

*Status: Point in time view as at 21/07/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed).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

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

Section 1.

#### Textual Amendments

- F1** Sch. 1 repealed (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), ss. 6(6), 79(2), [Sch. 9](#); S.I. 2007/309, art. 2, Sch.

### <sup>F2</sup>SCHEDULE 1A

Section 1A

#### THE CHARITY COMMISSION

#### Textual Amendments

- F2** Sch. 1A inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 1 para. 1](#); S.I. 2007/309, art. 2, Sch.

#### *Membership*

- 1 (1) The Commission shall consist of a chairman and at least four, but not more than eight, other members.
- (2) The members shall be appointed by the Minister.
- (3) The Minister shall exercise the power in sub-paragraph (2) so as to secure that—
- (a) the knowledge and experience of the members of the Commission (taken together) includes knowledge and experience of the matters mentioned in sub-paragraph (4),
  - (b) at least two members have a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, and
  - (c) at least one member knows about conditions in Wales and has been appointed following consultation with the National Assembly for Wales.
- (4) The matters mentioned in this sub-paragraph are—
- (a) the law relating to charities,
  - (b) charity accounts and the financing of charities, and
  - (c) the operation and regulation of charities of different sizes and descriptions.
- (5) In sub-paragraph (3)(c) “member” does not include the chairman of the Commission.

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### *Terms of appointment and remuneration*

- 2 The members of the Commission shall hold and vacate office as such in accordance with the terms of their respective appointments.
- 3 (1) An appointment of a person to hold office as a member of the Commission shall be for a term not exceeding three years.
- (2) A person holding office as a member of the Commission—
- (a) may resign that office by giving notice in writing to the Minister, and
  - (b) may be removed from office by the Minister on the ground of incapacity or misbehaviour.
- (3) Before removing a member of the Commission the Minister shall consult—
- (a) the Commission, and
  - (b) if the member was appointed following consultation with the National Assembly for Wales, the Assembly.
- (4) No person may hold office as a member of the Commission for more than ten years in total.
- (5) For the purposes of sub-paragraph (4), time spent holding office as a Charity Commissioner for England and Wales shall be counted as time spent holding office as a member of the Commission.
- 4 (1) The Commission shall pay to its members such remuneration, and such other allowances, as may be determined by the Minister.
- (2) The Commission shall, if required to do so by the Minister—
- (a) pay such pension, allowances or gratuities as may be determined by the Minister to or in respect of a person who is or has been a member of the Commission, or
  - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If the Minister determines that there are special circumstances which make it right for a person ceasing to hold office as a member of the Commission to receive compensation, the Commission shall pay to him a sum by way of compensation of such amount as may be determined by the Minister.

### *Staff*

- 5 (1) The Commission—
- (a) shall appoint a chief executive, and
  - (b) may appoint such other staff as it may determine.
- (2) The terms and conditions of service of persons appointed under sub-paragraph (1) are to be such as the Commission may determine with the approval of the Minister for the Civil Service.

### *Committees*

- 6 (1) The Commission may establish committees and any committee of the Commission may establish sub-committees.

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- (2) The members of a committee of the Commission may include persons who are not members of the Commission (and the members of a sub-committee may include persons who are not members of the committee or of the Commission).

*Procedure etc.*

- 7 (1) The Commission may regulate its own procedure (including quorum).
- (2) The validity of anything done by the Commission is not affected by a vacancy among its members or by a defect in the appointment of a member.

*Performance of functions*

- 8 Anything authorised or required to be done by the Commission may be done by—
- (a) any member or member of staff of the Commission who is authorised for that purpose by the Commission, whether generally or specially;
  - (b) any committee of the Commission which has been so authorised.

*Evidence*

- 9 The Documentary Evidence Act 1868 shall have effect as if—
- (a) the Commission were mentioned in the first column of the Schedule to that Act,
  - (b) any member or member of staff of the Commission authorised to act on behalf of the Commission were specified in the second column of that Schedule in connection with the Commission, and
  - (c) the regulations referred to in that Act included any document issued by or under the authority of the Commission.

*Execution of documents*

- 10 (1) A document is executed by the Commission by the fixing of its common seal to the document.
- (2) But the fixing of that seal to a document must be authenticated by the signature of—
- (a) any member of the Commission, or
  - (b) any member of its staff,
- who is authorised for the purpose by the Commission.
- (3) A document which is expressed (in whatever form of words) to be executed by the Commission and is signed by—
- (a) any member of the Commission, or
  - (b) any member of its staff,
- who is authorised for the purpose by the Commission has the same effect as if executed in accordance with sub-paragraphs (1) and (2).
- (4) A document executed by the Commission which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it is to be presumed (unless a contrary intention is proved) to be delivered upon its being executed.
- (5) In favour of a purchaser a document is to be deemed to have been duly executed by the Commission if it purports to be signed on its behalf by—

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- (a) any member of the Commission, or
- (b) any member of its staff;

and, where it makes it clear on its face that it is intended to be a deed, it is to be deemed to have been delivered upon its being executed.

- (6) For the purposes of this paragraph—
- “authorised” means authorised whether generally or specially; and
  - “purchaser” means a purchaser in good faith for valuable consideration and includes a lessee, mortgagee or other person who for valuable consideration acquired an interest in property.

#### *Annual report*

- 11 (1) As soon as practicable after the end of each financial year the Commission shall publish a report on—
- (a) the discharge of its functions,
  - (b) the extent to which, in its opinion, its objectives (see section 1B of this Act) have been met,
  - (c) the performance of its general duties (see section 1D of this Act), and
  - (d) the management of its affairs,
- during that year.
- (2) The Commission shall lay a copy of each such report before Parliament.
- (3) In sub-paragraph (1) above, “financial year” means—
- (a) the period beginning with the date on which the Commission is established and ending with the next 31st March following that date, and
  - (b) each successive period of 12 months ending with 31st March.

#### *Annual public meeting*

- 12 (1) The Commission shall hold a public meeting (“the annual meeting”) for the purpose of enabling a report under paragraph 11 above to be considered.
- (2) The annual meeting shall be held within the period of three months beginning with the day on which the report is published.
- (3) The Commission shall organise the annual meeting so as to allow—
- (a) a general discussion of the contents of the report which is being considered, and
  - (b) a reasonable opportunity for those attending the meeting to put questions to the Commission about matters to which the report relates.
- (4) But subject to sub-paragraph (3) above the annual meeting is to be organised and conducted in such a way as the Commission considers appropriate.
- (5) The Commission shall—
- (a) take such steps as are reasonable in the circumstances to ensure that notice of the annual meeting is given to every registered charity, and
  - (b) publish notice of the annual meeting in the way appearing to it to be best calculated to bring it to the attention of members of the public.
- (6) Each such notice shall—

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- (a) give details of the time and place at which the meeting is to be held,
  - (b) set out the proposed agenda for the meeting,
  - (c) indicate the proposed duration of the meeting, and
  - (d) give details of the Commission's arrangements for enabling persons to attend.
- (7) If the Commission proposes to alter any of the arrangements which have been included in notices given or published under sub-paragraph (5) above it shall—
- (a) give reasonable notice of the alteration, and
  - (b) publish the notice in the way appearing to it to be best calculated to bring it to the attention of registered charities and members of the public.]

## [<sup>F3</sup>SCHEDULE 1B

Section 2A(3)

### THE CHARITY TRIBUNAL

#### Textual Amendments

**F3** Sch. 1B inserted (18.3.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 3 para. 1](#); S.I. 2008/751, art. 2, Sch.

#### Membership

- 1 (1) The Tribunal shall consist of the President and its other members.
- (2) The Lord Chancellor shall appoint—
- (a) a President of the Tribunal,
  - (b) legal members of the Tribunal, and
  - (c) ordinary members of the Tribunal.
- (3) A person may be appointed as the President or a legal member of the Tribunal only if [<sup>F4</sup>he satisfies the judicial-appointment eligibility condition on a 5-year basis. ]
- (4) A person may be appointed as an ordinary member of the Tribunal only if he appears to the Lord Chancellor to have appropriate knowledge or experience relating to charities.

#### Textual Amendments

**F4** Words in [Sch. 1B para. 1\(3\)](#) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 23](#); S.I. 2008/1653, art. 2(d) (with arts. 34)

#### Deputy President

- 2 (1) The Lord Chancellor may appoint a legal member as deputy President of the Tribunal.
- (2) The deputy President—
- (a) may act for the President when he is unable to act or unavailable, and

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- (b) shall perform such other functions as the President may delegate or assign to him.

*Terms of appointment*

- 3 (1) The members of the Tribunal shall hold and vacate office as such in accordance with the terms of their respective appointments.
- (2) A person holding office as a member of the Tribunal—
- (a) may resign that office by giving notice in writing to the Lord Chancellor, and
- (b) may be removed from office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (3) A previous appointment of a person as a member of the Tribunal does not affect his eligibility for re-appointment as a member of the Tribunal.

*Retirement etc.*

- 4 (1) A person shall not hold office as a member of the Tribunal after reaching the age of 70.
- (2) Section 26(5) and (6) of the Judicial Pensions and Retirement Act 1993 (extension to age 75) apply in relation to a member of the Tribunal as they apply in relation to a holder of a relevant office.

