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STATUTORY INSTRUMENTS

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**1992 No. 2355**

**CHARITIES**

**The Charities (Receiver and Manager) Regulations 1992**

<i>Made</i>	- - - -	<i>1st October 1992</i>
<i>Laid before Parliament</i>		<i>9th October 1992</i>
<i>Coming into force</i>	- -	<i>1st November 1992</i>

In exercise of the powers conferred upon me by sections 20A(6) and (7) and 43 of the Charities Act 1960(1), I hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Charities (Receiver and Manager) Regulations 1992 and shall come into force on 1st November 1992.

(2) In these Regulations—

“the 1960 Act” means the Charities Act 1960;

“the appointed person” means a person appointed by order under section 20(1)(vii) of the 1960 Act(2) to be receiver and manager in respect of the property and affairs of a charity;

“the relevant charity” means the charity in respect of which that person was appointed; and

“the relevant order” means the order by which that person was appointed.

**Security by appointed person**

2. The Commissioners(3) are hereby authorised to require the appointed person to give security to them for the due discharge of his functions within such time and in such form as they may specify.

**Remuneration of appointed person**

3.—(1) The Commissioners are hereby authorised to determine the amount of an appointed person’s remuneration.

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(1) 1960 c. 58; section 20A was inserted by section 9 of the Charities Act 1992 (c. 41) and section 43 was amended by the Education Act 1973 (c. 16) Schedule 1, paragraph 1, and the Charities Act 1992, Schedule 3, paragraph 17.  
(2) Section 20(1) was substituted by section 8 of the Charities Act 1992.  
(3) By virtue of section 11 of the Interpretation Act 1978 (c. 30) this expression has the same meaning as in section 46 of the 1960 Act.

(2) The remuneration of an appointed person shall be payable out of the income of the relevant charity.

(3) The Commissioners are hereby authorised to disallow any amount of remuneration of an appointed person where, on the expiry of the time specified in the notice referred to in regulation 4(2) below and after consideration of such representations, if any, as are duly made in response to such a notice, they are satisfied that he has failed in such manner as is set out in paragraph (a) or (b) of regulation 4(1) below and specified in such a notice.

#### **Notice of failure to, and removal of, appointed person**

4.—(1) Where it appears to the Commissioners that an appointed person has failed—

- (a) to give security within such time or in such form as they have specified, or
- (b) satisfactorily to discharge any function imposed on him by or by virtue of the relevant order or by regulation 5 below,

and they wish to consider exercising their powers under regulation 3(3) above or paragraph (3) below, they shall give him, whether in person or by post, a written notice complying with paragraph (2) below.

(2) A notice given to an appointed person under paragraph (1) above shall inform him of—

- (a) any failure under paragraph (1)(a) or (b) above in respect of which the notice is issued;
- (b) of the Commissioners' power under regulation 3(3) above to authorise the disallowance of any amount of remuneration if satisfied as to any such failure;
- (c) of their power under paragraph (3) below to remove him if satisfied as to any such failure; and
- (d) of his right to make representations to them in respect of any such alleged failure within such reasonable time as is specified in the notice.

(3) On the expiry of the time specified in the notice referred to in paragraph (2) above and after consideration of such representations, if any, as are duly made in response to such a notice, the Commissioners may remove an appointed person where they are satisfied that he has failed in such manner as is set out in paragraph (1)(a) or (b) above and specified in such notice (whether or not they also exercise the power conferred by regulation 3(3) above).

#### **Reports by appointed person**

5.—(1) This regulation makes provision in respect of the reports which are to be made by an appointed person to the Commissioners (and which, in addition to the matters which are required to be included by virtue of paragraphs (2) to (4) below, may also include particulars of any matter which, in his opinion, should be brought to their attention).

(2) An appointed person shall make a report to the Commissioners not later than three months after the date of his appointment setting out—

- (a) an estimate by him of the total value of the property of the relevant charity on, or shortly after, the date of his appointment;
- (b) such information about the property and affairs of the relevant charity immediately prior to his appointment as he believes should be included in the report, notwithstanding that it may also be eventually included in a report under section 6 of the 1960 Act(4); and
- (c) his strategy for discharging the functions conferred on him by or by virtue of the relevant order.

