

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed). (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### CONSTITUTION ETC. OF CHARITY COMMISSIONERS

- 1 (1) There shall be a Chief Charity Commissioner and two other commissioners.
- (2) Two at least of the commissioners shall be persons who have a seven year general qualification within the meaning of section 71 of the <sup>M1</sup>Courts and Legal Services Act 1990.
- (3) The chief commissioner and the other commissioners shall be appointed by the Secretary of State, and shall be deemed for all purposes to be employed in the civil service of the Crown.
- (4) There may be paid to each of the commissioners such salary and allowances as the Secretary of State may with the approval of the Treasury determine.
- (5) If at any time it appears to the Secretary of State that there should be more than three commissioners, he may with the approval of the Treasury appoint not more than two additional commissioners.

#### Marginal Citations

**M1** 1990 c. 41.

- 2 (1) The chief commissioner may, with the approval of the Treasury as to number and conditions of service, appoint such assistant commissioners and other officers and such employees as he thinks necessary for the proper discharge of the functions of the Commissioners and of the official custodian.
- (2) There may be paid to officers and employees so appointed such salaries or remuneration as the Treasury may determine.
- 3 (1) The Commissioners may use an official seal for the authentication of documents, and their seal shall be officially and judicially noticed.
- (2) The <sup>M2</sup>Documentary Evidence Act 1868, as amended by the <sup>M3</sup>Documentary Evidence Act 1882, shall have effect as if in the Schedule to the Act of 1868 the Commissioners were included in the first column and any commissioner or assistant commissioner and any officer authorised to act on behalf of the Commissioners were mentioned in the second column.
- (3) The Commissioners shall have power to regulate their own procedure and, subject to any such regulations and to any directions of the chief commissioner, any one commissioner or any assistant commissioner may act for and in the name of the Commissioners.
- (4) Where the Commissioners act as a board, then—

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- (a) if not more than four commissioners hold office for the time being, the quorum shall be two commissioners (of whom at least one must be a person having a qualification such as is mentioned in paragraph 1(2) above); and
- (b) if five commissioners so hold office, the quorum shall be three commissioners (of whom at least one must be a person having such a qualification);

and in the case of an equality of votes the chief commissioner or in his absence the commissioner presiding shall have a second or casting vote.

- (5) The Commissioners shall have power to act notwithstanding any vacancy in their number.
- (6) It is hereby declared that the power of a commissioner or assistant commissioner to act for and in the name of the Commissioners in accordance with sub-paragraph (3) above may, in particular, be exercised in relation to functions of the Commissioners under sections 8, 18, 19 and 63 of this Act, including functions under sections 8, 18 and 19 as applied by section 80(1).

#### Marginal Citations

**M2** 1868 c. 37.

**M3** 1882 c. 9.

- 4 Legal proceedings may be instituted by or against the Commissioners by the name of the Charity Commissioners for England and Wales, and shall not abate or be affected by any change in the persons who are the commissioners.

## SCHEDULE 2

Sections 3 and 96.

### EXEMPT CHARITIES

#### Modifications etc. (not altering text)

- C1** Sch. 2 applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**  
Sch. 2 applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**

The following institutions, so far as they are charities, are exempt charities within the meaning of this Act, that is to say—

- (a) any institution which, if the <sup>M4</sup>Charities Act 1960 had not been passed, would be exempted from the powers and jurisdiction, under the Charitable Trusts Acts 1853 to 1939, of the Commissioners or Minister of Education (apart from any power of the Commissioners or Minister to apply those Acts in whole or in part to charities otherwise exempt) by the terms of any enactment not contained in those Acts other than section 9 of the <sup>M5</sup>Places of Worship Registration Act 1855;
- (b) the universities of Oxford, Cambridge, London, Durham and Newcastle, the colleges and halls in the universities of Oxford, Cambridge, Durham and Newcastle, Queen Mary and Westfield College in the University of London and the colleges of Winchester and Eton;

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- (c) any university, university college, or institution connected with a university or university college, which Her Majesty declares by Order in Council to be an exempt charity for the purposes of this Act;
- (d) a grant-maintained school;
- (da) <sup>F1</sup>the School Curriculum and Assessment Authority;
- (e) <sup>F2</sup>.....
- (f) <sup>F3</sup>the Curriculum and Assessment Authority for Wales;
- (g) <sup>F2</sup>.....
- (h) a higher education corporation;
- (i) a successor company to a higher education corporation (within the meaning of section 129(5) of the <sup>M6</sup>Education Reform Act 1988) at a time when an institution conducted by the company is for the time being designated under that section;
- (j) a further education corporation;
- (k) the Board of Trustees of the Victoria and Albert Museum;
- (l) the Board of Trustees of the Science Museum;
- (m) the Board of Trustees of the Armouries;
- (n) the Board of Trustees of the Royal Botanic Gardens, Kew;
- (o) the Board of Trustees of the National Museums and Galleries on Merseyside;
- (p) the trustees of the British Museum and the trustees of the Natural History Museum;
- (q) the Board of Trustees of the National Gallery;
- (r) the Board of Trustees of the Tate Gallery ;
- (s) the Board of Trustees of the National Portrait Gallery;
- (t) the Board of Trustees of the Wallace Collection;
- (u) the Trustees of the Imperial War Museum;
- (v) the Trustees of the National Maritime Museum;
- (w) any institution which is administered by or on behalf of an institution included above and is established for the general purposes of, or for any special purpose of or in connection with, the last-mentioned institution;
- (x) the Church Commissioners and any institution which is administered by them;
- (y) any registered society within the meaning of the <sup>M7</sup>Industrial and Provident Societies Act 1965 and any registered society or branch within the meaning of the <sup>M8</sup>Friendly Societies Act 1974;
- (z) the Board of Governors of the Museum of London;
- (za) the British Library Board.
- (zb) <sup>F4</sup>the National Lottery Charities Board.]

