

*Status: Point in time view as at 01/11/1992.*

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## SCHEDULES

### SCHEDULE 1

Sections 2 and 8.

#### SECTIONS 4 AND 20 OF THE CHARITIES ACT 1960, AS AMENDED

##### Commencement Information

**II** Sch. 1 wholly in force at 1.11.1992 see S.I. 1992/1900, arts. 2(1), 3(1), Schs. 1,2

#### Section 4

*The register of charities.*

- 4 (1) The Commissioners shall continue to keep a register of charities, which shall be kept by them in such manner as they think fit.
- (2) There shall be entered in the register every charity not excepted by subsection (4) below; and a charity so excepted (other than one excepted by paragraph (a) of that subsection) 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.
- (2A) The register shall contain—
- (a) the name of every registered charity; and
  - (b) such other particulars of, and such other information relating to, every such charity as the Commissioners think fit.
- (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 which has neither—
    - (i) any permanent endowment, nor
    - (ii) the use or occupation of any land,and whose income from all sources does not in aggregate amount to more than £1,000 a year;
- and no charity is required to be registered in respect of any registered place of worship.

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- (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.
- (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.
- (7A) Where any information contained in the register is not in documentary form, subsection (7) above shall be construed as requiring the information to be available for public inspection in legible form at all reasonable times.
- (7B) If the Commissioners so determine, that subsection shall not apply to any particular information contained in the register and specified in their determination.
- (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, 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.
- (8A) If he thinks it expedient to do so—
- (a) in consequence of changes in the value of money, or
  - (b) with a view to extending the scope of the exception provided for by subsection (4)(c) above,
- the Secretary of State may by order amend subsection (4)(c) by substituting a different sum for the sum for the time being specified there.
- (8B) Any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (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

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from the operation of the Charitable Trusts Act, 1853), and for the purposes of this subsection “building” includes part of a building.

## Section 20

### Commencement Information

- I2** So much of Sch. 1 as relates to s. 20 of the [Charities Act 1960 \(c. 58\)](#) in force at 1.11.1992 by S.I. 1992/1900, art. 3(1), Sch 2.

### *Power to act for protection of charities.*

20 (1) Where, at any time after they have instituted an inquiry under section 6 of this Act with respect to any charity, the Commissioners are satisfied—

- (a) that there is or has been any misconduct or mismanagement in the administration of the charity; or
- (b) that it is necessary or desirable to act for the purpose of protecting the property of the charity or securing a proper application for the purposes of the charity of that property or of property coming to the charity;

the Commissioners may of their own motion do one or more of the following things, namely—

- (i) by order suspend any trustee, charity trustee, officer, agent or employee of the charity from the exercise of his office or employment pending consideration being given to his removal (whether under this section or otherwise);
  - (ii) by order appoint such number of additional charity trustees as they consider necessary for the proper administration of the charity;
  - (iii) by order vest any property held by or in trust for the charity in the official custodian for charities, or require the persons in whom any such property is vested to transfer it to him, or appoint any person to transfer any such property to him;
  - (iv) order any person who holds any property on behalf of the charity, or of any trustee for it, not to part with the property without the approval of the Commissioners;
- (v) order any debtor of the charity not to make any payment in or towards the discharge of his liability to the charity without the approval of the Commissioners;
  - (vi) by order restrict (notwithstanding anything in the trusts of the charity) the transactions which may be entered into, or the nature or amount of the payments which may be made, in the administration of the charity without the approval of the Commissioners;
  - (vii) by order appoint (in accordance with section 20A of this Act) a receiver and manager in respect of the property and affairs of the charity.

