complies with a requirement imposed by or under an enactment].

The power conferred by paragraph (c) may be exercised notwithstanding that it will cause the maximum number of [F<sup>6</sup>officers] permissible under the charity's constitution to be exceeded.

- (2) The [F<sup>2</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 [F<sup>7</sup>public assistance], and
  - (b) the [F<sup>2</sup>Relevant Authority] has consulted the [F<sup>8</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>2</sup>Relevant Authority] may specify; and on the expiry of the appointment the [F<sup>2</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.

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- (5) A person appointed under this paragraph as [<sup>F9</sup>an officer] of a registered charity is entitled—
- (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

- F2** 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**.
- F3** Words in Sch. 1 para. 6(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(3)(a)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)
- F4** Words in Sch. 1 para. 6(1)(b) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(3)(b)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)
- F5** Words in Sch. 1 para. 6(1)(c) substituted (15.8.2018) by Regulation of Registered Social Landlords (Wales) Act 2018 (anaw 4), **ss. 6(3)**, 19(2); S.I. 2018/777, art. 3(b)
- F6** Words in Sch. 1 para. 6(1) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(3)(d)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)
- F7** Words in Sch. 1 para. 6(2)(a) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), s. 90(2), **Sch. para. 14**; S.I. 2011/2475, arts. 1(2), 2(v)
- F8** 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.
- F9** Words in Sch. 1 para. 6(5) substituted (18.10.2011) by Housing (Wales) Measure 2011 (nawm 5), **ss. 85(3)(e)**, 90(2); S.I. 2011/2475, arts. 1(2), 2(s)

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