#### Textual Amendments

- F1** Sch. 2 para. (da) inserted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 120(2)** (with s. 1(4), **Sch. 39**)
- F2** Sch. 2 paras. (e)(g) repealed (1.11.1996) by 1996 c. 56, ss. 582(2)(3), 583(2), **Sch. 38 Pt. I, Sch. 39** (with s. 1(4), **Sch. 39**)
- F3** Sch. 2 para. (f) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 120(3)** (with s. 1(4), **Sch. 39**)
- F4** Sch. 2 para. (zb) inserted (21.12.1993) by 1993 c. 39, s. 37, **Sch. 5 para. 12**; S.I. 1993/2632, **art. 3**

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### Marginal Citations

- M4** 1960 c. 58.  
**M5** 1855 c. 81.  
**M6** 1988 c. 40.  
**M7** 1965 c. 12.  
**M8** 1974 c. 46.

## SCHEDULE 3

Section 13.

### ENLARGEMENT OF AREAS OF LOCAL CHARITIES

Existing area	Permissible enlargement
1. Greater London	Any area comprising Greater London.
2. Any area in Greater London and not in, or partly in, the City of London.	(i) Any area in Greater London and not in, or partly in, the City of London; (ii) the area of Greater London exclusive of the City of London; (iii) any area comprising the area of Greater London, exclusive of the City of London; (iv) any area partly in Greater London and partly in any adjacent parish or parishes (civil or ecclesiastical), and not partly in the City of London.
3. A district	Any area comprising the district
[ <sup>F5</sup> 3A.A Welsh county or county borough]	[ <sup>F5</sup> Any area comprising that county or county borough]
4. Any area in a district	(i) Any area in the district; (ii) the district; (iii) any area comprising the district; (iv) any area partly in the district and partly in any adjacent district [ <sup>F6</sup> or in any adjacent Welsh county or county borough]
[ <sup>F7</sup> 4A . Any area in a Welsh county or county borough]	[ <sup>F7</sup> (i)Any area in the county or county borough ;] [ <sup>F7</sup> (ii)the county or county borough ;] [ <sup>F7</sup> (iii)any area comprising the county or county borough ;] [ <sup>F7</sup> (iv)any area partly in the county or county borough and partly in any adjacent Welsh county or county borough or in any adjacent district .]
5. A parish (civil or ecclesiastical), or two or more parishes, or an area in a parish, or partly in each of two or more parishes.	Any area not extending beyond the parish or parishes comprising or adjacent to the area in column 1.

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6. In Wales, a community, or two or more communities, or an area in a community, or partly in each of two or more communities.	Any area not extending beyond the community or communities comprising or adjacent to the area in column 1.
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**Textual Amendments**

- F5** Sch. 3 para. 3A inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 101(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F6** Words in Sch. 3 para. 4(iv) added (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 101(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F7** Sch. 3 para. 4A inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 101(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

SCHEDULE 4

Section 15.

COURT’S JURISDICTION OVER CERTAIN CHARITIES GOVERNED BY OR UNDER STATUTE

- 1 The court may by virtue of section 15(3) of this Act exercise its jurisdiction with respect to charities—
- (a) in relation to charities established or regulated by any provision of the <sup>M9</sup>Seamen’s Fund Winding-up Act 1851 which is repealed by the <sup>M10</sup>Charities Act 1960;
  - (b) in relation to charities established or regulated by schemes under the Endowed Schools Act 1869 to 1948, or section 75 of the <sup>M11</sup>Elementary Education Act 1870 or by schemes given effect under section 2 of the <sup>M12</sup>Education Act 1973 [<sup>F8</sup>or section 554 of the Education Act 1996];
  - <sup>F9</sup>(c) .....
  - (d) in relation to fuel allotments, that is to say, land which, by any enactment relating to inclosure or any instrument having effect under such an enactment, is vested in trustees upon trust that the land or the rents and profits of the land shall be used for the purpose of providing poor persons with fuel;
  - (e) in relation to charities established or regulated by any provision of the <sup>M13</sup>Municipal Corporations Act 1883 which is repealed by the Charities Act 1960 or by any scheme having effect under any such provision;
  - (f) in relation to charities regulated by schemes under the <sup>M14</sup>London Government Act 1899;
  - (g) in relation to charities established or regulated by orders or regulations under section 2 of the <sup>M15</sup>Regimental Charitable Funds Act 1935;
  - (h) in relation to charities regulated by section 79 of this Act, or by any such order as is mentioned in that section.

