



# Charities Act 1960 (repealed)

1960 CHAPTER 58 8 and 9 Eliz 2

## <sup>F1</sup>PART V

### SUPPLEMENTARY

#### Textual Amendments

**F1** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7** (with savings (temp) in s. 99(3), **Sch. 8 Pt. I**)

#### Textual Amendments applied to the whole legislation

**F1** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7** (with savings (temp) in s. 99(3), **Sch. 8 Pt. I**)

#### <sup>F2</sup>40 Miscellaneous provisions as to orders of Commissioners or Minister.

- (1) Any order made by the Commissioners under this Act may include such incidental or supplementary provisions as the Commissioners think expedient for carrying into effect the objects of the order, and where the Commissioners exercise any jurisdiction to make such an order on an application or reference to them, they may insert any such provisions in the order notwithstanding that the application or reference does not propose their insertion.
- (2) Where the Commissioners make an order under this Act, then (without prejudice to the requirements of this Act where the order is subject to appeal) they may themselves give such public notice as they think fit of the making or contents of the order, or may require it to be given by any person on whose application the order is made or by any charity affected by the order.
- (3) The Commissioners at any time within twelve months after they have made an order under this Act, if they are satisfied that the order was made by mistake or on misrepresentation or otherwise than in conformity with this Act, may with or without

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any application or reference to them discharge the order in whole or in part, and subject or not to any savings or other transitional provisions.

- (4) Except for the purposes of subsection (3) above or of an appeal under this Act, an order made by the Commissioners under this Act shall be deemed to have been duly and formally made and not be called in question on the ground only of irregularity or informality, but (subject to any further order) have effect according to its tenor.
- (5) This section shall apply to orders made under any Act amended by this Act, if made by virtue of that amendment, as it applies to orders made under this Act.]

#### Textual Amendments

- F2** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), **Sch.7 Sch. 8 Pt. I**

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

- C1** Ss. 40, 42 extended by Reverter of Sites Act 1987 (c. 15, SIF 98:1), **s. 4(4)**
- C2** S. 40 extended (with modifications) (1.9.1992) by Charities Act 1992 (c. 41), **s. 56(4)–(6)**; S.I. 1992/1900, art. 2(1), **Sch. 1**
- C3** Ss. 40(1)–(4), 42 applied by Coal Industry Act 1987 (c. 3, SIF 86), **s. 5(3)(8)(9)**
- C4** S. 40(1)(2)(4) applied (1.9.1992) by Charities Act 1992 (c. 41), **s. 57(2)(a)(4)**; S.I. 1992/1900, art. 2(1), **Sch. 1**

#### <sup>F3</sup> <sub>F4</sub> 40A Service of orders and directions under this Act.

- (1) This section applies to any order or direction made or given by the Commissioners under this Act.
- (2) An order or direction to which this section applies may be served on a person (other than a body corporate)—
- (a) by delivering it to that person;
  - (b) by leaving it at his last known address in the United Kingdom; or
  - (c) by sending it by post to him at that address.
- (3) An order or direction to which this section applies may be served on a body corporate by delivering it or sending it by post—
- (a) to the registered or principal office of the body in the United Kingdom, or
  - (b) if it has no such office in the United Kingdom, to any place in the United Kingdom where it carries on business or conducts its activities (as the case may be).
- (4) Any such order or direction may also be served on a person (including a body corporate) by sending it by post to that person at an address notified by that person to the Commissioners for the purposes of this subsection.
- (5) In this section any reference to the Commissioners includes, in relation to a direction given under section 6(3) of this Act, a reference to any person conducting an inquiry under that section.]]

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#### Textual Amendments

- F3** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch. 7, **Sch. 8 Pt. I**
- F4** S. 40A inserted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 15**; S.I. 1992/1900, art. 2(1), **Sch. 1**

#### [<sup>F5</sup>41 Enforcement of orders of Commissioners or Minister.

A person guilty of disobedience—

- [ to an order of the Commissioners under section 7(1) of this Act; or]
- <sup>F6</sup>(a)
- (b) to an order of the Commissioners under section eighteen or twenty of this Act requiring a transfer of property or payment to be called for or made; or
  - (c) to an order of the Commissioners requiring a default under this Act to be made good;

may on the application of the Commissioners to the High Court be dealt with as for disobedience to an order of the High Court.]