(1A) Where, at any time after they have instituted an inquiry under section 6 of this Act with respect to any charity, the Commissioners are satisfied—

- (a) that there is or has been any misconduct or mismanagement in the administration of the charity; and

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- (b) that it is necessary or desirable to act for the purpose of protecting the property of the charity or securing a proper application for the purposes of the charity of that property or of property coming to the charity;
- the Commissioners may of their own motion do either or both of the following things, namely—
- (i) by order remove any trustee, charity trustee, officer, agent or employee of the charity who has been responsible for or privy to the misconduct or mismanagement or has by his conduct contributed to it or facilitated it;
- (ii) by order establish a scheme for the administration of the charity.
- (2) The references in subsection (1) or (1A) above to misconduct or mismanagement shall (notwithstanding anything in the trusts of the charity) extend to the employment for the remuneration or reward of persons acting in the affairs of the charity, or for other administrative purposes, of sums which are excessive in relation to the property which is or is likely to be applied or applicable for the purposes of the charity.
- (3) The Commissioners may also remove a charity trustee by order made of their own motion—
- (a) where, within the last five years, the trustee—
- (i) having previously been adjudged bankrupt or had his estate sequestrated, has been discharged, or
- (ii) having previously made a composition or arrangement with, or granted a trust deed for, his creditors, has been discharged in respect of it;
- (aa) where the trustee is a corporation in liquidation;
- (ab) where the trustee is incapable of acting by reason of mental disorder within the meaning of the Mental Health Act 1983;
- (b) where the trustee has not acted, and will not declare his willingness or unwillingness to act;
- (c) where the trustee is outside England and Wales or cannot be found or does not act, and his absence or failure to act impedes the proper administration of the charity.
- (4) The Commissioners may by order made of their own motion appoint a person to be a charity trustee—
- (a) in place of a charity trustee removed by them under this section or otherwise;
- (b) where there are no charity trustees, or where by reason of vacancies in their number or the absence or incapacity of any of their number the charity cannot apply for the appointment;
- (c) where there is a single charity trustee, not being a corporation aggregate, and the Commissioners are of opinion that it is necessary to increase the number for the proper administration of the charity;
- (d) where the Commissioners are of opinion that it is necessary for the proper administration of the charity to have an additional charity trustee, because one of the existing charity trustees who ought nevertheless to remain a charity trustee either cannot be found or does not act or is outside England and Wales.
- (5) The powers of the Commissioners under this section to remove or appoint charity trustees of their own motion shall include power to make any such order with respect to the vesting in or transfer to the charity trustees of any property as the

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Commissioners could make on the removal or appointment of a charity trustee by them under section eighteen of this Act.

- (6) Any order under this section for the removal or appointment of a charity trustee or trustee for a charity, or for the vesting or transfer of any property, shall be of the like effect as an order made under section eighteen of this Act.
- (7) Subject to subsection (7A) below, subsections (10) and (11) of section 18 of this Act shall apply to orders under this section as they apply to orders under that section.
- (7A) The requirement to obtain any such certificate or leave as is mentioned in the proviso to section 18(11) shall not apply to—
  - (a) an appeal by a charity or any of the charity trustees of a charity against an order under subsection (1)(vii) above appointing a receiver and manager in respect of the charity's property and affairs, or
  - (b) an appeal by a person against an order under subsection (1A)(i) or (3)(a) above removing him from his office or employment.
- (7B) Subsection (12) of section 18 of this Act shall apply to an order under this section which establishes a scheme for the administration of a charity as it applies to such an order under that section.
- (8) The power of the Commissioners to make an order under subsection (1)(i) above shall not be exercisable so as to suspend any person from the exercise of his office or employment for a period of more than twelve months; but (without prejudice to the generality of section 40(1) of this Act) any such order made in the case of any person may make provision as respects the period of his suspension for matters arising out of it, and in particular for enabling any person to execute any instrument in his name or otherwise act for him and, in the case of a charity trustee, for adjusting any rules governing the proceedings of the charity trustees to take account of the reduction in the number capable of acting.
- (9) Before exercising any jurisdiction under this section otherwise than by virtue of subsection (1) above, the Commissioners shall give notice of their intention to do so to each of the charity trustees, except any that cannot be found or has no known address in the United Kingdom; and any such notice may be given by post and, if given by post, may be addressed to the recipient's last known address in the United Kingdom.
- (9A) The Commissioners shall, at such intervals as they think fit, review any order made by them under paragraph (i), or any of paragraphs (iii) to (vii), of subsection (1) above; and, if on any such review it appears to them that it would be appropriate to discharge the order in whole or in part, they shall so discharge it (whether subject to any savings or other transitional provisions or not).
- (10) If any person contravenes an order under subsection (1)(iv), (v) or (vi) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.
- (10A) Subsection (10) above shall not be taken to preclude the bringing of proceedings for breach of trust against any charity trustee or trustee for a charity in respect of a contravention of an order under subsection (1)(iv) or (vi) above (whether proceedings in respect of the contravention are brought against him under subsection (10) above or not).
- (12) This section shall not apply to an exempt charity.