**Textual Amendments**

- F8** Words in Sch. 4 para. 1(b) added (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 121** (with s. 1(4), Sch. 39)
- F9** Sch. 4 para. 1(c) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. III**

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**Marginal Citations**

- M9** 1851 c. 102.
- M10** 1960 c. 58.
- M11** 1870 c. 75.
- M12** 1973 c. 16.
- M13** 1883 c. 18.
- M14** 1899 c. 14.
- M15** 1935 c. 11.

2 Notwithstanding anything in section 19 of the <sup>M16</sup>Commons Act 1876 a scheme for the administration of a fuel allotment (within the meaning of the foregoing paragraph) may provide—

- (a) for the sale or letting of the allotment or any part thereof, for the discharge of the land sold or let from any restrictions as to the use thereof imposed by or under any enactment relating to inclosure and for the application of the sums payable to the trustees of the allotment in respect of the sale or lease; or
- (b) for the exchange of the allotment or any part thereof for other land, for the discharge as aforesaid of the land given in exchange by the said trustees, and for the application of any money payable to the said trustees for equality of exchange; or
- (c) for the use of the allotment or any part thereof for any purposes specified in the scheme.

**Marginal Citations**

- M16** 1876 c. 56.

SCHEDULE 5

Section 36(2).

MEANING OF “CONNECTED PERSON” FOR PURPOSES OF SECTION 36(2)

- 1 In section 36(2) of this Act “connected person”, in relation to a charity, means—
- (a) a charity trustee or trustee for the charity;
  - (b) a person who is the donor of any land to the charity (whether the gift was made on or after the establishment of the charity);
  - (c) a child, parent, grandchild, grandparent, brother or sister of any such trustee or donor;
  - (d) an officer, agent or employee of the charity;
  - (e) the spouse of any person falling within any of sub-paragraphs (a) to (d) above;
  - (f) an institution which is controlled—
    - (i) by any person falling within any of sub-paragraphs (a) to (e) above, or
    - (ii) by two or more such persons taken together; or
  - (g) a body corporate in which—
    - (i) any connected person falling within any of sub-paragraphs (a) to (f) above has a substantial interest, or

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- (ii) two or more such persons, taken together, have a substantial interest.
- 2 (1) In paragraph 1(c) above “child” includes a stepchild and an illegitimate child.
- (2) For the purposes of paragraph 1(e) above a person living with another as that person’s husband or wife shall be treated as that person’s spouse.
- 3 For the purposes of paragraph 1(f) above a person controls an institution if he is able to secure that the affairs of the institution are conducted in accordance with his wishes.
- 4 (1) For the purposes of paragraph 1(g) above any such connected person as is there mentioned has a substantial interest in a body corporate if the person or institution in question—
- (a) is interested in shares comprised in the equity share capital of that body of a nominal value of more than one-fifth of that share capital, or
- (b) is entitled to exercise, or control the exercise of, more than one-fifth of the voting power at any general meeting of that body.
- (2) The rules set out in Part I of Schedule 13 to the <sup>M17</sup>Companies Act 1985 (rules for interpretation of certain provisions of that Act) shall apply for the purposes of subparagraph (1) above as they apply for the purposes of section 346(4) of that Act (“connected persons” etc).
- (3) In this paragraph “equity share capital” and “share” have the same meaning as in that Act.

**Marginal Citations**

M17 1985 c. 6.

SCHEDULE 6

Section 98(1).

CONSEQUENTIAL AMENDMENTS

*The Places of Worship Registration Act 1855 (c.81)*

- 1 (1) Section 9 of the Places of Worship Registration Act 1855 shall be amended as follows.
- (2) For “subsection (4) of section four of the Charities Act 1960” there shall be substituted “ subsection (5) of section 3 of the Charities Act 1993 ”.
- (3) At the end there shall be added—
- “(2) Section 89 of the said Act of 1993 (provisions as to orders under that Act) shall apply to any order under paragraph (b) above as it applies to orders under that Act.”

*The Open Spaces Act 1906 (c.25)*

- 2 At the end of section 4 of the Open Spaces Act 1906 there shall be added—

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“(4) Section 89 of the Charities Act 1993 (provisions as to orders under that Act) shall apply to any order of the Charity Commissioners under this section as it applies to orders made by them under that Act.”

*The New Parishes Measure 1943 (No. 1)*

- 3 (1) The New Parishes Measure 1943 shall be amended as follows.
- (2) In subsection (1)(b) of section 14 for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”.
- (3) At the end of that section there shall be added—
- “(4) Section 89 of the Charities Act 1993 (provisions as to orders under that Act) shall apply to any order under section (1)(b) above as it applies to orders under that Act.”
- (4) In section 31 for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”.

*The Clergy Pensions Measure 1961 (No. 3)*

- 4 In section 33 of the Clergy Pensions Measure 1961 for “section 32 of the Charities Act 1992” and “the Charities Act 1960” there shall be substituted respectively “ section 36 of the Charities Act 1993 ” and “ that Act ”.

*The Finance Act 1963 (c.25)*

- 5 In section 65(2) of the Finance Act 1963 at the end of paragraph (a) there shall be added “ or to any common investment scheme under section 24 or any common deposit scheme under section 25 of the Charities Act 1993; ”.

