



WRIGLEYS
— SOLICITORS —

Keeping up with Legal

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WHAT WE WILL COVER

1. Key provisions in the Charities Act 2022
2. Dormant Assets Act 2022
3. Trustees
4. Case law update
5. Fundraising Regulator
6. New bills currently going through Parliament
7. New regulation and regulatory guidance
8. Cost of living crisis



Key provisions in the Charities Act 2022

Charities Act 2022 – what's in force?

Autumn 22

- Royal Charters
- Cy-pres & schemes
- Payment for goods
- Trust corp status

Spring 23

- Permanent endowment
- Charity land
- Charity names

Autumn 23

- Constitutions
- Appointments
- Remuneration of trustees
- Mergers

Key provisions in the Charities Act 2022

Permanent endowment

Changing a charity's purpose

Appointing trustees

Disposal of charity land

Charity mergers

Key provisions in the Charities Act 2022

- Permanent endowment
 - More borrowing flexibility
- Changing a charity's purpose
 - The Charity Commission will assess:
 - The original purposes of the charity;
 - The desirability of the proposed changed purposes to be similar to the original one; and
 - The need for the purposes to be suitable and effective in the light of current social and economic circumstances.



Key provisions in the Charities Act 2022 (Autumn 2023)

- Appointing new trustees
 - Ratify invalid appointments
- Disposal of charity land
 - Wider category of ‘designated advisors’
 - Additional considerations for charity trustees
- Charity incorporations or mergers
 - Legacy protection



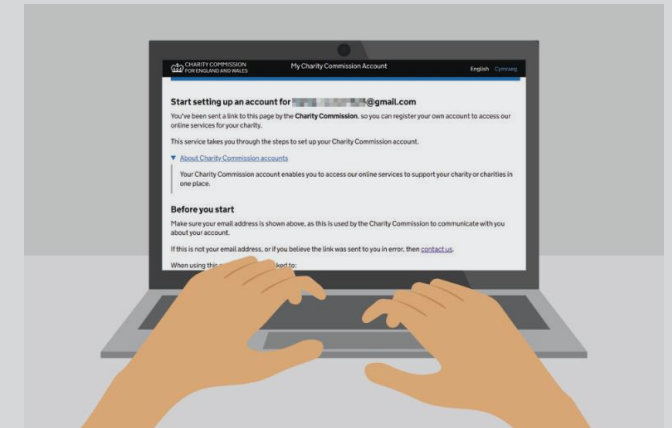
Dormant Assets Act 2022

Dormant Assets Act 2022

Dormant Asset Scheme

Unlocks £880 million of dormant assets

- DCMS consultation
 - A change in dormant assets funding in England?
 - (Closed 9 October 2022 – feedback still being analysed)



Trustees

The Essential Trustee guidance – six main duties



Effective decision-making

Act within your powers

Act in good faith and in the interests of the charity

Be sufficiently informed

Take into account all relevant factors, ignore irrelevant factors

Manage conflicts

Make a decision with the range of reasonable decisions

Trustee management



- Recruitment
- Managing the trustee board
- Options for removing a trustee?
 - resignation?
 - governing document?
 - statutory provisions?
 - Charity Commission approach?

Case law update

Case law

Batson v Charity Commission for England and Wales [2022]

- Attempt to pre-empt a Charity Commission Official Warning failed

Blacker v Charity Commission for England and Wales [2022]

- Refusal to grant a disqualification waiver

Frank Wingett Cancer Relief Fund [2022]

- Restitution from trustee – mis-applied funds



210ft!

£410,000!



The Courts



- *Butler-Sloss and others v Charity Commission for England and Wales and another* [2022]
 - Investment powers
 - Can you exclude more lucrative investments for environmental reasons?
 - Did the judgment provide a whole new direction or simply re-interpret the 1992 Bishop of Oxford case?

Fundraising Regulator

Fundraising Regulator

- New five-year Strategic Plan for 2022-2027

- Objectives:

1. Deliver intelligent fundraising regulation that protects the public
2. Inform the members of the public about principled fundraising
3. Support fundraising organisations to thrive
4. Be a highly effective organisation

- Annual business plan 2022/2023

Strategic Plan and Business Plan

Our new strategy sets out our regulatory objectives and priorities for the period 2022-27.