*Remuneration etc.*

- 5 (1) The Lord Chancellor may pay to the members of the Tribunal such remuneration, and such other allowances, as he may determine.
- (2) The Lord Chancellor may—
- (a) pay such pension, allowances or gratuities as he may determine to or in respect of a person who is or has been a member of the Tribunal, or
- (b) make such payments as he may determine towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If the Lord Chancellor determines that there are special circumstances which make it right for a person ceasing to hold office as a member of the Tribunal to receive compensation, the Lord Chancellor may pay to him a sum by way of compensation of such amount as may be determined by the Lord Chancellor.

*Staff and facilities*

- 6 The Lord Chancellor may make staff and facilities available to the Tribunal.

*Panels*

- 7 (1) The functions of the Tribunal shall be exercised by panels of the Tribunal.
- (2) Panels of the Tribunal shall sit at such times and in such places as the President may direct.
- (3) Before giving a direction under sub-paragraph (2) above the President shall consult the Lord Chancellor.

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- (4) More than one panel may sit at a time.
- 8 (1) The President shall make arrangements for determining which of the members of the Tribunal are to constitute a panel of the Tribunal in relation to the exercise of any function.
- (2) Those arrangements shall, in particular, ensure that each panel is constituted in one of the following ways—
- (a) as the President sitting alone,
  - (b) as a legal member sitting alone,
  - (c) as the President sitting with two other members,
  - (d) as a legal member sitting with two other members,
  - (e) as the President sitting with one other member,
  - (f) as a legal member sitting with one other member,
- (and references in paragraphs (d) and (f) to other members do not include the President).
- (3) The President shall publish arrangements made under this paragraph.

*Practice and procedure*

- 9 (1) Decisions of the Tribunal may be taken by majority vote.
- (2) In the case of a panel constituted in accordance with paragraph 8(2)(e), the President shall have a casting vote.
- (3) In the case of a panel constituted in accordance with paragraph 8(2)(f) which consists of a legal member and an ordinary member, the legal member shall have a casting vote.
- (4) The President shall make and publish arrangements as to who is to have a casting vote in the case of a panel constituted in accordance with paragraph 8(2)(f) which consists of two legal members.
- 10 The President may, subject to rules under section 2B of this Act, give directions about the practice and procedure of the Tribunal.]

[<sup>F5</sup>SCHEDULE 1C

Section 2A(4)

APPEALS AND APPLICATIONS TO CHARITY TRIBUNAL

**Textual Amendments**

- F5** Sch. 1C, Sch. 1D inserted (27.2.2007 for the insertion of Sch. 1C para. 6 for specified purposes, 18.3.2008 for the insertion of Sch. 1C paras. 1 (for specified purposes), 2-5, 6 (in so far as not already in force) and Sch. 1D, 31.1.2009 for the insertion of Sch. 1C para. 1 for specified purposes) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 4](#); [S.I. 2007/309](#), art. 2, [Sch.](#); [S.I. 2008/751](#), art. 2, [Sch.](#); [S.I. 2008/3267](#), art. 2, [Sch.](#) (with arts. 3-27) (as amended: (29.9.2009) by [S.I. 2009/2648](#), art. 3; (26.7.2010) by [S.I. 2010/1942](#), art. 2; and (1.8.2011) by [S.I. 2011/1725](#), arts. 1(2), 3, [Sch.](#) para. 6)

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*Appeals: general*

- 1 (1) Except in the case of a reviewable matter (see paragraph 3) an appeal may be brought to the Tribunal against any decision, direction or order mentioned in column 1 of the Table.
- (2) Such an appeal may be brought by—
- (a) the Attorney General, or
  - (b) any person specified in the corresponding entry in column 2 of the Table.
- (3) The Commission shall be the respondent to such an appeal.
- (4) In determining such an appeal the Tribunal—
- (a) shall consider afresh the decision, direction or order appealed against, and
  - (b) may take into account evidence which was not available to the Commission.
- (5) The Tribunal may—
- (a) dismiss the appeal, or
  - (b) if it allows the appeal, exercise any power specified in the corresponding entry in column 3 of the Table.

*Appeals: orders under section 9*

- 2 (1) Paragraph 1(4)(a) above does not apply in relation to an appeal against an order made under section 9 of this Act.
- (2) On such an appeal the Tribunal shall consider whether the information or document in question—
- (a) relates to a charity;
  - (b) is relevant to the discharge of the functions of the Commission or the official custodian.
- (3) The Tribunal may allow such an appeal only if it is satisfied that the information or document in question does not fall within either paragraph (a) or paragraph (b) of sub-paragraph (2) above.

*Reviewable matters*

- 3 (1) In this Schedule references to “reviewable matters” are to—
- (a) decisions to which sub-paragraph (2) applies, and
  - (b) orders to which sub-paragraph (3) applies.
- (2) This sub-paragraph applies to decisions of the Commission—
- (a) to institute an inquiry under section 8 of this Act with regard to a particular institution,
  - (b) to institute an inquiry under section 8 of this Act with regard to a class of institutions,
  - (c) not to make a common investment scheme under section 24 of this Act,
  - (d) not to make a common deposit scheme under section 25 of this Act,
  - (e) not to make an order under section 26 of this Act in relation to a charity,
  - (f) not to make an order under section 36 of this Act in relation to land held by or in trust for a charity,



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- (g) not to make an order under section 38 of this Act in relation to a mortgage of land held by or in trust for a charity.
- (3) This sub-paragraph applies to an order made by the Commission under section 69(1) of this Act in relation to a company which is a charity.

#### *Reviews*

- 4 (1) An application may be made to the Tribunal for the review of a reviewable matter.
- (2) Such an application may be made by—
- (a) the Attorney General, or
  - (b) any person mentioned in the entry in column 2 of the Table which corresponds to the entry in column 1 which relates to the reviewable matter.
- (3) The Commission shall be the respondent to such an application.
- (4) In determining such an application the Tribunal shall apply the principles which would be applied by the High Court on an application for judicial review.
- (5) The Tribunal may—
- (a) dismiss the application, or
  - (b) if it allows the application, exercise any power mentioned in the entry in column 3 of the Table which corresponds to the entry in column 1 which relates to the reviewable matter.

#### *Interpretation: remission of matters to Commission*

- 5 References in column 3 of the Table to the power to remit a matter to the Commission are to the power to remit the matter either—
- (a) generally, or
  - (b) for determination in accordance with a finding made or direction given by the Tribunal.

TABLE

<i>1</i>	<i>2</i>	<i>3</i>
Decision of the Commission under section 3 or 3A of this Act— <ul style="list-style-type: none"><li>(a) to enter or not to enter an institution in the register of charities, or</li><li>(b) to remove or not to remove an institution from the register.</li></ul>	The persons are— <ul style="list-style-type: none"><li>(a) the persons who are or claim to be the charity trustees of the institution,</li><li>(b) (if a body corporate) the institution itself, and</li><li>(c) any other person who is or may be affected by the decision.</li></ul>	Power to quash the decision and (if appropriate)— <ul style="list-style-type: none"><li>(a) remit the matter to the Commission,</li><li>(b) direct the Commission to rectify the register.</li></ul>

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Decision of the Commission not to make a determination under section 3(9) of this Act in relation to particular information contained in the register.	The persons are— (a) the charity trustees of the charity to which the information relates, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 6 of this Act requiring the name of a charity to be changed.	The persons are— (a) the charity trustees of the charity to which the direction relates, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the direction.	Power to— (a) quash the direction and (if appropriate) remit the matter to the Commission, (b) substitute for the direction any other direction which could have been given by the Commission.
Decision of the Commission to institute an inquiry under section 8 of this Act with regard to a particular institution.	The persons are— (a) the persons who have control or management of the institution, and (b) (if a body corporate) the institution itself.	Power to direct the Commission to end the inquiry.
Decision of the Commission to institute an inquiry under section 8 of this Act with regard to a class of institutions.	The persons are— (a) the persons who have control or management of any institution which is a member of the class of institutions, and (b) (if a body corporate) any such institution.	Power to— (a) direct the Commission that the inquiry should not consider a particular institution, (b) direct the Commission to end the inquiry.
Order made by the Commission under section 9 of this Act requiring a person to	The persons are any person who is required to supply	Power to— (a) quash the order, (b) substitute for all or part of

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supply information or a document.	the information or document.	the order any other order which could have been made by the Commission.
Order made by the Commission under section 16(1) of this Act (including such an order made by virtue of section 23(1)).	The persons are— (a) in a section 16(1) (a) case, the charity trustees of the charity to which the order relates or (if a body corporate) the charity itself, (b) in a section 16(1) (b) case, any person discharged or removed by the order, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission, (b) substitute for all or part of the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 18(1) of this Act in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, (c) in a section 18(1) (i) case, any person suspended by the order, and (d) any other person who is or may be affected by the order.	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission, (b) substitute for all or part of the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 18(2) of this	The persons are— (a) the charity trustees of the charity,	Power to— (a) quash the order in whole or in part and (if