*The Cathedrals Measure 1963 (No. 2)*

- 6 (1) The Cathedrals Measure 1963 shall be amended as follows.
- (2) In section 20(2)(iii) for “section 32 of the Charities Act 1992” there shall be substituted “ section 36 of the Charities Act 1993 ”.
- (3) In section 51 for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”.

*The Incumbents and Churchwardens (Trusts) Measure 1964 (No.2)*

- 7 In section 1 of the Incumbents and Churchwardens (Trusts) Measure 1964 for “subsection (3) of section forty-five of the Charities Act 1960” there shall be substituted “ section 96(3) of the Charities Act 1993 ”.

*The Leasehold Reform Act 1967 (c.88)*

- 8 In section 23(4) of the Leasehold Reform Act 1967 for “section 32 of the Charities Act 1992” there shall be substituted “ section 36 of the Charities Act 1993 ”.



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*The Greater London Council (General Powers) Act 1968 (c. xxxix)*

- 9 In section 43 of the Greater London Council (General Powers) Act 1968, in the definition of “night cafe”, for “section 4 of the Charities Act 1960” and “subsection (4) thereof” there shall be substituted respectively “ section 3 of the Charities Act 1993 ” and “ subsection (5) thereof ”.

*The Redundant Churches and other Religious Buildings Act 1969 (c. 22)*

- 10 (1) The Redundant Churches and other Religious Buildings Act 1969 shall be amended as follows.
- (2) In subsection (6) of section 4 for “section 18 of the Charities Act 1960” there shall be substituted “ section 16 of the Charities Act 1993 ”.
- (3) In subsection (7) of that section for “subsection (4) of section 18 of that Act” there shall be substituted “ subsection (4) of section 16 of that Act ”.
- (4) In subsection (8) of that section for “section 18 of the Charities Act 1960” and (where next occurring) “section 18” there shall be substituted respectively “ section 16 of the Charities Act 1993 ” and “ section 16 ” and for “section 21” there shall be substituted “ section 20 ”.
- (5) In subsection (13) of that section for “sections 45 and 46 of the Charities Act 1960” there shall be substituted “ sections 96 and 97 of the Charities Act 1993 ”.
- (6) In section 7(2) for “the Charities Act 1960” and “section 23” there shall be substituted respectively “ the Charities Act 1993 ” and “ section 26 ”.

*The Sharing of Church Buildings Act 1969 (c. 38)*

- 11 (1) The Sharing of Church Buildings Act 1969 shall be amended as follows.
- (2) In section 2(4) for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”.
- (3) In subsection (1) of section 8 for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”.
- (4) In subsection (2) of that section for “section 45(2) of the Charities Act 1960” there shall be substituted “ section 96(2) of the Charities Act 1993 ”.
- (5) In subsection (3) of that section for “Section 32 of the Charities Act 1992” there shall be substituted “ Section 36 of the Charities Act 1993 ”.

*The Local Government Act 1972 (c. 70)*

- 12 (1) The Local Government Act 1972 shall be amended as follows.
- (2) In sections 11(3)(c) and 29(3)(c) for “section 37 of the Charities Act 1960” there shall be substituted “ section 79 of the Charities Act 1993 ”.
- (3) In sections 123(6) and 127(4) for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”.

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- (4) In section 131(3) for “section 32 of the Charities Act 1992” and “section 32(9)(a) of that Act” there shall be substituted respectively “ section 36 of the Charities Act 1993 ” and “ section 36(9)(a) of that Act ”.

*The Fire Precautions (Loans) Act 1973 (c.11)*

- 13 In section 1(7) of the Fire Precautions (Loans) Act 1973 for “Section 34 of the Charities Act 1992” there shall be substituted “ Section 38 of the Charities Act 1993 ”.

*The Theatres Trust Act 1976 (c.27)*

- 14 In section 2(2)(d) of the Theatres Trust Act 1976 for “sections 32 and 34 of the Charities Act 1992” there shall be substituted “ sections 36 and 38 of the Charities Act 1993 ”.

*The Interpretation Act 1978 (c.30)*

- 15 In Schedule 1 to the Interpretation Act 1978, in the definition of “Charity Commissioners” for “section 1 of the Charities Act 1960” there shall be substituted “ section 1 of the Charities Act 1993 ”.

*The Reserve Forces Act 1980 (c.9)*

- F10 16 .....

**Textual Amendments**

**F10** Sch. 6 para. 16 repealed (1.4.1997) by 1996 c. 14, s. 131(2), Sch. 11; (with s. 72(5)); S.I. 1997/305, art. 2(1)

*The Disused Burial Grounds (Amendment) Act 1981 (c.18)*

- 17 In section 6 of the Disused Burial Grounds (Amendment) Act 1981 for “section 13(5) of the Charities Act 1960” there shall be substituted “ section 13(5) of the Charities Act 1993 ”.

*The Pastoral Measure 1983 (No. 1)*

- 18 (1) The Pastoral Measure 1983 shall be amended as follows.
- (2) In section 55(1) for “the Charities Act 1960” and “section 45(2)(b)” there shall be substituted “ the Charities Act 1993 ” and “ section 96(2)(c) ”.
- (3) In section 63(3) for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”.
- (4) In section 87(1) for “section 45 of the Charities Act 1960” there shall be substituted “ section 96 of the Charities Act 1993 ”.
- (5) In paragraphs 11(6) and 16(1)(e) of Schedule 3 for “section 18 of the Charities Act 1960” there shall be substituted “ section 16 of the Charities Act 1993 ”.

