STATUTORY RULES OF NORTHERN IRELAND

2011 No. 264

CHARITIES

The Charities (Interim Manager) Regulations (Northern Ireland) 2011

Made - - - -	*8th July 2011*
Coming into operation	*10th August 2011*

The Department for Social Development makes the following regulations in exercise of the powers conferred by sections 35(6) and (7) and 179(5) of the Charities Act (Northern Ireland) 2008(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Charities (Interim Manager) Regulations (Northern Ireland) 2011 and shall come into operation on 10th August 2011.

(2) In these Regulations—

"the Act" means the Charities Act (Northern Ireland) 2008;

"interim manager" means a person appointed by order under section 33(1)(vii) of the Act to act as receiver and manager in respect of the property and affairs of a charity;

"the date of appointment" means the date on which an interim manager is appointed under the relevant order;

"the relevant charity" means the charity in respect of which an interim manager is appointed; and

"the relevant order" means the order by which an interim manager is appointed.

Security by interim manager

2. The Commission is authorised to require an interim manager to give security for the due discharge of functions imposed by, or by virtue of, the relevant order within such time and in such form as the Commission may specify.

Remuneration of interim manager

3.—(1) The Commission is authorised to determine the amount of an interim manager's remuneration.

(**1**) 2008 c. 12 (N.I.)

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

(3) The Commission is authorised to disallow any amount of an interim manager's remuneration where, on the expiry of the time specified in the notice referred to in regulation 4(2) and after consideration of such representations, if any, as are duly made in response to such a notice, it is satisfied that the interim manager has failed in such manner as is set out in regulation 4(1)(a) or (b) and specified in such a notice.

Notice of failure to, and removal of, interim manager

4.—(1) Where it appears to the Commission that an interim manager has failed—

(a) to give security within such time or in such form as the Commission has specified; or

(b) to satisfactorily discharge any function imposed by, or by virtue of, the relevant order or by regulation 5,

and it wishes to consider exercising its powers under regulation 3(3) or paragraph (3), the Commission shall give the interim manager, whether in person or by post, a written notice complying with paragraph (2).

(2) A notice given to an interim manager under paragraph (1) shall inform that person of—

(a) any failure under paragraph (1)(a) or (b) in respect of which the notice is issued;

(b) the Commission's power under regulation 3(3) to authorise the disallowance of any amount of remuneration if satisfied as to any such failure;

(c) the Commission's power under paragraph (3) to remove an interim manager if satisfied as to any such failure; and

(d) an interim manager's right to make representations to the Commission 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) and after consideration of such representations, if any, as are duly made in response to such a notice, the Commission may remove an interim manager where it is satisfied that that person has failed in such manner as is set out in paragraph (1)(a) or (b) and specified in such notice (whether or not it also exercises the power conferred by regulation 3(3).

Reports by interim manager

5.—(1) This regulation makes provision in respect of the reports which are to be made by an interim manager to the Commission (and which, in addition to the matters which are required to be included by virtue of paragraphs (2) to (4), may also include particulars of any matter which, in the opinion of the interim manager, should be brought to the Commission's attention).

(2) An interim manager shall make a report to the Commission not later than three months after the date of appointment setting out—

(a) the interim manager's estimate of the total value of the property of the relevant charity on, or shortly after, the date of appointment;

(b) such information about the property and affairs of the relevant charity immediately prior to the date of appointment as the interim manager believes should be included in the report, notwithstanding that it may also be eventually included in a report under section 22 of the Act (general power to institute inquiries); and

(c) the interim manager's strategy for discharging the functions conferred by, or by virtue of, the relevant order.