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Act in relation to a charity.	<ul style="list-style-type: none"> <li>(b) (if a body corporate) the charity itself,</li> <li>(c) in a section 18(2) (i) case, any person removed by the order, and</li> <li>(d) any other person who is or may be affected by the order.</li> </ul>	<ul style="list-style-type: none"> <li>appropriate) remit the matter to the Commission,</li> <li>(b) substitute for all or part of the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
Order made by the Commission under section 18(4) of this Act removing a charity trustee.	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustee,</li> <li>(b) the remaining charity trustees of the charity of which he was a charity trustee,</li> <li>(c) (if a body corporate) the charity itself, and</li> <li>(d) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</li> <li>(b) substitute for all or part of the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
Order made by the Commission under section 18(5) of this Act appointing a charity trustee.	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the other charity trustees of the charity,</li> <li>(b) (if a body corporate) the charity itself, and</li> <li>(c) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission,</li> <li>(b) substitute for all or part of the order any other order which could have been</li> </ul>

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		made by the Commission,
		(c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission—	The persons are—	Power to—
(a) to discharge an order following a review under section 18(13) of this Act, or	(a) the charity trustees of the charity to which the order relates,	(a) quash the decision and (if appropriate) remit the matter to the Commission,
(b) not to discharge an order following such a review.	(b) (if a body corporate) the charity itself,	(b) make the discharge of the order subject to savings or other transitional provisions,
	(c) if the order in question was made under section 18(1) (i), any person suspended by it, and	(c) remove any savings or other transitional provisions to which the discharge of the order was subject,
	(d) any other person who is or may be affected by the order.	(d) discharge the order in whole or in part (whether subject to any savings or other transitional provisions or not).
Order made by the Commission under section 18A(2) of this Act which suspends a person's membership of a charity.	The persons are—	Power to quash the order and (if appropriate) remit the matter to the Commission.
	(a) the person whose membership is suspended by the order, and	
	(b) any other person who is or may be affected by the order.	
Order made by the Commission under section 19A(2) of this Act which directs a	The persons are any person who is directed by the order to take the specified action.	Power to quash the order and (if appropriate) remit the matter to the Commission.

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person to take action specified in the order.

Order made by the Commission under section 19B(2) of this Act which directs a person to apply property in a specified manner.

The persons are any person who is directed by the order to apply the property in the specified manner.

Power to quash the order and (if appropriate) remit the matter to the Commission.

Order made by the Commission under section 23(2) of this Act in relation to any land vested in the official custodian in trust for a charity.

The persons are—  
(a) the charity trustees of the charity,  
(b) (if a body corporate) the charity itself, and  
(c) any other person who is or may be affected by the order.

Power to—  
(a) quash the order and (if appropriate) remit the matter to the Commission,  
(b) substitute for the order any other order which could have been made by the Commission,  
(c) add to the order anything which could have been contained in an order made by the Commission.

Decision of the Commission not to make a common investment scheme under section 24 of this Act.

The persons are—  
(a) the charity trustees of a charity which applied to the Commission for the scheme,  
(b) (if a body corporate) the charity itself, and  
(c) any other person who is or may be affected by the decision.

Power to quash the decision and (if appropriate) remit the matter to the Commission.

Decision of the Commission not to make a common deposit scheme under section 25 of this Act.

The persons are—  
(a) the charity trustees of a charity which applied to the Commission for the scheme,

Power to quash the decision and (if appropriate) remit the matter to the Commission.

*Status: Point in time view as at 21/07/2008.*

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

	(b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	
Decision by the Commission not to make an order under section 26 of this Act in relation to a charity.	The persons are— (a) the charity trustees of the charity, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 28 of this Act in relation to an account held in the name of or on behalf of a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the direction and (if appropriate) remit the matter to the Commission, (b) substitute for the direction any other direction which could have been given by the Commission, (c) add to the direction anything which could have been contained in a direction given by the Commission.
Order made by the Commission under section 31 of this Act for the taxation of a solicitor's bill.	The persons are— (a) the solicitor, (b) any person for whom the work was done by the solicitor, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission not to	The persons are—	Power to quash the decision and (if

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make an order under section 36 of this Act in relation to land held by or in trust for a charity.	<ul style="list-style-type: none"> <li>(a) the charity trustees of the charity,</li> <li>(b) (if a body corporate) the charity itself, and</li> <li>(c) any other person who is or may be affected by the decision.</li> </ul>	appropriate) remit the matter to the Commission.
Decision of the Commission not to make an order under section 38 of this Act in relation to a mortgage of land held by or in trust for a charity.	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustees of the charity,</li> <li>(b) (if a body corporate) the charity itself, and</li> <li>(c) any other person who is or may be affected by the decision.</li> </ul>	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 43(4) of this Act requiring the accounts of a charity to be audited.	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustees of the charity,</li> <li>(b) (if a body corporate) the charity itself, and</li> <li>(c) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order,</li> <li>(b) substitute for the order any other order which could have been made by the Commission,</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
Order made by the Commission under section 44(2) of this Act in relation to a charity, or a decision of the Commission not to make such an order in relation to a charity.	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustees of the charity,</li> <li>(b) (if a body corporate) the charity itself,</li> <li>(c) in the case of a decision not to make an order, the auditor, independent examiner or examiner, and</li> <li>(d) any other person who is or may</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order or decision and (if appropriate) remit the matter to the Commission,</li> <li>(b) substitute for the order any other order of a kind the Commission could have made,</li> <li>(c) make any order which the Commission could have made.</li> </ul>



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	be affected by the order or the decision.	
Decision of the Commission under section 46(5) of this Act to request charity trustees to prepare an annual report for a charity.	The persons are— (a) the charity trustees, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to dispense with the requirements of section 48(1) in relation to a charity or class of charities.	The persons are the charity trustees of any charity affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission— (a) to grant a certificate of incorporation under section 50(1) of this Act to the trustees of a charity, or (b) not to grant such a certificate.	The persons are— (a) the trustees of the charity, and (b) any other person who is or may be affected by the decision.	Power to quash— (a) the decision, (b) any conditions or directions inserted in the certificate, and (if appropriate) remit the matter to the Commission.
Decision of the Commission to amend a certificate of incorporation of a charity under section 56(4) of this Act.	The persons are— (a) the trustees of the charity, and (b) any other person who is or may be affected by the amended certificate of incorporation.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to amend a certificate of incorporation under section 56(4) of this Act.	The persons are— (a) the trustees of the charity, and (b) any other person who is or may be affected by the decision not to amend the certificate of incorporation.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) make any order the Commission could have made under section 56(4).

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Order of the Commission under section 61(1) or (2) of this Act which dissolves a charity which is an incorporated body.	The persons are— (a) the trustees of the charity, (b) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission to give, or withhold, consent under section 64(2), 65(4) or 66(1) of this Act in relation to a body corporate which is a charity.	The persons are— (a) the charity trustees of the charity, (b) the body corporate itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 69(1) of this Act in relation to a company which is a charity.	The persons are— (a) the directors of the company, (b) the company itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under	The persons are—	Power to— (a) quash the order,

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section 69(4) of this Act which gives directions to a person or to charity trustees.	(a) in the case of directions given to a person, that person, (b) in the case of directions given to charity trustees, those charity trustees and (if a body corporate) the charity of which they are charity trustees, and (c) any other person who is or may be affected by the directions.	(b) substitute for the order any other order which could have been made by the Commission, (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission under section 69E of this Act to grant an application for the constitution of a CIO and its registration as a charity.	The persons are any person (other than the persons who made the application) who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission, (b) direct the Commission to rectify the register of charities.
Decision of the Commission under section 69E of this Act not to grant an application for the constitution of a CIO and its registration as a charity.	The persons are— (a) the persons who made the application, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.
Decision of the Commission under section 69H of this Act not to grant an application for the conversion of a charitable company or a registered society into a CIO and the CIO's registration as a charity.	The persons are— (a) the charity which made the application, (b) the charity trustees of the charity, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.

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Decision of the Commission under section 69K of this Act to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are any creditor of any of the CIOs being amalgamated.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 69K of this Act not to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are— (a) the CIOs which applied for the amalgamation, (b) the charity trustees of the CIOs, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to grant the application.
Decision of the Commission to confirm a resolution passed by a CIO under section 69M(1) of this Act.	The persons are any creditor of the CIO.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to confirm a resolution passed by a CIO under section 69M(1) of this Act.	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) direct the Commission to confirm the resolution.
Decision of the Commission under section 72(4) of this Act to waive, or not to waive, a person's disqualification.	The persons are— (a) the person who applied for the waiver, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission, (b) substitute for the decision any other decision of a kind which could have been

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Order made by the Commission under section 73(4) of this Act in relation to a person who has acted as charity trustee or trustee for a charity.	The persons are— (a) the person subject to the order, and (b) any other person who is or may be affected by the order.	made by the Commission.  Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission.
Order made by the Commission under section 73C(5) or (6) of this Act requiring a trustee or connected person to repay, or not to receive, remuneration.	The persons are— (a) the trustee or connected person, (b) (b the other charity trustees of the charity concerned, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission, (b) substitute for the order any other order which could have been made by the Commission.
Decision of the Commission to notify charity trustees under section 74A(2) of this Act that it objects to a resolution of the charity trustees under section 74(2) or 74C(2).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision.
Decision of the Commission not to concur under section 75A of this Act with a resolution of charity trustees under section 75A(3) or 75B(2).	The persons are— (a) the charity trustees, (b) (b (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission to withhold approval for	The persons are— (a) the trustees,	Power to quash the decision and (if appropriate) remit

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the transfer of property from trustees to a parish council under section 79(1) of this Act.	(b) (b the parish council, and (c) any other person who is or may be affected by the decision.	the matter to the Commission.
Order made by the Commission under section 80(2) of this Act in relation to a person holding property on behalf of a recognised body or of any person concerned in its management or control.	The persons are— (a) the person holding the property in question, and (b) any other person who is or may be affected by the order.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to give a direction under section 96(5) or (6) of this Act in relation to an institution or a charity.	The persons are the trustees of the institution or charity concerned.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under paragraph 15 of Schedule 5B to this Act to refuse to register an amendment to the constitution of a CIO.	The persons are— (a) the CIO, (b) (b the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission, (b) direct the Commission to register the amendment.