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*The Rates Act 1984 (c.33)*

- 19 In section 3(9) of the Rates Act 1984 for “section 4 of the Charities Act 1960” there shall be substituted “ section 3 of the Charities Act 1993 ”.

*The Companies Act 1985 (c.6)*

- 20 (1) The Companies Act 1985 shall be amended as follows.
- (2) In sections 35(4) and 35A(6) for “section 30B(1) of the Charities Act 1960” there shall be substituted “ section 65(1) of the Charities Act 1993 ”.
- (3) In section 209(1)(c) and paragraph 11(b) of Schedule 13 after “the Charities Act 1960” there shall be inserted “ or section 24 or 25 of the Charities Act 1993 ”.

*The Housing Associations Act 1985 (c.69)*

- 21 (1) The Housing Associations Act 1985 shall be amended as follows.
- (2) In section 10(1) for “sections 32 and 34 of the Charities Act 1992” there shall be substituted “ sections 36 and 38 of the Charities Act 1993 ”.
- [<sup>F11</sup>(3) In section 26(2) for the words from “section 8” onwards there shall be substituted “sections 41 to 45 of the Charities Act 1993 (charity accounts)”.]
- (4) In section 35(2)(c) for “section 32 of the Charities Act 1992” there shall be substituted “ section 36 of the Charities Act 1993 ”.
- (5) In section 38—
- (a) in paragraph (a) for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”;
- <sup>F12</sup>(b) .....

**Textual Amendments**

**F11** Sch. 6 para. 21(3) repealed (E.W.) (1.10.1996) by 1996 c. 52, s. 227, Sch. 19 Pt. I; S.I. 1996/2402, art. 3(a)

**F12** Sch. 6 para. 21(5)(b) repealed (1.10.1996) by S.I. 1996/2325, art. 4(1)-(3), Sch. 1 Pt. I

**Commencement Information**

**II** Sch. 6 para. 21 wholly in force at 1.3.1996; Sch. 6 para. 21(1)(2)(4)(5) in force at 1.8.1993, see s. 99(2); Sch. 6 para. 21(3) in force at 1.3.1996 by S.I. 1995/2695, art. 2

*The Financial Services Act 1986 (c.60)*

- 22 In section 45(1)(j) of the Financial Services Act 1986 after “the Charities Act 1960” there shall be inserted “ , section 24 or 25 of the Charities Act 1993 ”.

*The Coal Industry Act 1987 (c.3)*

- 23 (1) In section 5 of the Coal Industry Act 1987 for subsection (8) there shall be substituted—

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“(8) Sections 16(3), (9), (11) to (14), 17(1) to (5) and (7) and 20 of the Charities Act 1993 shall apply in relation to the powers of the Charity Commissioners and the making of schemes under this section as they apply in relation to their powers and the making of schemes under that Act and sections 89, 91 and 92 of that Act shall apply to orders and decisions under this section as they apply to orders and decisions under that Act.”

- (2) In subsection (8A) of that section for “section 29” (in both places) there shall be substituted “ section 17 ”.

*The Reverter of Sites Act 1987 (c.15)*

- 24 In section 4(4) of the Reverter of Sites Act 1987 for “sections 40, 40A and 42 of the Charities Act 1960” there shall be substituted “ sections 89, 91 and 92 of the Charities Act 1993 ”.

*The Income and Corporation Taxes Act 1988 (c.1)*

- 25 In Schedule 20 to the Income and Corporation Taxes Act 1988—
- (a) in paragraph 3 after “the Charities Act 1960” there shall be inserted “ , section 24 of the Charities Act 1993 ”;
  - (b) in paragraph 3A after “the Charities Act 1960” there shall be inserted “ or section 25 of the Charities Act 1993 ”.

*The Courts and Legal Services Act 1990 (c.41)*

- 26 In Schedule 11 to the Courts and Legal Services Act 1990, in the reference to a Charity Commissioner, for “under the First Schedule to the Charities Act 1960” there shall be substituted “ as provided in Schedule 1 to the Charities Act 1993 ”.

*The London Local Authorities Act 1990 (c.vii)*

- 27 In section 4 of the London Local Authorities Act 1990, in the definition of “night cafe”, for “section 4 of the Charities Act 1960” and “subsection (4) thereof” there shall be substituted respectively “ section 3 of the Charities Act 1993 ” and “ subsection (5) thereof ”.

*The London Local Authorities Act 1991 (c.xiii)*

- 28 In section 4 of the London Local Authorities Act 1991, in the definition of “establishment for special treatment”, for “section 4 of the Charities Act 1960” and “subsection (4) of that section” there shall be substituted respectively “ section 3 of the Charities Act 1993 ” and “ subsection (5) of that section ”.

*The Charities Act 1992 (c.41)*

- 29 (1) The Charities Act 1992 shall be amended as follows.
- (2) In section 29(2)(b) after “Act” there shall be inserted “ or section 18 of the Charities Act 1993 ”.
  - (3) In section 30(1)(b) after “Act” there shall be inserted “ or section 22(1) of the Charities Act 1993 ”.