Our Business Plan for 2022/23 explains how we intend to achieve our objectives over the coming year.

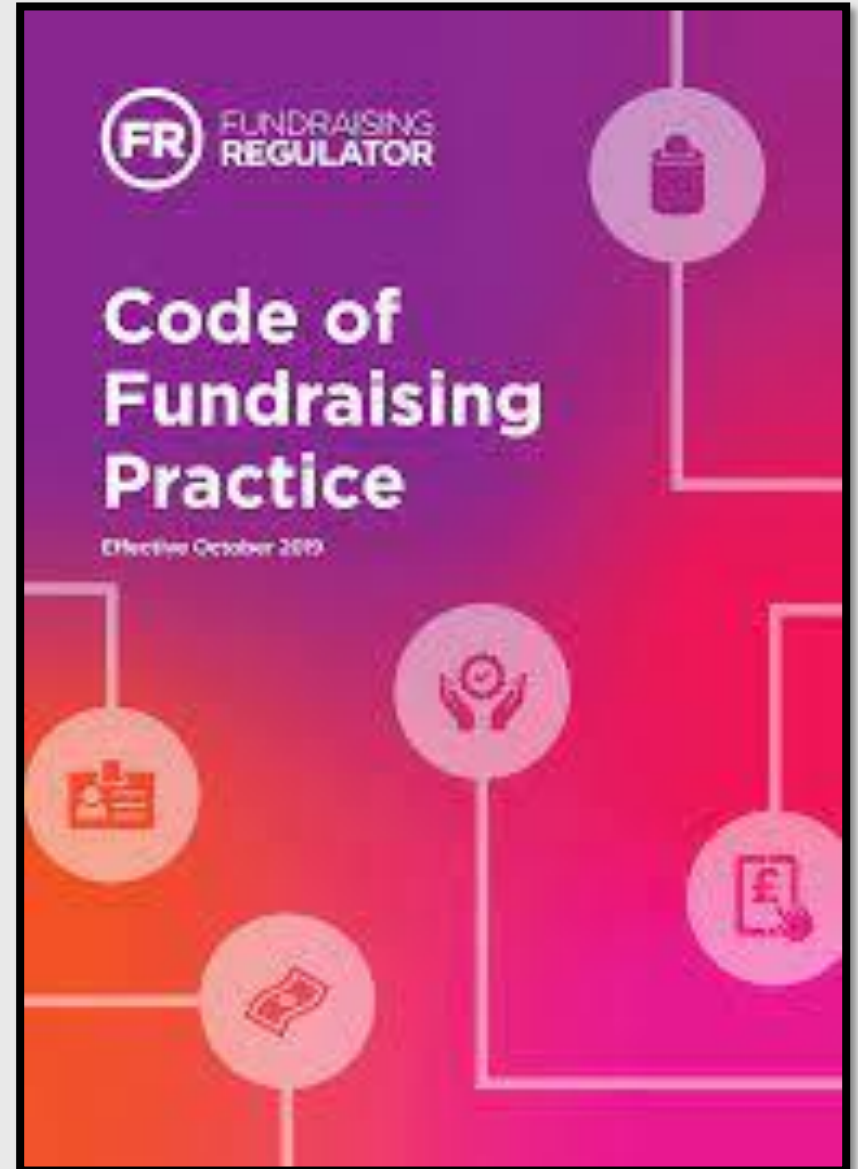


Fundraising Regulator

Cryptocurrency & NFTs

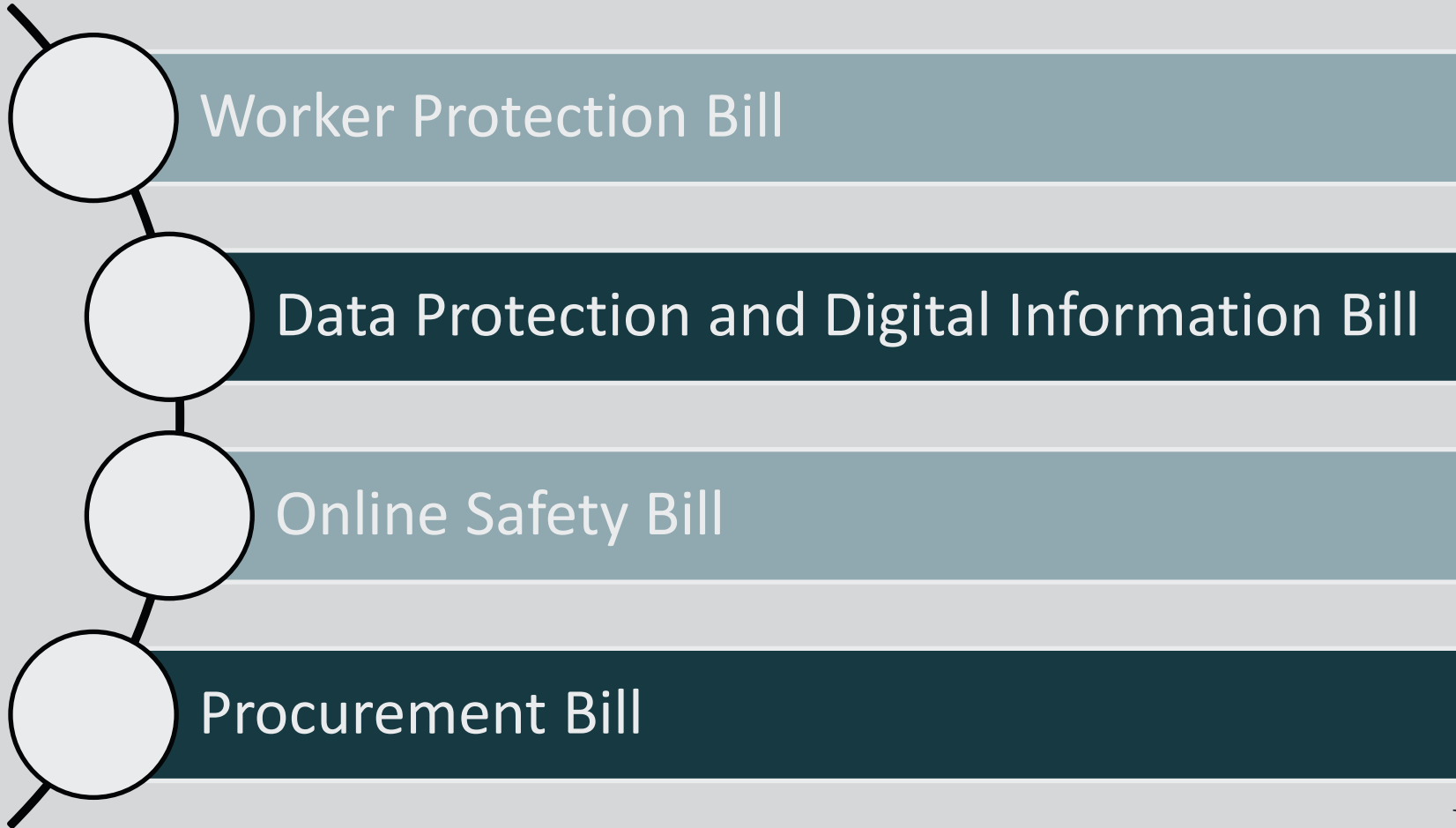
Self-report tool

Code of Fundraising Practice



**New legislation and regulation
coming down the line**

New Parliamentary Bills



New Regulation and Regulatory Guidance – Coming Soon

**New format for
Annual Return
2023**

**New draft
guidance on
using social
media**

**User-testing
guidance on
charities and
investments**

Cost of living crisis

Cost of living crisis

- Grant making within charitable purposes
- Always refer to your governing document
- Can you speed up procedures? Delegate?
- Who can you make grants to? Organisations? Individuals? Both?



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Any Questions?