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VALID FROM 01/01/1993

SCHEDULE 2

Section 32(2).

MEANING OF “CONNECTED PERSON” FOR PURPOSES OF SECTIONS 32(2)

**Commencement Information**

**I3** Sch. 2 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch. 3.

SCHEDULE 3

Section 47.

MINOR AND CONSEQUENTIAL AMENDMENTS OF CHARITIES ACT 1960

- 1 In section 1(2) (constitution etc. of Commissioners), for “servants” substitute “employees”.

**Commencement Information**

**I4** Sch. 3 para. 1 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 2 In section 8 (receipt and audit of accounts of charities)—
- (a) omit subsections (1) and (2);
  - (b) in subsection (3), for “that the condition and accounts of a charity” substitute “, in the case of a charity which is a company, that the condition and accounts of the charity”;
  - (c) in subsection (4)(b), for “servant” substitute “employee”;
  - (d) in subsection (6), omit paragraph (a); and
  - (e) omit subsection (7).

- 3 For section 9 substitute—

**“9 Supply by Commissioners of copies of documents open to public inspection.**

The Commissioners shall, at the request of any person, furnish him with copies of, or extracts from, any document in their possession which is for the time being open to inspection under this Act.”

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#### Commencement Information

- 15** Sch. 3 para. 3 wholly in force; Sch. 3 para. 3 not in force at Royal Assent see s. 79(2); Sch. 3 para. 3 partly in force at 1.9.1992 and wholly in force at 1.1.1993 see S.I. 1992/1900, arts. 2(1)(4), Sch. 1.

4 In section 16 (entrusting charity property to official custodian)—

(a) for subsection (1) substitute—

“(1) The court may by order—

- (a) vest in the official custodian for charities any land or interest in land held by or in trust for a charity;
- (b) authorise or require the persons in whom any such land or interest is vested to transfer it to him; or
- (c) appoint any person to transfer any such land or interest to him;

and for this purpose “interest in land” means any interest in land other than such an interest by way of mortgage or other security.”;

and

(b) omit subsection (2).

#### Commencement Information

- 16** Sch. 3 para. 4 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

5 In section 17 (supplementary provisions as to property vested in official custodian)—

(a) in subsection (2)—

- (i) at the beginning insert “ Subject to subsection (2A) below, ”; and
- (ii) for the words from “require him” onwards substitute “ execute or do in their own name and on their own behalf if the land or interest were vested in them. ”;

(b) after that subsection insert—

“(2A) If any land or interest in land is so vested in the official custodian for charities by virtue of an order under section 20 of this Act, the power conferred on the charity trustees by subsection (2) above shall not be exercisable by them in relation to any transaction affecting the land or interest, unless the transaction is authorised by order of the court or of the Commissioners.”; and

(c) in each of subsections (4) and (5), after “(2)” insert “ , (2A) ”.

#### Commencement Information

- 17** Sch. 3 para. 5 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

6 In section 18(1)(b) (concurrent jurisdiction with High Court for certain purposes), for “servant” substitute “ employee ”.

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**Commencement Information**

**I8** Sch. 3 para. 6 wholly in force at 1.9.1992 see S.I. 1992/1900, art. 2(1), Sch. 1.

- 7 In section 19(6) (further powers to make schemes or alter application of charitable property)—
- (a) omit “or the like reference from the Secretary of State”; and
  - (b) for “or reference made with a view to a scheme,” substitute “ for a scheme, or in a case where they act by virtue of subsection (6) or (6A) of that section, ”.

**Commencement Information**

**I9** Sch. 3 para. 7 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 8 In section 21 (publicity for proceedings under sections 18 and 20 of the Act)—
- (a) in subsection (2), after “shall not apply” insert “ in the case of an order under section 20(1)(ii), or ”; and
  - (b) in subsection (3), for “servant” substitute “ employee ”.