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed). (See end of Document for details)*

- (4) In section 30(3)(a) after “Act” there shall be inserted “ or section 18 of the Charities Act 1993 ”.
- (5) In section 58(1), in the definition of “charity” for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ” and in the definition of “company” for the words after “section” there shall be substituted “ 97 of the Charities Act 1993 ”.
- (6) In section 63(2) for “section 4 of the Charities Act 1960” there shall be substituted “ section 3 of the Charities Act 1993 ”.
- (7) In section 72 for subsection (5) there shall be substituted—
- “(5) Section 89(1), (2) and (4) of the Charities Act 1993 (provisions as to orders made by the Commissioners) shall apply to an order made by them under this section as it applies to an order made by them under that Act.
- (6) In this section “charity” and “charitable purposes” have the same meaning as in that Act.”
- (8) In section 74 after subsection (3) there shall be inserted—
- “(3A) Any person who knowingly or recklessly provides the Commissioners with information which is false or misleading in a material particular shall be guilty of an offence if the information is provided in circumstances in which he intends, or could reasonably be expected to know, that it would be used by them for the purpose of discharging their functions under section 72.
- (3B) A person guilty of an offence under subsection (3A) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction or indictment, to imprisonment for a term not exceeding two years or to a fine, or both.”

#### *Other amendments*

- 30 In the following provisions for “the Charities Act 1960” there shall be substituted “ the Charities Act 1993 ”

#### **Textual Amendments**

**F13** Words in [Sch. 6 para. 30](#) repealed (17.12.1996) by [1996 c. 53, s. 147, Sch. 3 Pt. I](#); [S.I. 1996/2842, art. 3](#)

#### **Marginal Citations**

**M18** [1973 c. 32](#)  
**M19** [1974 c. 39](#)  
**M20** [1976 c. 80](#)  
**M21** [1977 c. 42](#)  
**M22** [1977 c. 49](#)  
**M23** [1978 No. 1](#)  
**M24** [1979 c. 46](#)  
**M25** [1984 c. xxvii](#)  
**M26** [1985 c. 51](#)  
**M27** [1985 c. 68](#)  
**M28** [1987 c. 31](#)

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed). (See end of Document for details)*

**M29** 1988 c. 40  
**M30** 1988 c. 48  
**M31** 1988 c. 50  
**M32** 1988 c. xxiii  
**M33** 1988 c. xxiv

## SCHEDULE 7

Section 98(2).

## REPEALS

Chapter	Short title	Extent of repeal
35 & 36 Vic. c.24.	The Charitable Trustees Incorporation Act 1872.	The whole Act so far as unrepealed.
10 & 11 Geo.5. c.16.	The Imperial War Museum Act 1920.	Section 5.
24 & 25 Geo.5. c.43.	The National Maritime Museum Act 1934.	Section 7.
8 & 9 Eliz.2 c.58.	The Charities Act 1960	The whole Act so far as unrepealed except— section 28(9) section 35(6) section 38(3) to (5) section 39(2) sections 48 and 49 Schedule 6.
1963 c.33.	The London Government Act 1963.	Section 81(9)(b) and (c).
1963 c.xi.	The Universities of Durham and Newcastle-upon-Tyne Act 1963.	Section 10.
1965 c.17.	The Museum of London Act 1965.	Section 11.
1972 c.54.	The British Library Act 1972.	Section 4(2).
1972 c.70.	The Local Government Act 1972.	Section 210(9).
1973 c.16.	The Education Act 1973.	In section 2(7) the words from “but” onwards.  In Schedule 1, paragraph 1(1) and (3).
1976 No.4.	The Endowments and Glebe Measure 1976.	Section 44.
1983 c.47.	The National Heritage Act 1983.	In Schedule 5, paragraph 4.

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1985 c.9.	The Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 2 the entry relating to the Charities Act 1960.
1985 c.20.	The Charities Act 1985.	Section 1.
1986 c.60.	The Financial Services Act 1986.	In Schedule 16, paragraph 1.
1988 c.40.	The Education Reform Act 1988.	In Schedule 12, paragraphs 9, 10, 63 and 64.
1989 c.40.	The Companies Act 1989.	Section 111.
1989 c.xiii.	The Queen Mary and Westfield College Act 1989.	Section 10.
1990 c.41.	The Courts and Legal Services Act 1990.	In Schedule 10, paragraph 14.
1992 c. 13.	The Further and Higher Education Act 1992.	In Schedule 8, paragraph 69.
1992 c.41.	The Charities Act 1992.	The whole of Part I except— section 1(1) and (4) sections 29 and 30 section 36 sections 49 and 50 Section 75(b). Section 76(1)(a). In section 77, subsections (2)(a), (b) and (c) and in subsection (4) the figures 20, 22 and 23. Section 79(4) and (5). Schedules 1 to 4. In Schedule 6, paragraph 13(2). In Schedule 7, the entries relating to section 8 of the Charities Act 1960 and (so far as not in force at the date specified in section 99(1) of this Act) the Charities Act 1985.
1992 c.44.	The Museums and Galleries Act 1992.	In Schedule 8, paragraphs 4 and 10. In Schedule 9, the entry relating to the Charities Act 1960.

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*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed). (See end of Document for details)*

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## SCHEDULE 8

Section 99(3), (4).

