



# Charities Act 1960

## 1960 CHAPTER 58

### PART II

#### PROVISIONS FOR INQUIRING INTO, MAKING KNOWN AND CO-ORDINATING CHARITABLE ACTIVITIES

##### *Registration of charities*

#### **4 Register of charities**

- (1) There shall be a register of charities which shall be established and maintained by the Commissioners and in which there shall be entered such particulars as the Commissioners may from time to time determine of any charity there registered.
- (2) There shall be entered in the register every charity not excepted by subsection (4) below ; and a charity so excepted may be entered in the register at the request of the charity, but (whether or not it was excepted at the time of registration) may at any time, and shall at the request of the charity, be removed from the register.
- (3) Any institution which no longer appears to the Commissioners to be a charity shall be removed from the register, with effect, where the removal is due to any change in its purposes or trusts, from the date of that change; and there shall also be removed from the register any charity which ceases to exist or does not operate.
- (4) The following charities are not required to be registered, that is to say.—
  - (a) any charity comprised in the Second Schedule to this Act (in this Act referred to as an " exempt charity ");
  - (b) any charity which is excepted by order or regulations;
  - (c) any charity having neither any permanent endowment, nor any income from property amounting to more than fifteen pounds a year, nor the use and occupation of any land;

and no charity is required to be registered, in respect of any registered place of worship.

- (5) With any application for a charity to be registered there shall be supplied to the Commissioners copies of its trusts (or, if they are not set out in any extant document, particulars of them), and such other documents or information as may be prescribed or as the Commissioners may require for the purpose of the application.
- (6) It shall be the duty—
- (a) of the charity trustees of any charity which is not registered nor excepted from registration to apply for it to be registered, and to supply the documents and information required by subsection (5) above; and
  - (b) of the charity trustees (or last charity trustees) of any institution which is for the time being registered to notify the Commissioners if it ceases to exist, or if there is any change in its trusts, or in the particulars of it entered in the register, and to supply to the Commissioners particulars of any such change and copies of any new trusts or alterations of the trusts ;
- and any person who makes default in carrying out any of the duties imposed by this subsection may be required by order of the Commissioners to make good that default.
- (7) The register (including the entries cancelled when institutions are removed from the register) shall be open to public inspection at all reasonable times; and copies (or particulars) of the trusts of any registered charity as supplied to the Commissioners under this section shall, so long as it remains on the register, be kept by them and be open to public inspection at all reasonable times, except in so far as regulations otherwise provide.
- (8) Nothing in the foregoing subsections shall require any person to supply the Commissioners with copies of schemes for the administration of a charity made otherwise than by the court, or to notify the Commissioners of any change made with respect to a registered charity by such a scheme, or require a person, if he refers the Commissioners to a document or copy already in the possession of the Commissioners or of the Minister of Education, to supply a further copy of the document; but where by virtue of this subsection a copy of any document need not be supplied to the Commissioners, a copy of it, if it relates to a registered charity, shall be open to inspection under subsection (7) above as if supplied to the Commissioners under this section.
- (9) In this section "registered place of worship" means any land or building falling within section nine of the Places of Worship Registration Act, 1855, as amended by this Act (that is to say, the land and buildings which, if this Act had not been passed, would by virtue of that section as amended by subsequent enactments be partially exempted from the operation of the Charitable Trusts Act, 1853), and for the purposes of this subsection "building" includes part of a building.
- (10) This section shall not apply to charities taking effect before the commencement of this Act until such date as the Secretary of State or, as regards any part of the register to be maintained by him, the Minister of Education may appoint by order made by statutory instrument; and different dates may be appointed for different cases or classes of case.

## **5 Effect of, and claims and objections to, registration**

- (1) An institution shall for all purposes other than rectification of the register be conclusively presumed to be or have been a charity at any time when it is or was on the register of charities.

- (2) Any person who is or may be affected by the registration of an institution as a charity may, on the ground that it is not a charity, object to its being entered by the Commissioners in the register, or apply to them for it to be removed from the register; and provision may be made by regulations as to the manner in which any such objection or application is to be made, prosecuted or dealt with.
- (3) An appeal against any decision of the Commissioners to enter or not to enter an institution in the register of charities, or to remove or not to remove an institution from the register, may be brought in the High Court by the Attorney General, or by the persons who are or claim to be the charity trustees of the institution, or by any person whose objection or application under subsection (2) above is disallowed by the decision.
- (4) If there is an appeal to the High Court against any decision of the Commissioners to enter an institution in the register, or not to remove an institution from the register, then until the Commissioners are satisfied whether the decision of the Commissioners is or is not to stand, the entry in the register shall be maintained, but shall be in suspense and marked to indicate that it is in suspense; and for the purposes of subsection (1) above an institution shall be deemed not to be on the register during any period when the entry relating to it is in suspense under this subsection.
- (5) Any question affecting the registration or removal from the register of an institution may, notwithstanding that it has been determined by a decision on appeal under subsection (3) above, be considered afresh by the Commissioners and shall not be concluded by that decision, if it appears to the Commissioners that there has been a change of circumstances or that the decision is inconsistent with a later judicial decision, whether given on such an appeal or not.