*Power to amend Table etc.*

- 6 (1) The Minister may by order—
- (a) amend or otherwise modify an entry in the Table,
  - (b) add an entry to the Table, or
  - (c) remove an entry from the Table.
- (2) An order under sub-paragraph (1) may make such amendments, repeals or other modifications of paragraphs 1 to 5 of this Schedule, or of an enactment which applies this Schedule, as the Minister considers appropriate in consequence of any change in the Table made by the order.
- (3) No order shall be made under this paragraph unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- 7 Paragraph 6 above applies (with the necessary modifications) in relation to section 57 of the Charities Act 2006 as if—
- (a) the provisions of that section were contained in this Schedule, and

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- (b) the reference in that paragraph to paragraphs 1 to 5 of this Schedule included a reference to any other provision relating to appeals to the Tribunal which is contained in Chapter 1 of Part 3 of the Charities Act 2006.

## SCHEDULE 1D

Section 2A(4)

### REFERENCES TO CHARITY TRIBUNAL

#### *References by Commission*

- 1 (1) A question which—
- (a) has arisen in connection with the exercise by the Commission of any of its functions, and
  - (b) involves either the operation of charity law in any respect or its application to a particular state of affairs,
- may be referred to the Tribunal by the Commission if the Commission considers it desirable to refer the question to the Tribunal.
- (2) The Commission may make such a reference only with the consent of the Attorney General.
- (3) The Commission shall be a party to proceedings before the Tribunal on the reference.
- (4) The following shall be entitled to be parties to proceedings before the Tribunal on the reference—
- (a) the Attorney General, and
  - (b) with the Tribunal's permission—
    - (i) the charity trustees of any charity which is likely to be affected by the Tribunal's decision on the reference,
    - (ii) any such charity which is a body corporate, and
    - (iii) any other person who is likely to be so affected.

#### *References by Attorney General*

- 2 (1) A question which involves either—
- (a) the operation of charity law in any respect, or
  - (b) the application of charity law to a particular state of affairs,
- may be referred to the Tribunal by the Attorney General if the Attorney General considers it desirable to refer the question to the Tribunal.
- (2) The Attorney General shall be a party to proceedings before the Tribunal on the reference.
- (3) The following shall be entitled to be parties to proceedings before the Tribunal on the reference—
- (a) the Commission, and
  - (b) with the Tribunal's permission—
    - (i) the charity trustees of any charity which is likely to be affected by the Tribunal's decision on the reference,
    - (ii) any such charity which is a body corporate, and

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(iii) any other person who is likely to be so affected.

*Powers of Commission in relation to matters referred to Tribunal*

- 3 (1) This paragraph applies where a question which involves the application of charity law to a particular state of affairs has been referred to the Tribunal under paragraph 1 or 2 above.
- (2) The Commission shall not take any steps in reliance on any view as to the application of charity law to that state of affairs until—
- (a) proceedings on the reference (including any proceedings on appeal) have been concluded, and
  - (b) any period during which an appeal (or further appeal) may ordinarily be made has ended.
- (3) Where—
- (a) paragraphs (a) and (b) of sub-paragraph (2) above are satisfied, and
  - (b) the question has been decided in proceedings on the reference,
- the Commission shall give effect to that decision when dealing with the particular state of affairs to which the reference related.

*Suspension of time limits while reference in progress*

- 4 (1) Sub-paragraph (2) below applies if—
- (a) paragraph 3(2) above prevents the Commission from taking any steps which it would otherwise be permitted or required to take, and
  - (b) the steps in question may be taken only during a period specified in an enactment (“the specified period”).
- (2) The running of the specified period is suspended for the period which—
- (a) begins with the date on which the question is referred to the Tribunal, and
  - (b) ends with the date on which paragraphs (a) and (b) of paragraph 3(2) above are satisfied.
- (3) Nothing in this paragraph or section 74A of this Act prevents the specified period being suspended concurrently by virtue of sub-paragraph (2) above and that section.

*Agreement for Commission to act while reference in progress*

- 5 (1) Paragraph 3(2) above does not apply in relation to any steps taken by the Commission with the agreement of—
- (a) the persons who are parties to the proceedings on the reference at the time when those steps are taken, and
  - (b) (if not within paragraph (a) above) the charity trustees of any charity which—
    - (i) is likely to be directly affected by the taking of those steps, and
    - (ii) is not a party to the proceedings at that time.
- (2) The Commission may take those steps despite the suspension in accordance with paragraph 4(2) above of any period during which it would otherwise be permitted or required to take them.



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- (3) Paragraph 3(3) above does not require the Commission to give effect to a decision as to the application of charity law to a particular state of affairs to the extent that the decision is inconsistent with any steps already taken by the Commission in relation to that state of affairs in accordance with this paragraph.

*Appeals and applications in respect of matters determined on references*

- 6 (1) No appeal or application may be made to the Tribunal by a person to whom sub-paragraph (2) below applies in respect of an order or decision made, or direction given, by the Commission in accordance with paragraph 3(3) above.
- (2) This sub-paragraph applies to a person who was at any stage a party to the proceedings in which the question referred to the Tribunal was decided.
- (3) Rules under section 2B(1) of this Act may include provision as to who is to be treated for the purposes of sub-paragraph (2) above as being (or not being) a party to the proceedings.
- (4) Any enactment (including one contained in this Act) which provides for an appeal or application to be made to the Tribunal has effect subject to sub-paragraph (1) above.

*Interpretation*

- 7 (1) In this Schedule—  
“charity law” means—  
(a) any enactment contained in, or made under, this Act or the Charities Act 2006,  
(b) any other enactment specified in regulations made by the Minister, and  
(c) any rule of law which relates to charities, and  
“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978), and includes an enactment whenever passed or made.
- (2) The exclusions contained in section 96(2) of this Act (ecclesiastical corporations etc.) do not have effect for the purposes of this Schedule.]

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**
- C2** Sch. 2 power to amend conferred (27.2.2007) by Charities Act 2006 (c. 50), **ss. 11(11)(12), 79(2)**; S.I. 2007/309, art. 2, Sch.

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

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- (a) any institution which, if the <sup>M1</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>M2</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;
- (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;
- <sup>F6</sup>(d) .....
- <sup>F7</sup>[(da) theQualifications and Curriculum Authority;]
- <sup>F8</sup>(e) .....
- <sup>F9</sup>[(f) the Qualifications, Curriculum and Assessment Authority for Wales;]
- <sup>F8</sup>(g) .....
- <sup>F10</sup>(h) .....
- (i) a successor company to a higher education corporation (within the meaning of section 129(5) of the <sup>M3</sup>Education Reform Act 1988) at a time when an institution conducted by the company is for the time being designated under that section;
- <sup>F10</sup>(j) .....
- (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>M4</sup>Industrial and Provident Societies Act 1965 and any registered society or branch within the meaning of the <sup>M5</sup>Friendly Societies Act 1974;
- (z) the Board of Governors of the Museum of London;
- (za) the British Library Board.
- <sup>F11</sup>[(zb) the National Lottery Charities Board.]

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#### Textual Amendments

- F6** Sch. 2 para. (d) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F7** Sch. 2 para. (da) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 7(a)**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. III** (with Sch. 2 Pt. II para. 5)
- F8** 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)
- F9** Sch. 2 para. (f) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 7(b)**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. II**
- F10** Sch. 2 paras. (h)(j) repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, art. 2(2)
- F11** Sch. 2 para. (zb) inserted (21.12.1993) by 1993 c. 39, s. 37, **Sch. 5 para. 12**; S.I. 1993/2632, art. 3

#### Marginal Citations

- M1** 1960 c. 58.  
**M2** 1855 c. 81.  
**M3** 1988 c. 40.  
**M4** 1965 c. 12.  
**M5** 1974 c. 46.

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- F9** Sch. 2 para. (f) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 7(b)**; S.I. 1997/1468, art. 2(3), **Sch. 1 Pt. II**
- F10** Sch. 2 paras. (h)(j) repealed (1.1.1999) by 1998 c. 30, s. 44(2), **Sch. 4** (with s. 42(8)); S.I. 1998/3237, art. 2(2)
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#### Marginal Citations

- M1** 1960 c. 58.  
**M2** 1855 c. 81.  
**M3** 1988 c. 40.  
**M4** 1965 c. 12.  
**M5** 1974 c. 46.