## TRANSITIONAL PROVISIONS

## PART I

## PROVISIONS APPLYING PENDING COMING INTO FORCE OF PART VI ETC.

1 In the <sup>M34</sup>Charities Act 1960—

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**Marginal Citations****M34** 1960 c. 582 In the <sup>M35</sup>Charities Act 1985

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**Marginal Citations****M35** 1985 c. 20

## PART II

## PROVISIONS APPLYING PENDING COMING INTO FORCE OF “FINANCIAL YEAR” REGULATIONS

*Section 5*

In section 5(1) of this Act “financial year”—

- (a) in relation to a charity which is a company, shall be construed in accordance with section 223 of the <sup>M36</sup>Companies Act 1985;
- (b) in relation to any other charity, means any period in respect of which an income and expenditure account is required to be prepared whether under section 32 of the <sup>M37</sup>Charities Act 1960 or by or under the authority of any other Act, whether that period is a year or not.

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**Marginal Citations****M36** 1985 c. 6**M37** 1960 c. 58

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**Marginal Citations****M36** 1985 c. 6**M37** 1960 c. 58



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*Status: Point in time view as at 01/04/1997.*

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### Sections 74 and 75

In sections 74(1)(a) and 75(1)(b) of this Act “financial year” means any period in respect of which an income and expenditure account is required to be prepared whether under section 32 of the Charities Act 1960 or by or under the authority of any other Act, whether that period is a year or not.

### TABLE OF DERIVATIONS

*Note:* The following abbreviations are used in this Table—

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1872	The Charitable Trustees Incorporation Act 1872 (c.24)
1960	The Charities Act 1960 (c.58)
1992	The Charities Act 1992 (c.41)

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<b>Section of 1993 Act</b>	<b>Derivation</b>
1	1960 s.1; 1992 Sch.3, para.1.
2	1960 s.3.
3	1960 ss.4, 43(1), 45(6); 1992 s.2, Sch.1
4	1960 ss.5, 43(1).
5	1992 s.3.
6	1992 s.4.
7	1992 s.5.
8	1960 s.6; 1992 s.6.
9	1960 s.7; 1992 s.7.
10	1992 s.52.
11	1992 s.54.
12	1992 s.53.
13	1960 s.13.
14	1960 s.14; 1992 s.15.
15	1960 s.15; Northern Ireland (Temporary Provisions) Act 1972 (c.22) s.1(3); Northern Ireland Constitution Act 1973 (c.36) Sch.5, para.1; Northern Ireland Act 1974 (c.28) Sch.1, para.1(7).
16	1960 s.18; Local Government Act 1972 (c.70) s.179(1)(4); 1992 s.13, Sch.3, para.6.
17	1960 s.19; 1992 Sch.3, para.7.

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*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *There are currently no known outstanding effects for the Charities Act 1993 (repealed). (See end of Document for details)*

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18	1960 s.20; 1992 s.8, Sch.1.
19	1960 ss.20A, 43(1); 1992 s.9.
20	1960 s.21; Local Government Act 1972 (c.70) s.179(1)(4); 1992 Sch.3, para.8.
21	1960 s.16; 1992 Sch.3, para.4.
22	1960 s.17; 1992 Sch.3, para.5.
23	1992 s.31.
24	1960 s.22.
25	1960 s.22A; 1992 s.16.
26	1960 s.23.
27	1960 s.23A; 1992 s.17.
28	1992 s.18; Banking Coordination (Second Council Directive) Regulations 1992 (S.I.1992/3218) Sch.10, para.33.
29	1960 s.24.
30	1960 ss.25, 43(1).
31	1960 s.26.
32	1960 s.26A; 1992 s.28.
33	1960 s.28(1) to (8); 1992 Sch.3, para.10.
34	1960 s.28A; 1992 s.11.
35	1960 s.21A; 1992 s.14.
36	1992 s.32.
37	1992 s.33.
38	1992 s.34.
39	1992 s.35.
40	1992 s.37(1) to (4).
41	1992 s.19.
42	1992 s.20.
43	1992 s.21.
44	1992 s.22.
45	1992 s.23.
46	1960 s.32(1)(2); 1992 s.24, Sch.3, para.13.
47	1992 s.25.
48	1992 s.26.
49	1992 s.27.
50	1872 s.1; 1992 Sch.4, para.1.

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*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *There are currently no known outstanding effects for the Charities Act 1993 (repealed). (See end of Document for details)*

