



Charities (Protection and Social Investment) Act 2016

2016 CHAPTER 4

3 Range of conduct to be considered when exercising powers **E+W**

After section 76 of the Charities Act 2011 insert—

“76A Exercise of powers where section 76(1)(a) applies

- (1) This section applies to any power under this Part which is exercisable in cases where the Commission is satisfied as mentioned in section 76(1)(a) in relation to a charity (misconduct or mismanagement), with or without any other condition.
- (2) If in such a case the Commission is also satisfied—
 - (a) that a particular person has been responsible for the misconduct or mismanagement,
 - (b) that a particular person knew of the misconduct or mismanagement and failed to take any reasonable step to oppose it, or
 - (c) that a particular person's conduct contributed to it or facilitated it,the Commission may take into account the matters mentioned in subsection (3) in deciding whether or how to exercise the power.
- (3) Those matters are—
 - (a) the conduct of that person in relation to any other charity;
 - (b) any other conduct of that person that appears to the Commission to be damaging or likely to be damaging to public trust and confidence in charities generally or particular charities or classes of charity.”

Commencement Information

II S. 3 in force at 31.7.2016 by [S.I. 2016/815](#), [reg. 2\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Charities (Protection and Social Investment) Act 2016, Section 3.