#### Textual Amendments

- F5** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch. 7, **Sch. 8 Pt. I**
- F6** S. 41(a) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 16**; S.I. 1992/1900, art. 2(1), **Sch. 1**

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

- C5** S. 41 extended (1.9.1992) by Charities Act 1992 (c. 41), s. 56(3); S.I. 1992/1900, art. 2(1), **Sch. 1**
- C6** S. 41 applied (1.9.1992) by Charities Act 1992 (c. 41), s. 57(2)(b); S.I. 1992/1900, art. 2(1), **Sch. 1**

#### [<sup>F7</sup>42 Appeals from Commissioners or Minister.

- (1) Provision shall be made by rules of court for regulating appeals to the High Court under this Act against orders or decisions of the Commissioners.
- (2) On such an appeal the Attorney General shall be entitled to appear and be heard, and such other persons as the rules allow or as the court may direct.
- (3) . . . . . <sup>F8</sup>]

#### Textual Amendments

- F7** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch. 7, **Sch. 8 Pt. I**
- F8** S. 42(3) repealed by Administration of Justice Act 1977 (c. 38), **Sch. 5 Pt. IV**

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

- C7** Ss. 40, 42 extended by Reverter of Sites Act 1987 (c. 15, SIF 98:1), s. 4(4)
- C8** Ss. 40(1)–(4), 42 applied by Coal Industry Act 1987 (c. 3, SIF 86), s. 5(3)(8)(9)

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### [<sup>F9</sup>43 Regulations.

[ Save as otherwise provided by this Act, any power to make regulations which is <sup>F10</sup>(1) conferred by this Act shall be exercisable by the Secretary of State].

(2) Regulations may be made for prescribing anything which is required or authorised by this Act to be prescribed.

[ Any regulations under this Act may make—  
<sup>F11</sup>(2A) (a) different provision for different cases;  
(b) such supplemental, incidental, consequential or transitional provision or savings as the person or persons making them considers or consider appropriate.]

(3) Any power of the Treasury, [<sup>F12</sup>or the Secretary of State] to make regulations under this Act shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F9** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch. 7, **Sch. 8 Pt. 1**

**F10** S. 43(1) substituted by Education Act 1973 (c. 16), **Sch. 1 para. 1(1)**

**F11** S. 43(2A) inserted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 17**; S.I. 1992/1900, art. 2(1), **Sch. 1**

**F12** Words substituted by Education Act 1973 (c. 16), **Sch. 1 para. 1(1)**

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

**C9** S. 43 extended by Charities Act 1985 (c. 20, SIF 19), s. 1(1)

### [<sup>F13</sup>44 Expenses.

#### Textual Amendments

**F13** S. 44 repealed (1.1.1993) by Charities Act 1992 (c. 41), s. 78(2), **Sch.7**; S.I. 1992/1900, art 4(1), **Sch. 3**

### [<sup>F14</sup>45 Construction of references to a “charity” or to particular classes of charity.

(1) In this Act, except in so far as the context otherwise requires,—

“charity” means any institution, corporate or not, which is established for charitable purposes and is subject to the control of the High Court in the exercise of the court’s jurisdiction with respect to charities;

“ecclesiastical charity” has the same meaning as in the <sup>M1</sup>Local Government Act 1894;

“exempt charity” means (subject to subsection (9) of section twenty-two of this Act) a charity comprised in the Second Schedule to this Act;

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“local charity” means, in relation to any area, a charity established for purposes which are by their nature or by the trusts of the charity directed wholly or mainly to the benefit of that area or of part of it;

“parochial charity” means, in relation to any parish, a charity the benefits of which are, or the separate distribution of the benefits of which is, confined to inhabitants of the parish, or of a single ancient ecclesiastical parish which included that parish or part of it, or of an area consisting of that parish with not more than four neighbouring parishes.

- (2) The expression “charity” is not in this Act applicable—
- (a) to any ecclesiastical corporation (that is to say, any corporation in the Church of England, whether sole or aggregate, which is established for spiritual purposes) in respect of the corporate property of the corporation, except to a corporation aggregate having some purposes which are not ecclesiastical in respect of its corporate property held for those purposes; or
  - <sup>F15</sup>(aa) [ to any Diocesan Board of Finance within the meaning of the Endowments and Glebe Measure 1976 for any diocese in respect of the diocesan glebe land of that diocese within the meaning of that Measure; or]
  - (b) to any trust of property for purposes for which the property has been consecrated.
- (3) <sup>F16</sup> . . . a charity shall be deemed for the purposes of this Act to have a permanent endowment unless all property held for the purposes of the charity may be expended for those purposes without distinction between capital and income, and in this Act “permanent endowment” means, in relation to any charity, property held subject to a restriction on its being [<sup>F17</sup>expended for the purposes of the charity].
- (4) References in this Act to a charity [<sup>F18</sup>whose income from all sources does not in aggregate amount to more than a specified amount shall be construed—
- (i) by reference to the gross revenues of the charity, or
  - (ii) if the Commissioners so determine, by reference to the amount which they estimate to be the likely amount of those revenues, but without (in either case)] bringing into account anything for the yearly value of land occupied by the charity apart from the pecuniary income (if any) received from that land; and any question as to the application of any such reference to a charity shall be determined by the Commissioners, whose decision shall be final.
- (5) The Commissioners may direct that for all or any of the purposes of this Act an institution established for any special purposes of or in connection with a charity (being charitable purposes) shall be treated as forming part of that charity or as forming a distinct charity.
- (6) Any reference in this Act to a charity which is excepted by order or regulations shall be construed as referring to a charity which is for the time being permanently or temporarily excepted by order of the Commissioners, or is of a description permanently or temporarily excepted by regulations, and which complies with any conditions of the exception; and any order or regulation made for this purpose may limit any exception so that a charity may be excepted in respect of some matters and not in respect of others.]

