

## SCHEDULE 2

### TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

#### PART 2

#### JURISDICTION OF THE CHARITY COMMISSION AND THE COURT

##### **Persons acting as charity trustee of or trustee for a relevant charity whilst disqualified**

**11.**—(1) The Commission may not make any order under section 73(4) of the 1993 Act which would require a person (“P”) to—

- (a) repay to a relevant charity the whole or part of any relevant sums received by P by way of remuneration or expenses; or
- (b) pay to the charity the whole or part of the monetary value of any relevant benefit in kind received by P.

(2) For the purposes of this paragraph—

- (a) a sum by way of remuneration or expenses or a benefit in kind received by P is a relevant sum or benefit in kind if it is received by P in connection with P’s acting as a charity trustee of or trustee for the relevant charity at any time—
  - (i) before the appointed day; and
  - (ii) when P was disqualified by section 72 of the 1993 Act for acting as such a trustee;
- (b) it does not matter whether—
  - (i) the sums received by P by way of remuneration or expenses are, or
  - (ii) the benefit in kind received by P is,  
received by P before, on or after the appointed day.