## SCHEDULE 3

Section 13.

### ENLARGEMENT OF AREAS OF LOCAL CHARITIES

#### Existing area

1. Greater London

#### Permissible enlargement

Any area comprising Greater London.

*Status: Point in time view as at 21/07/2008.*

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

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>F12</sup> 3A.A Welsh county or county borough]	[ <sup>F12</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>F13</sup> or in any adjacent Welsh county or county borough]
[ <sup>F14</sup> 4A . Any area in a Welsh county or county borough]	[ <sup>F14</sup> (i)Any area in the county or county borough ;] [ <sup>F14</sup> (ii)the county or county borough ;] [ <sup>F14</sup> (iii)any area comprising the county or county borough ;] [ <sup>F14</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.
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.

#### Textual Amendments

- F12** 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**
- F13** 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**
- F14** 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**

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## 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>M6</sup>Seamen’s Fund Winding-up Act 1851 which is repealed by the <sup>M7</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>M8</sup>Elementary Education Act 1870 or by schemes given effect under section 2 of the <sup>M9</sup>Education Act 1973 [<sup>F15</sup>or section 554 of the Education Act 1996];
  - <sup>F16</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>M10</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>M11</sup>London Government Act 1899;
  - (g) in relation to charities established or regulated by orders or regulations under section 2 of the <sup>M12</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**

**F15** 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**)

**F16** Sch. 4 para. 1(c) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. III**

**Marginal Citations**

**M6** 1851 c. 102.

**M7** 1960 c. 58.

**M8** 1870 c. 75.

**M9** 1973 c. 16.

**M10** 1883 c. 18.

**M11** 1899 c. 14.

**M12** 1935 c. 11.

- 2 Notwithstanding anything in section 19 of the <sup>M13</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

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- 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

**M13** 1876 c. 56.

## SCHEDULE 5

Section 36(2).

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

- 1 <sup>[F17]</sup>(1) In section 36(2) of this Act “connected person”, in relation to a charity, means any person who falls within sub-paragraph (2)—
- (a) at the time of the disposition in question, or
  - (b) at the time of any contract for the disposition in question.
- (2) The persons falling within this sub-paragraph are—
- (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 <sup>[F18]</sup>or civil partner] of any person falling within any of sub-paragraphs (a) to (d) above;
  - <sup>[F19]</sup>(ea) a person carrying on business in partnership with any person falling within any of sub-paragraphs (a) to (e) above;]
  - (f) an institution which is controlled—
    - (i) by any person falling within any of sub-paragraphs (a) to <sup>[F20]</sup>(ea) 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
    - (ii) two or more such persons, taken together, have a substantial interest.

#### Textual Amendments

**F17** Words in Sch. 5 para. 1 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 178\(2\)](#); [S.I. 2007/309](#), art. 2, Sch. (with art. 6(2))

**F18** Words in Sch. 5 para. 1 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 147](#); [S.I. 2005/3175](#), art. 2(2)

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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)*

- F19** Sch. 5 para. 1(2)(ea) inserted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 178(4)**; S.I. 2007/309, art. 2, Sch. (with art. 6(2))
- F20** Words in Sch. 5 para. 1(2)(f)(i) inserted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 178(4)**; S.I. 2007/309, art. 2, Sch. (with art. 6(2))

- 2 (1) In paragraph [F21 1(2)(c)] above “child” includes a stepchild and an illegitimate child.
- (2) For the purposes of paragraph [F22 1(2)(e)] above a person living with another as that person’s husband or wife shall be treated as that person’s spouse.
- [F23 (3) Where two persons of the same sex are not civil partners but live together as if they were, each of them shall be treated for those purposes as the civil partner of the other.]

#### Textual Amendments

- F21** Words in Sch. 5 para. 2(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 178(5)(a)**; S.I. 2007/309, art. 2, Sch.
- F22** Words in Sch. 5 para. 2(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 178(5)(b)**; S.I. 2007/309, art. 2, Sch.
- F23** Sch. 5 para. 2(3) added (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 178(5)(c)**; S.I. 2007/309, art. 2, Sch.

- 3 For the purposes of paragraph [F24 1(2)(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.

#### Textual Amendments

- F24** Words in Sch. 5 para. 3 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 178(6)**; S.I. 2007/309, art. 2, Sch.

- 4 (1) For the purposes of paragraph [F25 1(2)(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 [F26 Schedule 1 to the Companies Act 2006] (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 [F27 section 254] of that Act (“connected persons” etc).
- (3) In this paragraph “equity share capital” and “share” have the same meaning as in that Act.

#### Textual Amendments

- F25** Words in Sch. 5 para. 4(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 178(7)**; S.I. 2007/309, art. 2, Sch.

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- F26** Words in Sch. 5 para. 4(2) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 1(3) (a), [Sch. 4 para. 82\(a\)](#) (with art. 12)
- F27** Words in Sch. 5 para. 4(2) substituted (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 1(3) (a), [Sch. 4 para. 82\(b\)](#) (with art. 12)

## [<sup>F28</sup>SCHEDULE 5A

Section 49A

### GROUP ACCOUNTS

#### Textual Amendments

- F28** Sch. 5A inserted (27.2.2007 for the insertion of Sch. 5A paras. 3(3)(b)(4)(5), 4(2)(3), 6(2), 8, 10(2)(3), 15 for specified purposes, 1.4.2008 in so far as not already in force) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 6](#) (with [Sch. 10 para. 17](#)); [S.I. 2007/309](#), art. 2, [Sch.](#); [S.I. 2008/945](#), art. 2, [Sch. 1](#)

#### Interpretation

- 1 (1) This paragraph applies for the purposes of this Schedule.
- [<sup>F29</sup>(2) A charity is a “parent charity” if it is (or is to be treated as) a parent undertaking in relation to one or more other undertakings in accordance with the provisions of [<sup>F30</sup>section 1162 of, and Schedule 7 to, the Companies Act 2006] .]
- (3) Each undertaking in relation to which a parent charity is (or is to be treated as) a parent undertaking in accordance with those provisions is a “subsidiary undertaking” in relation to the parent charity.
- (4) But sub-paragraph (3) does not have the result that any of the following is a “subsidiary undertaking”—
- (a) any special trusts of a charity,
  - (b) any institution which, by virtue of a direction under section 96(5) of this Act, is to be treated as forming part of a charity for the purposes of this Part of this Act, or
  - (c) any charity to which a direction under section 96(6) of this Act applies for those purposes.
- (5) “The group”, in relation to a parent charity, means that charity and its subsidiary undertaking or undertakings, and any reference to the members of the group is to be construed accordingly.
- (6) For the purposes of—
- (a) this paragraph, and
  - (b) the operation of the provisions mentioned in sub-paragraph (2) above for the purposes of this paragraph,
- “undertaking” has the meaning given by sub-paragraph (7) below.
- (7) For those purposes “undertaking” means—



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- (a) an undertaking as defined by <sup>F31</sup>section 1161(1) of the Companies Act 2006], or
- (b) a charity which is not an undertaking as so defined.

#### Textual Amendments

- F29** Sch. 5A para. 1(2) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by The Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527), arts. 1(1), **8(2)**
- F30** Words in Sch. 5A para. 1(2) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 192(10)(a)** (with arts. 6, 11, 12)
- F31** Words in Sch. 5A para. 1(7)(a) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 192(10)(b)** (with arts. 6, 11, 12)

#### *Accounting records*

- 2 (1) The charity trustees—
- (a) of a parent charity, or
  - (b) of any charity which is a subsidiary undertaking,
- must ensure that the accounting records kept in respect of the charity under section 41(1) <sup>F32</sup>or, as the case may be, <sup>F33</sup>section 386 of the Companies Act 2006] (duty to keep accounting records)] not only comply with the requirements of that provision but also are such as to enable the charity trustees of the parent charity to ensure that, where any group accounts are prepared by them under paragraph 3(2), those accounts comply with the relevant requirements.
- (2) If a parent charity has a subsidiary undertaking in relation to which the requirements of section 41(1) <sup>F34</sup>or <sup>F35</sup>section 386 of the Companies Act 2006]] do not apply, the charity trustees of the parent charity must take reasonable steps to secure that the undertaking keeps such accounting records as to enable the trustees to ensure that, where any group accounts are prepared by them under paragraph 3(2), those accounts comply with the relevant requirements.
- (3) In this paragraph “the relevant requirements” means the requirements of regulations under paragraph 3.