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### Textual Amendments

- F14** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(3), Sch. 7, **Sch. 8 Pt. I**
- F15** S. 45(2)(aa) added by Endowments and Glebe Measure 1976 (No. 4), s. 44
- F16** Words in s. 45(3) repealed by Charities Act 1992 (c. 41), ss. 47, 78(2), Sch. 3 para. 18(a)(i), **Sch. 7**; S.I. 1992/1900, art. 2(1), **Sch. 1**
- F17** Words in s. 45(3) substituted (1.9.1992) by Charities Act 1992, s. 47, Sch. 3 para. 18(a)(ii); S.I. 1992/1900, art. 2(1), **Sch. 1**
- F18** Words in s. 45(4) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 18(b)**; S.I. 1992/1900, art. 2(1), **Sch. 1**

### Modifications etc. (not altering text)

- C10** S. 45 applied (1.9.1992) by Charities Act 1992 (c. 41), s. 1(2); S.I. 1992/1900, art. 2(1), **Sch. 1**
- C11** S. 45(2)(b) excluded by Pastoral Measure 1983 (No. 1, SIF 21:4), ss. 55(1), 94(2)

### Marginal Citations

- M1** 1894 c. 73 (56 & 57 Vict.).

[<sup>F19</sup>  
<sup>F20</sup>46].

### Other definitions.

(1)

In this Act, except in so far as the context otherwise requires,—

<sup>F21</sup>  
...

“charitable purposes” means purposes which are exclusively charitable according to the law of England and Wales;

“charity trustees” means the persons having the general control and management of the administration of a charity;

“the Commissioners” means the Charity Commissioners for England and Wales;

[<sup>F22</sup>“company” means a company formed and registered under the <sup>M2</sup> Companies Act 1985, or to which the provisions of that Act apply as they apply to such a company;]

“the county of London” means [<sup>F23</sup>Greater London other than the outer London boroughs];

“the court” means the High Court and, within the limits of its jurisdiction, any other court in England or Wales having a jurisdiction in respect of charities concurrent (within any limit of area or amount) with that of the High Court, and includes any judge or officer of the court exercising the jurisdiction of the court;

“institution” includes any trust or undertaking;

“permanent endowment” shall <sup>F24</sup> . . . be construed in accordance with subsection (3) of the last foregoing section;

“trusts,” in relation to a charity, means the provisions establishing it as a charity and regulating its purposes and administration, whether those provisions take effect by way of trust or not, and in relation to other institutions has a corresponding meaning. but without (in either case)

[ In this Act, except in so far as the context otherwise requires, “document” includes <sup>F25</sup>(2) information recorded in any form, and, in relation to information recorded otherwise than in legible form—

- (a) any reference to its production shall be construed as a reference to the furnishing of a copy of it in legible form, and

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- (b) any reference to the furnishing of a copy of, or extract from, it shall accordingly be construed as a reference to the furnishing of a copy of, or extract from, it in legible form.]]

