



# Charities Act 2006

## 2006 CHAPTER 50

### PART 2

#### REGULATION OF CHARITIES

#### CHAPTER 5

##### ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND COMMISSION

###### *Advice or other assistance*

#### **24 Power to give advice and guidance**

For section 29 of the 1993 Act substitute—

##### **“29 Power to give advice and guidance**

- (1) The Commission may, on the written application of any charity trustee or trustee for a charity, give that person its opinion or advice in relation to any matter—
  - (a) relating to the performance of any duties of his, as such a trustee, in relation to the charity concerned, or
  - (b) otherwise relating to the proper administration of the charity.
- (2) A charity trustee or trustee for a charity who acts in accordance with any opinion or advice given by the Commission under subsection (1) above (whether to him or to another trustee) is to be taken, as regards his responsibility for so acting, to have acted in accordance with his trust.
- (3) But subsection (2) above does not apply to a person if, when so acting, either—
  - (a) he knows or has reasonable cause to suspect that the opinion or advice was given in ignorance of material facts, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) a decision of the court or the Tribunal has been obtained on the matter or proceedings are pending to obtain one.
- (4) The Commission may, in connection with its second general function mentioned in section 1C(2) above, give such advice or guidance with respect to the administration of charities as it considers appropriate.
- (5) Any advice or guidance so given may relate to—
  - (a) charities generally,
  - (b) any class of charities, or
  - (c) any particular charity,and may take such form, and be given in such manner, as the Commission considers appropriate.”

## **25 Power to determine membership of charity**

After section 29 of the 1993 Act (as substituted by section 24 of this Act) insert—

### **“29A Power to determine membership of charity**

- (1) The Commission may—
  - (a) on the application of a charity, or
  - (b) at any time after the institution of an inquiry under section 8 above with respect to a charity,determine who are the members of the charity.
- (2) The Commission’s power under subsection (1) may also be exercised by a person appointed by the Commission for the purpose.
- (3) In a case within subsection (1)(b) the Commission may, if it thinks fit, so appoint the person appointed to conduct the inquiry.”