#### Textual Amendments

- F32** Words in Sch. 5A para. 2(1) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by The Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527), arts. 1(1), **8(3)(a)**
- F33** Words in Sch. 5A para. 2(1) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 192(10)(c)** (with arts. 6, 11, 12)
- F34** Words in Sch. 5A para. 2(2) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by The Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527), arts. 1(1), **8(3)(b)**
- F35** Words in Sch. 5A para. 2(2) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 192(10)(c)** (with arts. 6, 11, 12)

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*Preparation of group accounts*

- 3 <sup>F36</sup>(1) This paragraph applies in relation to a financial year of a charity if—
- (a) the charity is a parent charity at the end of that year; and
  - (b) (where it is a company) it is not required to prepare consolidated accounts for that year under <sup>F37</sup>section 399 of the Companies Act 2006] (duty to prepare group accounts), whether or not such accounts are in fact prepared.]
- (2) The charity trustees of the parent charity must prepare group accounts in respect of that year.
- (3) “Group accounts” means consolidated accounts—
- (a) relating to the group, and
  - (b) complying with such requirements as to their form and contents as may be prescribed by regulations made by the Minister.
- (4) Without prejudice to the generality of sub-paragraph (3), regulations under that sub-paragraph may make provision—
- (a) for any such accounts to be prepared in accordance with such methods and principles as are specified or referred to in the regulations;
  - (b) for dealing with cases where the financial years of the members of the group do not all coincide;
  - (c) as to any information to be provided by way of notes to the accounts.
- (5) Regulations under that sub-paragraph may also make provision—
- (a) for determining the financial years of subsidiary undertakings for the purposes of this Schedule;
  - (b) for imposing on the charity trustees of a parent charity requirements with respect to securing that such financial years coincide with that of the charity.
- (6) If the requirement in sub-paragraph (2) applies to the charity trustees of a parent charity <sup>F38</sup>(other than a parent charity which is a company)] in relation to a financial year—
- (a) that requirement so applies in addition to the requirement in section 42(1) of this Act, and
  - (b) the option of preparing the documents mentioned in section 42(3) of this Act is not available in relation to that year (whatever the amount of the charity's gross income for that year).
- <sup>F39</sup>(6A) [ If the requirement in sub-paragraph (2) applies to the charity trustees of a parent charity in relation to a financial year and the charity is a company, that requirement so applies in addition to the requirement in <sup>F40</sup>section 394 of the Companies Act 2006] (duty to prepare individual accounts).]
- (7) Sub-paragraph (2) has effect subject to paragraph 4.

**Textual Amendments**

**F36** Sch. 5A para. 3(1) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **8(4)**

**F37** Words in [Sch. 5A para. 3\(1\)\(b\)](#) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 192(10)(d)(i)** (with arts. 6, 11, 12)

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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)*

- F38** Words in Sch. 5A para. 3(6) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **8(5)**
- F39** Sch. 5A para. 3(6A) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **8(6)**
- F40** Words in Sch. 5A para. 3(6A) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 192(10)(d)(ii)** (with arts. 6, 11, 12)

*Exceptions relating to requirement to prepare group accounts*

- 4 (1) The requirement in paragraph 3(2) does not apply to the charity trustees of a parent charity in relation to a financial year if at the end of that year it is itself a subsidiary undertaking in relation to another charity.
- (2) The requirement in paragraph 3(2) does not apply to the charity trustees of a parent charity in relation to a financial year if the aggregate gross income of the group for that year does not exceed such sum as is specified in regulations made by the Minister.
- (3) Regulations made by the Minister may prescribe circumstances in which a subsidiary undertaking may or (as the case may be) must be excluded from group accounts required to be prepared under paragraph 3(2) for a financial year.
- (4) Where, by virtue of such regulations, each of the subsidiary undertakings which are members of a group is either permitted or required to be excluded from any such group accounts for a financial year, the requirement in paragraph 3(2) does not apply to the charity trustees of the parent charity in relation to that year.

*Preservation of group accounts*

- 5 (1) The charity trustees of a charity shall preserve any group accounts prepared by them under paragraph 3(2) for at least six years from the end of the financial year to which the accounts relate.
- (2) Subsection (4) of section 41 of this Act shall apply in relation to the preservation of any such accounts as it applies in relation to the preservation of any accounting records (the references to subsection (3) of that section being construed as references to sub-paragraph (1) above).
- [<sup>F41</sup>(3) For the purposes of sub-paragraph (2), section 41 applies as if subsection (5) of that section were omitted.]

**Textual Amendments**

- F41** [Sch. 5A para. 5\(3\)](#) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **8(7)**

*Audit of accounts of larger groups*

- 6 (1) This paragraph applies where group accounts are prepared for a financial year of a parent charity under paragraph 3(2) and—

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- (a) the aggregate gross income of the group in that year exceeds the relevant income threshold, or
- (b) the aggregate gross income of the group in that year exceeds the relevant income threshold and at the end of the year the aggregate value of the assets of the group (before deduction of liabilities) exceeds the relevant assets threshold.

(2) In sub-paragraph (1)—

- (a) the reference in paragraph (a) or (b) to the relevant income threshold is a reference to the sum prescribed as the relevant income threshold for the purposes of that paragraph, and
- (b) the reference in paragraph (b) to the relevant assets threshold is a reference to the sum prescribed as the relevant assets threshold for the purposes of that paragraph.

“Prescribed” means prescribed by regulations made by the Minister.

- (3) This paragraph also applies where group accounts are prepared for a financial year of a parent charity under paragraph 3(2) and the appropriate audit provision applies in relation to the parent charity's own accounts for that year.
- (4) If this paragraph applies in relation to a financial year of a parent charity by virtue of sub-paragraph (1) or (3), the group accounts for that year shall be audited—
  - (a) (subject to paragraph (b) or (c) below) by a person within section 43(2)(a) or (b) of this Act;
  - (b) if section 43A of this Act applies in relation to that year, by a person appointed by the Audit Commission (see section 43A(7));
  - (c) if section 43B of this Act applies in relation to that year, by the Auditor General for Wales.
- (5) Where it appears to the Commission that sub-paragraph (4)(a) above has not been complied with in relation to that year within ten months from the end of that year—
  - (a) the Commission may by order require the group accounts for that year to be audited by a person within section 43(2)(a) or (b) of this Act, and
  - (b) if it so orders, the auditor shall be a person appointed by the Commission.
- (6) Section 43(6) of this Act shall apply in relation to any such audit as it applies in relation to an audit carried out by an auditor appointed under section 43(5) (reading the reference to the funds of the charity as a reference to the funds of the parent charity).
- (7) Section 43A(4) and (6) of this Act apply in relation to any appointment under sub-paragraph (4)(b) above as they apply in relation to an appointment under section 43A(2).
- <sup>[F42]</sup>(8) If this paragraph applies in relation to a financial year of a parent charity by virtue of sub-paragraph (1)—
  - (a) (subject to paragraph (b) below) the appropriate audit provision shall apply in relation to the parent charity's own accounts for that year (whether or not it would otherwise so apply);
  - (b) where the parent charity is a company and its own accounts for that year are not required to be audited in accordance with <sup>[F43]</sup>Part 16 of the Companies Act 2006, section 43(2) of this Act shall apply in relation to those accounts (whether or not it would otherwise so apply).]

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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)*

- (9) In this paragraph “the appropriate audit provision”, in relation to a financial year of a parent charity, means—
- (a) (subject to paragraph [F<sup>44</sup>(b), (c) or (d)] below) section 43(2) of this Act;
  - (b) if section 43A of this Act applies in relation to that year, section 43A(2);
  - (c) if section 43B of this Act applies in relation to that year, section 43B(2).
  - [F<sup>45</sup>(d) if the parent charity is a company, section 43(2) of this Act or [F<sup>46</sup>Part 16 of the Companies Act 2006] (as the case may be).]

#### Textual Amendments

- F42** Sch. 5A para. 6(8) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **8(8)**
- F43** Words in Sch. 5A para. 6(8)(b) substituted (6.4.2008) by virtue of [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 192(10)(e)** (with arts. 6, 11, 12)
- F44** Words in Sch. 5A para. 6(9)(a) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **8(9)**
- F45** Sch. 5A para. 6(9)(d) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **8(10)**
- F46** Words in Sch. 5A para. 6(9)(d) substituted (6.4.2008) by virtue of [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 192(10)(e)** (with arts. 6, 11, 12)

#### *Examination of accounts of smaller groups*

- 7 (1) This paragraph applies where—
- (a) group accounts are prepared for a financial year of a parent charity under paragraph 3(2), and
  - (b) paragraph 6 does not apply in relation to that year.
- (2) If—
- (a) this paragraph applies in relation to a financial year of a parent charity, and
  - (b) sub-paragraph (4) or (5) below does not apply in relation to it,
- subsections (3) to (7) of section 43 of this Act shall apply in relation to the group accounts for that year as they apply in relation to the accounts of a charity for a financial year in relation to which subsection (2) of that section does not apply, but subject to the modifications in sub-paragraph (3) below.
- (3) The modifications are—
- (a) any reference to the charity trustees of the charity is to be construed as a reference to the charity trustees of the parent charity;
  - (b) any reference to the charity's gross income in the financial year in question is to be construed as a reference to the aggregate gross income of the group in that year; and
  - (c) any reference to the funds of the charity is to be construed as a reference to the funds of the parent charity.