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(4) Section 6 has been amended by section 6 of the Charities Act 1992 (c. 41).

(3) For as long as an appointed person holds office as such, he shall make a report to the Commissioners not later than one month after each anniversary of his appointment setting out—

- (a) an estimate by him of the total value of the property of the relevant charity on that anniversary of his appointment in respect of which the report is required to be made;
- (b) a summary of the discharge by him of the functions conferred on him by or by virtue of the relevant order during the twelve months ending with that anniversary; and
- (c) where there are changes to his strategy as last set out in a report in accordance with paragraph (2)(c) above or, as the case may be, this sub-paragraph, those changes.

(4) Subject to paragraph (5) below, an appointed person shall make a report to the Commissioners not later than three months after the date when he ceased to hold office as such setting out—

- (a) an estimate by him of the total value of the property of the relevant charity on that date; and
- (b) a summary of the discharge by him of the functions conferred on him by or by virtue of the relevant order during the period ending with that date and beginning with either—
  - (i) the date of his appointment; or
  - (ii) if that date is more than twelve months before the date when he ceased to hold office as an appointed person, the day immediately after the last anniversary of his appointment.

(5) Paragraph (4) above does not apply where an appointed person ceased to hold office one month or less after an anniversary of his appointment and a report had been made to the Commissioners in accordance with paragraph (3) above in respect of that anniversary.

Home Office  
1st October 1992

*Kenneth Clarke*  
One of Her Majesty's Principal Secretaries of  
State

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Under section 20(1)(vii) of the Charities Act 1960 (as substituted by section 8(2) of the Charities Act 1992), the Charity Commissioners may by order appoint in accordance with section 20A of that Act (as inserted by section 9 of the Charities Act 1992) a receiver and manager in respect of the property and affairs of the charity where, at any time after they have instituted an inquiry under section 6 of that Act with respect to the charity in question, they are satisfied that there is or has been any misconduct or mismanagement in the administration of the charity or that it is necessary or desirable to act for the purpose of protecting the property of the charity or securing a proper application for the purposes of the charity of that property or of property coming to the charity. Under article 2 of, and Schedule 2 to, the Charities Act 1992 (Commencement No.1 and Transitional Provisions) Order 1992 (S.I.1992/1900 (C. 64)), the amendments referred to above come into force on 1st November 1992. The relevant provisions extend only to England and Wales.

These Regulations make provision in respect of persons appointed by order of the Charity Commissioners (“the Commissioners”) as receivers and managers (referred to in these Regulations as “appointed persons”—see regulation 1(2)). Regulation 2 authorises the Commissioners to require the appointed person to give security to them for the due discharge of his functions. Regulation 3(1) authorises them to determine the amount of an appointed person’s remuneration which, by virtue of regulation 3(2), is payable out of the income of the relevant charity. Under regulation 3(3) the Commissioners are authorised to disallow any amount of an appointed person’s remuneration where, after giving him notice in accordance with regulation 4(2) and considering any representations made by him, they are satisfied that he has failed to give security as required or satisfactorily to discharge the functions imposed on him by or by virtue of the order by which he was appointed or by regulation 5 (the grounds set out in regulation 4(1)). Under regulation 4(3) the Commissioners may also remove an appointed person for such failures after giving him such notice and considering any representations made by him.

Regulation 5 makes provision for the making of reports by an appointed person to the Commissioners. Such reports must be made within three months of an appointed person’s appointment, within one month of each anniversary of that appointment and within three months of his ceasing to hold office as such and must set out the matters required by paragraphs (2), (3) and (4) of regulation 5, respectively (subject to the exception made by regulation 5(5) in respect of the report otherwise required by regulation 5(4) where an appointed person ceases to hold office within one month of the date by reference to which annual reports are made).