#### Textual Amendments

- F19** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by [1993 c. 10, ss. 98\(2\), 99\(3\), Sch. 7, Sch. 8 Pt. I](#)
- F20** [S. 46](#) renumbered as s. 46(1) (1.9.1992) by [Charities Act 1992 \(c. 41\), s. 47, Sch. 3 para. 19\(b\); S.I. 1992/1900, art. 2\(1\), Sch. 1](#)
- F21** Definition of “Attorney General” repealed by [Courts Act 1971 \(c. 23\), Sch. 11 Pt. II](#)
- F22** Words inserted (4.2.1991) by [Companies Act 1989 \(c. 40, SIF 27\), ss. 111\(2\), 215](#)
- F23** Words substituted by virtue of [London Government Act 1963 \(c. 33\), s. 4\(4\)](#)
- F24** Words in [s. 46](#) repealed (1.9.1992) by [Charities Act 1992 \(c. 41\), ss. 47, 78\(2\), Sch. 3 para. 19\(a\), Sch. 7; S.I. 1992/1900, art. 2\(1\), Sch. 1](#)
- F25** [S. 46\(2\)](#) added (1.9.1992) by [Charities Act 1992 \(c. 41\), s. 47, Sch. 3 para. 19\(b\); S.I. 1992/1900, art. 2\(1\), Sch. 1](#)

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

- C12** [S. 46](#) applied (1.9.1992) by [Charities Act 1992 \(c. 41\), s. 1\(2\); S.I. 1992/1900, art. 2\(1\), Sch. 1](#)
- C13** [S. 46](#) applied (*prosp.*) by [Charities Act 1992 \(c. 41\), ss. 58\(1\), 79\(2\)](#).

#### Marginal Citations

- M2** [1985 c.6 \(27\)](#).

47 ..... F26

#### Textual Amendments

- F26** [S. 47](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 6 Pt. I](#)

#### 48 Consequential amendments, general repeal and transitional provisions.

(1) The enactments mentioned in the first column of the Sixth Schedule to this Act shall be amended as provided in the second column of that Schedule.

(2) ..... F27

(3) The Commissioners may take the like action under this Act in consequence of any application or enquiry under the Charitable Trusts Acts, 1853 to 1939, as if the application or enquiry had been made for the corresponding purpose under this Act; and subsections (3) to (5) of section twenty-five of this Act shall extend (with any necessary adaptations) to documents enrolled by the Commissioners or deposited with them under those Acts.

(4) The repeal by this Act of the Charitable Trusts Acts, 1853 to 1939, shall not invalidate any scheme, order, certificate or other document issued under or for the purposes of those Acts, so far as the document is capable after the commencement of this Act of having effect either for its original purpose or for any corresponding purpose of this Act; but any such documents shall continue to have effect for any such purpose (except

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in so far as they are modified or superseded under the powers of this Act), and shall in the case of an order be appealable, enforceable and liable to be discharged as if this Act had not been passed; and any such document, and any document under the seal of the official trustees of charitable funds, may be proved as if this Act had not been passed.

- (5) The repeal by this Act of any enactment which authorises the taking of legal proceedings, or regulates any legal proceedings, shall not affect the operation of that enactment in relation to proceedings begun before the commencement of this Act, nor shall section twenty-eight of this Act apply to any proceeding so begun.
- (6) The official custodian for charities shall be treated as the successor for all purposes both of the official trustee of charity lands and of the official trustees of charitable funds, as if the functions of the said trustee or trustees had been functions of the official custodian, and as if any such trustee or trustees had been, and had discharged his or their functions as, holder of the office of the official custodian; and accordingly (but without prejudice to the generality of the foregoing provision, and subject to any express amendment or repeal made by this Act) as from the commencement of this Act—
  - (a) all property vested in the said trustee or trustees shall vest in the official custodian, and shall be held by him as if vested in him under section sixteen of this Act for the purposes for which it was held by the said trustee or trustees; and
  - (b) any Act, scheme, deed or other document referring or relating to the said trustee or trustees shall, in so far as the context permits, have effect as if the official custodian had been mentioned instead.
- (7) The specific provisions of this Act as to the effect of any repeal shall not be taken to exclude the general provisions contained in section thirty-eight of the <sup>M3</sup> Interpretation Act 1889, except in so far as those general provisions are inconsistent with the specific provisions in this Act.

<p><b>Textual Amendments</b></p> <p><b>F27</b> S. 48(2) repealed by <a href="#">Education Act 1973 (c. 16)</a>, <a href="#">Sch. 2 Pt. I</a></p> <hr/> <p><b>Marginal Citations</b></p> <p><b>M3</b> 1889 c. 63.</p>
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**49 Short title, extent and commencement.**

- (1) This Act may be cited as the Charities Act 1960.
- (2) This Act shall extend—
  - (a) ..... **F28**
  - (b) ..... **F29**
  - (c) to Northern Ireland in so far as it relates to the amendment of Royal Charters; but, subject to that, this Act shall not extend to Scotland or Northern Ireland.
- (3) ..... **F30**



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### **Textual Amendments**

- F28** S. 49(2)(a) repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. II**
- F29** S. 49(2)(b) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. II**
- F30** S. 49(3) repealed by Education Act 1973 (c. 16), **Sch. 2 Pt. I**

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