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*Status: Point in time view as at 21/07/2008.*

*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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- (4) If—
- (a) this paragraph applies in relation to a financial year of a parent charity, and
  - (b) section 43A of this Act also applies in relation to that year,
- subsections (3) to (6) of that section shall apply in relation to the group accounts for that year as they apply in relation to the accounts of a charity for a financial year in relation to which subsection (2) of that section does not apply.
- (5) If—
- (a) this paragraph applies in relation to a financial year of a parent charity, and
  - (b) section 43B of this Act also applies in relation to that year,
- subsection (3) of that section shall apply in relation to the group accounts for that year as they apply in relation to the accounts of a charity for a financial year in relation to which subsection (2) of that section does not apply.
- (6) If the group accounts for a financial year of a parent charity are to be examined or audited in accordance with section 43(3) of this Act (as applied by sub-paragraph (2) above), section 43(3) shall apply in relation to the parent charity's own accounts for that year (whether or not it would otherwise so apply).
- (7) Nothing in sub-paragraph (4) or (5) above affects the operation of section 43A(3) to (6) or (as the case may be) section 43B(3) in relation to the parent charity's own accounts for the financial year in question.

*Supplementary provisions relating to audits etc.*

- 8 (1) Section 44(1) of this Act shall apply in relation to audits and examinations carried out under or by virtue of paragraph 6 or 7, but subject to the modifications in sub-paragraph (2) below.
- (2) The modifications are—
- (a) in paragraph (b), the reference to section 43, 43A or 43B of this Act is to be construed as a reference to paragraph 6 above or to any of those sections as applied by paragraph 7 above;
  - (b) also in paragraph (b), the reference to any such statement of accounts as is mentioned in sub-paragraph (i) of that paragraph is to be construed as a reference to group accounts prepared for a financial year under paragraph 3(2) above;
  - (c) in paragraph (c), any reference to section 43, 43A or 43B of this Act is to be construed as a reference to that section as applied by paragraph 7 above;
  - (d) in paragraphs (d) and (e), any reference to the charity concerned or a charity is to be construed as a reference to any member of the group; and
  - (e) in paragraph (f), the reference to the requirements of section 43(2) or (3) of this Act is to be construed as a reference to the requirements of paragraph 6(4)(a) or those applied by paragraph 7(2) above.
- (3) Without prejudice to the generality of section 44(1)(e), as modified by sub-paragraph (2)(d) above, regulations made under that provision may make provision corresponding or similar to any provision made by [<sup>F47</sup>section 499 or 500 of the Companies Act 2006] in connection with the rights exercisable by an auditor of a company in relation to a subsidiary undertaking of the company.

*Status: Point in time view as at 21/07/2008.*

*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 44(2) of this Act the reference to section 44(1)(d) or (e) includes a reference to that provision as it applies in accordance with this paragraph.

#### Textual Amendments

**F47** Words in Sch. 5A para. 8(3) substituted (6.4.2008) by virtue of [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 192\(10\)\(f\)](#) (with arts. 6, 11, 12)

#### *Duty of auditors etc. to report matters to Commission*

- 9 (1) Section 44A(2) to (5) and (7) of this Act shall apply in relation to a person appointed to audit, or report on, any group accounts under or by virtue of paragraph 6 or 7 above as they apply in relation to a person such as is mentioned in section 44A(1).
- (2) In section 44A(2)(a), as it applies in accordance with sub-paragraph (1) above, the reference to the charity or any connected institution or body is to be construed as a reference to the parent charity or any of its subsidiary undertakings.

#### *Annual reports*

- 10 (1) This paragraph applies where group accounts are prepared for a financial year of a parent charity under paragraph 3(2).
- (2) The annual report prepared by the charity trustees of the parent charity in respect of that year under section 45 of this Act shall include—
- (a) such a report by the trustees on the activities of the charity's subsidiary undertakings during that year, and
  - (b) such other information relating to any of those undertakings, as may be prescribed by regulations made by the Minister.
- (3) Without prejudice to the generality of sub-paragraph (2), regulations under that sub-paragraph may make provision—
- (a) for any such report as is mentioned in paragraph (a) of that sub-paragraph to be prepared in accordance with such principles as are specified or referred to in the regulations;
  - (b) enabling the Commission to dispense with any requirement prescribed by virtue of sub-paragraph (2)(b) in the case of a particular subsidiary undertaking or a particular class of subsidiary undertaking.
- (4) Section 45(3) to (3B) shall apply in relation to the annual report referred to in sub-paragraph (2) above as if any reference to the charity's gross income in the financial year in question were a reference to the aggregate gross income of the group in that year.
- (5) When transmitted to the Commission in accordance with sub-paragraph (4) above, the copy of the annual report shall have attached to it both a copy of the group accounts prepared for that year under paragraph 3(2) and—
- (a) a copy of the report made by the auditor on those accounts; or
  - (b) where those accounts have been examined under section 43, 43A or 43B of this Act (as applied by paragraph 7 above), a copy of the report made by the person carrying out the examination.

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*Status: Point in time view as at 21/07/2008.*

*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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- (6) The requirements in this paragraph are in addition to those in section 45 of this Act.

*Excepted charities*

- 11 (1) This paragraph applies where—
- (a) a charity is required to prepare an annual report in respect of a financial year by virtue of section 46(5) of this Act,
  - (b) the charity is a parent charity at the end of the year, and
  - (c) group accounts are prepared for that year under paragraph 3(2) by the charity trustees of the charity.
- (2) When transmitted to the Commission in accordance with section 46(7) of this Act, the copy of the annual report shall have attached to it both a copy of the group accounts and—
- (a) a copy of the report made by the auditor on those accounts; or
  - (b) where those accounts have been examined under section 43, 43A or 43B of this Act (as applied by paragraph 7 above), a copy of the report made by the person carrying out the examination.
- (3) The requirement in sub-paragraph (2) is in addition to that in section 46(6) of this Act.

*Exempt charities*

- 12 Nothing in the preceding provisions of this Schedule applies to an exempt charity.

*Public inspection of annual reports etc.*

- 13 In section 47(2) of this Act, the reference to a charity's most recent accounts includes, in relation to a charity whose charity trustees have prepared any group accounts under paragraph 3(2), the group accounts most recently prepared by them.

*Offences*

- 14 (1) Section 49(1) of this Act applies in relation to a requirement within sub-paragraph (2) as it applies in relation to a requirement within section 49(1)(a).
- (2) A requirement is within this sub-paragraph where it is imposed by section 45(3) or (3A) of this Act, taken with—
- (a) section 45(3B), (4) and (5), and
  - (b) paragraph 10(5) or 11(2) above,
- as applicable.
- (3) In sub-paragraph (2) any reference to section 45(3), (3A) or (3B) of this Act is a reference to that provision as applied by paragraph 10(4) above.
- (4) In section 49(1)(b) the reference to section 47(2) of this Act includes a reference to that provision as extended by paragraph 13 above.



*Status: Point in time view as at 21/07/2008.*

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

### *Aggregate gross income*

- 15 The Minister may by regulations make provision for determining for the purposes of this Schedule the amount of the aggregate gross income for a financial year of a group consisting of a parent charity and its subsidiary undertaking or undertakings.]

## [<sup>F48</sup>SCHEDULE 5B

Section 69P

### FURTHER PROVISION ABOUT CHARITABLE INCORPORATED ORGANISATIONS

#### **Textual Amendments**

- F48** Sch. 5B inserted (27.2.2007 for the insertion of Sch. 5B paras. 10(2)(3), 13 for specified purposes) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 7 para. 2**; S.I. 2007/309, art. 2, Sch.

### *Powers*

- 1 (1) Subject to anything in its constitution, a CIO has power to do anything which is calculated to further its purposes or is conducive or incidental to doing so.
- (2) The CIO's charity trustees shall manage the affairs of the CIO and may for that purpose exercise all the powers of the CIO.

### *Constitutional requirements*

- 2 A CIO shall use and apply its property in furtherance of its purposes and in accordance with its constitution.
- 3 If the CIO is one whose members are liable to contribute to its assets if it is wound up, its constitution binds the CIO and its members for the time being to the same extent as if its provisions were contained in a contract—
- (a) to which the CIO and each of its members was a party, and
  - (b) which contained obligations on the part of the CIO and each member to observe all the provisions of the constitution.
- 4 Money payable by a member to the CIO under the constitution is a debt due from him to the CIO, and is of the nature of a specialty debt.