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51	1872 s.2; 1992 Sch.4, para.2.
52	1872 s.3; 1992 Sch.4, para.3.
53	1872 s.4; 1992 Sch.4, para.4.
54	1872 s.5; 1992 Sch.4, para.5.
55	1872 s.6.
56	1872 s.6A; 1992 Sch.4, para.6.
57	1872 s.7; 1992 Sch.4, para.7.
58	1872 s.8; 1992 Sch.4, para.8.
59	1872 s.10.
60	1872 s.12; 1992 Sch.4, para.9 (part).
61	1872 s.12A; 1992 Sch.4, para.9 (part).
62	1872 s.14; 1992 Sch.4, para.10.
63	1960 s.30; Companies Act 1989 (c.40) s.111(1); 1992 s.10.
64	1960 s.30A; Companies Act 1989 (c.40) s.111(1); 1992 s.40.
65	1960 s.30B; Companies Act 1989 (c.40) s.111(1).
66	1960 s.30BA; 1992 s.41.
67	1960 s.30BB; 1992 s.42.
68	1960 s.30C; Companies Act 1989 (c.40) s.111(1); 1992 Sch.3, para.11.
69	1960 s.8; 1992 Sch.3, para.2; Companies Act 1989 (Eligibility for Appointment as Company Auditor) (Consequential Amendments) Regulations 1991 (S.I. 1991/1997).
70	1992 s.38.
71	1992 s.39.
72	1992 s.45.
73	1992 s.46.
74	1992 s.43.
75	1992 s.44.
76	1960 s.10; London Government Act 1963 (c.33) s.81(9)(b); Local Government Act 1972 (c.70) s.210(9)(a).
77	1960 s.11; London Government Act 1963 (c.33) s.81(9)(b); Local Government Act 1972 (c.70) s.210(9)(b).

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**Changes to legislation:** *There are currently no known outstanding effects for the Charities Act 1993 (repealed). (See end of Document for details)*

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78	1960 s.12; Local Government Act 1972 (c.70) ss.179(1)(4), 210(9)(c).
79	1960 s.37; London Government Act 1963 (c.33) s.4(4); Local Government Act 1972 (c.70) ss.179(1)(4), 210(9)(e); Education Reform Act 1988 (c.40) Sch.12, para.9.
80	1992 s.12.
81	1960 s.33.
82	1960 s.34; 1992 Sch.3, para.14.
83	1960 s.35.
84	1960 s.9; 1992 s.25(2), Sch.3, para.3.
85	1992 s.51.
86	1960 ss.4(8B), 18(14), 43(2A)(3); Education Act 1973 (c.16) Sch.1 para.1(1); 1992 ss.2(7), 13(6), 77, Sch.3, para.17.
87	1992 s.56(1)(2)(6).
88	1960 s.41; 1992 s.56(3)(6), Sch.3, para.16.
89	1960 s.40; 1992 s.56(4)(5)(6).
90	1992 s.57.
91	1960 s.40A; 1992 s.76, Sch.3, para.15.
92	1960 s.42.
93	1960 s.36.
94	1992 s.55.
95	1992 s.75.
96	1960 s.45(1) to (5); Local Government Act 1972 (c.70) s.179(1)(4); 1992 s.1(2), Sch.3, para.18; Endowments and Glebe Measure 1976 (No.4) s.44.
97	1960 ss.16(5) (part), 46; Companies Act 1989 (c.40) s.111(2); 1992 s.1(1) to (4).
98	
99	
100	1960 s.49(2)(c); 1992 s.79(3)(4)(5).
Sch.1	1960 Sch.1; Courts and Legal Services Act 1990 (c.41) Sch.10, para.14; 1992 s.12(1), Sch.3, paras.20, 21.
Sch.2	
para.(a)	1960 Sch.2, para.(a).
para.(b)	1960 Sch.2, para.(b); Universities of Durham and Newcastle-upon-Tyne Act 1963 (c.xi)

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	s.18; Queen Mary and Westfield College Act 1989 (c.xiii) s.10.
para.(c)	1960 Sch.2, para.(c).
paras.(d) to (i)	Education Reform Act 1988 (c.40) Sch.12, paras.10, 63, 64.
para.(j)	Further and Higher Education Act 1992 (c.13) Sch.8, para.69.
paras.(k) to (n)	1960 Sch.2, paras.(ca) to (cd); National Heritage Act 1983 (c.47) Sch.5 para.4.
para.(o)	Local Government Reorganisation (Miscellaneous Provisions) Order 1990. (S.I. 1990/1765) art.3(1)(b).
para.(p)	1960 Sch.2, para.(d); Museums and Galleries Act 1992 (c.44) Sch.8, para.4.
paras.(q) to (t)	1960 Sch.2, paras.(ce) to (ch); Museums and Galleries Act 1992 (c.44) Sch.8, para.10.
para.(u)	Imperial War Museum Act 1920 (c.16) s.5.
para.(v)	National Maritime Museum Act 1934 (c.43) s.7.
para.(w)	1960 Sch.2 para.(e); Education Reform Act 1988 (c.40) Sch.12 paras.10, 63, 64; Further and Higher Education Act 1992 (c.13) Sch.8, para.69.
para.(x)(y)	1960 Sch.2 paras.(f)(g).
para.(z)	1960 Sch.2, para.(h); Museum of London Act 1965 (c.17) s.11.
para.(za)	1960 Sch.2 para.(i); British Library Act 1972 (c.54) s.4(2).
Sch.3	1960 Sch.3; London Government Act 1963 (c.33) s.81(9)(c); Local Government Act 1972 (c.70) ss.179(1)(4), 210(9)(f).
Sch.4	1960 Sch.4; Education Act 1973 (c.16) s.2(7).
Sch.5	1992 Sch.2.
Sch.6	1960 s.40(5) (as to paras.1(3), 2, 3(3)) and 1992 ss.54(1)(b)(3), 56(4)(5) (as to para.29(7)(8)).
Sch.7	
Sch.8	

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**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Charities Act 1993 (repealed).