### *Third parties*

- 5 (1) Sub-paragraphs (2) and (3) are subject to sub-paragraph (4).
- (2) The validity of an act done (or purportedly done) by a CIO shall not be called into question on the ground that it lacked constitutional capacity.
- (3) The power of the charity trustees of a CIO to act so as to bind the CIO (or authorise others to do so) shall not be called into question on the ground of any constitutional limitations on their powers.
- (4) But sub-paragraphs (2) and (3) apply only in favour of a person who gives full consideration in money or money's worth in relation to the act in question, and does not know—

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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)*

- (a) in a sub-paragraph (2) case, that the act is beyond the CIO's constitutional capacity, or
  - (b) in a sub-paragraph (3) case, that the act is beyond the constitutional powers of its charity trustees,
- and (in addition) sub-paragraph (3) applies only if the person dealt with the CIO in good faith (which he shall be presumed to have done unless the contrary is proved).
- (5) A party to an arrangement or transaction with a CIO is not bound to inquire—
- (a) whether it is within the CIO's constitutional capacity, or
  - (b) as to any constitutional limitations on the powers of its charity trustees to bind the CIO or authorise others to do so.
- (6) If a CIO purports to transfer or grant an interest in property, the fact that the act was beyond its constitutional capacity, or that its charity trustees in connection with the act exceeded their constitutional powers, does not affect the title of a person who subsequently acquires the property or any interest in it for full consideration without actual notice of any such circumstances affecting the validity of the CIO's act.
- (7) In any proceedings arising out of sub-paragraphs (2) to (4), the burden of proving that a person knew that an act—
- (a) was beyond the CIO's constitutional capacity, or
  - (b) was beyond the constitutional powers of its charity trustees,
- lies on the person making that allegation.
- (8) In this paragraph and paragraphs 6 to 8—
- (a) references to a CIO's lack of “constitutional capacity” are to lack of capacity because of anything in its constitution, and
  - (b) references to “constitutional limitations” on the powers of a CIO's charity trustees are to limitations on their powers under its constitution, including limitations deriving from a resolution of the CIO in general meeting, or from an agreement between the CIO's members, and “constitutional powers” is to be construed accordingly.
- 6 (1) Nothing in paragraph 5 prevents a person from bringing proceedings to restrain the doing of an act which would be—
- (a) beyond the CIO's constitutional capacity, or
  - (b) beyond the constitutional powers of the CIO's charity trustees.
- (2) But no such proceedings may be brought in respect of an act to be done in fulfilment of a legal obligation arising from a previous act of the CIO.
- (3) Sub-paragraph (2) does not prevent the Commission from exercising any of its powers.
- 7 Nothing in paragraph 5(3) affects any liability incurred by the CIO's charity trustees (or any one of them) for acting beyond his or their constitutional powers.
- 8 Nothing in paragraph 5 absolves the CIO's charity trustees from their duty to act within the CIO's constitution and in accordance with any constitutional limitations on their powers.

#### *Duties*

- 9 It is the duty of—

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*Status: Point in time view as at 21/07/2008.*

*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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- (a) each member of a CIO, and
  - (b) each charity trustee of a CIO,
- to exercise his powers, and (in the case of a charity trustee) to perform his functions, in his capacity as such, in the way he decides, in good faith, would be most likely to further the purposes of the CIO.
- 10 (1) Subject to any provision of a CIO's constitution permitted by virtue of regulations made under sub-paragraph (2), each charity trustee of a CIO shall in the performance of his functions in that capacity exercise such care and skill as is reasonable in the circumstances, having regard in particular—
- (a) to any special knowledge or experience that he has or holds himself out as having, and
  - (b) if he acts as a charity trustee in the course of a business or profession, to any special knowledge or experience that it is reasonable to expect of a person acting in the course of that kind of business or profession.
- (2) The Minister may make regulations permitting a CIO's constitution to provide that the duty in sub-paragraph (1) does not apply, or does not apply in so far as is specified in the constitution.
- (3) Regulations under sub-paragraph (2) may provide for limits on the extent to which, or the cases in which, a CIO's constitution may disapply the duty in sub-paragraph (1).

#### *Personal benefit and payments*

- 11 (1) A charity trustee of a CIO may not benefit personally from any arrangement or transaction entered into by the CIO if, before the arrangement or transaction was entered into, he did not disclose to all the charity trustees of the CIO any material interest of his in it or in any other person or body party to it (whether that interest is direct or indirect).
- (2) Nothing in sub-paragraph (1) confers authority for a charity trustee of a CIO to benefit personally from any arrangement or transaction entered into by the CIO.
- 12 A charity trustee of a CIO—
- (a) is entitled to be reimbursed by the CIO, or
  - (b) may pay out of the CIO's funds,
- expenses properly incurred by him in the performance of his functions as such.

#### *Procedure*

- 13 (1) The Minister may by regulations make provision about the procedure of CIOs.
- (2) Subject to—
- (a) any such regulations,
  - (b) any other requirement imposed by or by virtue of this Act or any other enactment, and
  - (c) anything in the CIO's constitution,
- a CIO may regulate its own procedure.
- (3) But a CIO's procedure shall include provision for the holding of a general meeting of its members, and the regulations referred to in sub-paragraph (1) may in particular make provision about such meetings.

*Status: Point in time view as at 21/07/2008.*

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

*Amendment of constitution*

- 14 (1) A CIO may by resolution of its members amend its constitution (and a single resolution may provide for more than one amendment).
- (2) Such a resolution must be passed—
- (a) by a 75% majority of those voting at a general meeting of the CIO (including those voting by proxy or by post, if voting that way is permitted), or
  - (b) unanimously by the CIO's members, otherwise than at a general meeting.
- (3) The date of passing of such a resolution is—
- (a) the date of the general meeting at which it was passed, or
  - (b) if it was passed otherwise than at a general meeting, the date on which provision in the CIO's constitution or in regulations made under paragraph 13 deems it to have been passed (but that date may not be earlier than that on which the last member agreed to it).
- (4) The power of a CIO to amend its constitution is not exercisable in any way which would result in the CIO's ceasing to be a charity.
- (5) Subject to paragraph 15(5) below, a resolution containing an amendment which would make any regulated alteration is to that extent ineffective unless the prior written consent of the Commission has been obtained to the making of the amendment.
- (6) The following are regulated alterations—
- (a) any alteration of the CIO's purposes,
  - (b) any alteration of any provision of the CIO's constitution directing the application of property of the CIO on its dissolution,
  - (c) any alteration of any provision of the CIO's constitution where the alteration would provide authorisation for any benefit to be obtained by charity trustees or members of the CIO or persons connected with them.
- (7) For the purposes of sub-paragraph (6)(c)—
- (a) “benefit” means a direct or indirect benefit of any nature, except that it does not include any remuneration (within the meaning of section 73A of this Act) whose receipt may be authorised under that section, and
  - (b) the same rules apply for determining whether a person is connected with a charity trustee or member of the CIO as apply, in accordance with section 73B(5) and (6) of this Act, for determining whether a person is connected with a charity trustee for the purposes of section 73A.

*Registration and coming into effect of amendments*

- 15 (1) A CIO shall send to the Commission a copy of a resolution containing an amendment to its constitution, together with—
- (a) a copy of the constitution as amended, and
  - (b) such other documents and information as the Commission may require,
- by the end of the period of 15 days beginning with the date of passing of the resolution (see paragraph 14(3)).
- (2) An amendment to a CIO's constitution does not take effect until it has been registered.
- (3) The Commission shall refuse to register an amendment if—

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*Status: Point in time view as at 21/07/2008.*

*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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- (a) in the opinion of the Commission the CIO had no power to make it (for example, because the effect of making it would be that the CIO ceased to be a charity, or that the CIO or its constitution did not comply with any requirement imposed by or by virtue of this Act or any other enactment), or
  - (b) the amendment would change the name of the CIO, and the Commission could have refused an application under section 69E of this Act for the constitution and registration of a CIO with the name specified in the amendment on a ground set out in subsection (4) of that section.
- (4) The Commission may refuse to register an amendment if the amendment would make a regulated alteration and the consent referred to in paragraph 14(5) had not been obtained.
- (5) But if the Commission does register such an amendment, paragraph 14(5) does not apply.]

## 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—
- “(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—

*Status: Point in time view as at 21/07/2008.*

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

“(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)*

F495 .....

**Textual Amendments**

**F49** Sch. 6 para. 5 repealed (27.7.1997 with effect in relation to instruments executed on or after 6.2.2000) by 1999 c. 16, s. 139, **Sch. 20 Pt. V(5)** Note 1

*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 ”.

*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 ”.

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*Status: Point in time view as at 21/07/2008.*

*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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*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 ”.
- (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 ”.

*Status: Point in time view as at 21/07/2008.*

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

*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)*

- <sup>F50</sup>16 .....

**Textual Amendments**

- F50** 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 ”.

*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 ”.



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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)*

- (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>F51</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>F52</sup>(b) .....

**Textual Amendments**

- F51** 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\(a\)](#)
- F52** 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—
- “(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 ”.

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*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)*

- <sup>F53</sup>27 .....

**Textual Amendments**

**F53** Sch. 6 para. 27 repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 7](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056](#), [art. 2\(2\)](#) (with [art. 4](#))

*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 ”.
  - (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 ”.

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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)*

- (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**

**F54** 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**

**M14** 1973 c. 32  
**M15** 1974 c. 39  
**M16** 1976 c. 80  
**M17** 1977 c. 42  
**M18** 1977 c. 49  
**M19** 1978 No. 1  
**M20** 1979 c. 46  
**M21** 1984 c. xxvii  
**M22** 1985 c. 51  
**M23** 1985 c. 68  
**M24** 1987 c. 31  
**M25** 1988 c. 40  
**M26** 1988 c. 48  
**M27** 1988 c. 50  
**M28** 1988 c. xxiii  
**M29** 1988 c. xxiv

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*Status: Point in time view as at 21/07/2008.*

*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 7

Section 98(2).

## REPEALS

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
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.
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.

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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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*Status: Point in time view as at 21/07/2008.*

**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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**Textual Amendments**

**F55** Sch. 8 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 17** Group 4

TABLE OF DERIVATIONS

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

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

Section of 1993 Act	Derivation
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.
18	1960 s.20; 1992 s.8, Sch.1.

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*Status: Point in time view as at 21/07/2008.*

**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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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.
51	1872 s.2; 1992 Sch.4, para.2.

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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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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).