**Commencement Information**

**I10** Sch. 3 para. 8 wholly in force; Sch. 3 para. 8 not in force at Royal Assent see s. 79(2); Sch. 3 para. 8 partly in force at 1.9.1992 and wholly in force at 1.11.1992 see S.I. 1992/1900 arts. 2(1), 3(1), Schs. 1, 2.

- 9 In section 22 (common investment schemes)—
- (a) omit subsection (6); and
  - (b) in subsection (9), omit the words from “, and the” to “endowment” (where last occurring).

**Commencement Information**

**I11** Sch. 3 para. 9 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

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- 10 In section 28 (authorisation by Commissioners of charity proceedings)—
- (a) at the end of subsection (3) add “ (other than those conferred by section 26A of this Act). ”; and
  - (b) at the end of subsection (6) add “, or to the taking of proceedings by the Commissioners in accordance with section 26A of this Act. ”



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**Commencement Information**

**I12** Sch. 3 para. 10 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch. 3.

- 11 In section 30C(1) (charitable companies: status to appear on correspondence, etc.)—
- (a) in paragraph (c), omit “by or”; and
  - (b) in paragraph (e), for “its bills of parcels,” substitute “ bills rendered by it and in all its ”.

**Commencement Information**

**I13** Sch. 3 para. 11 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 12 Omit section 31 (protection of expression “common good”).

**Commencement Information**

**I14** Sch. 3 para. 12 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 13 In section 32 (general obligation to keep accounts)—
- (a) in subsection (2)—
    - (i) for “seven” substitute “ six ”, and
    - (ii) for “permit them to be” substitute “ consent in writing to their being ”; and
  - (b) for subsection (3) substitute—

“(3) This section applies only to exempt charities.”

- 14 In section 34(2) (manner of executing documents), in paragraph (c), for “and to the persons” onwards substitute “ the charity trustees from time to time of the charity and exercisable by such trustees. ”

**Commencement Information**

**I15** Sch. 3 para. 14 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 15 After section 40 insert—

**“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.

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- (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.”

**Commencement Information**

**I16** Sch. 3 para. 15 in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2, Sch. 1.

- 16 In section 41 (enforcement of orders of Commissioners etc.), for paragraph (a) substitute—
- “(a) to an order of the Commissioners under section 7(1) of this Act; or”.

**Commencement Information**

**I17** Sch. 3 para. 16 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 17 In section 43 (regulations), after subsection (2) insert—
- “(2A) Any regulations under this Act may make—
- (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.”

**Commencement Information**

**I18** Sch. 3 para. 17 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 18 In section 45 (construction of references to a charity etc.)—

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- (a) in subsection (3)—
- (i) omit “Subject to subsection (9) of section twenty-two of this Act,”,
  - and
  - (ii) for “so expended” substitute “expended for the purposes of the charity”; and
- (b) in subsection (4), for the words from “not having” to “without” substitute “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) ”.

**Commencement Information**

**I19** Sch. 3 para. 18 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 19 In section 46 (other definitions)—
- (a) in the definition of “permanent endowment” omit “, subject to subsection (9) of section twenty-two of this Act,”; and
  - (b) at the end add—
- “(2) In this Act, except in so far as the context otherwise requires, “document” includes 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
  - (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.”;
- and the existing provisions of section 46 (as amended by sub-paragraph (a) above) shall accordingly constitute subsection (1) of that section.

**Commencement Information**

**I20** Sch. 3 para. 19 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

- 20 In each of sub-paragraphs (1) and (2) of paragraph 2 of Schedule 1 (appointment of assistant commissioners etc.), for “servants” substitute “employees”.

**Commencement Information**

**I21** Sch. 3 para. 20 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

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21 (1) Paragraph 3 of Schedule 1 (procedure of Commissioners) shall be amended as follows.

- (2) In sub-paragraph (4), for “two shall be the quorum; and” substitute “then—
- (a) if not more than four commissioners hold office for the time being, the quorum shall be two commissioners (of whom at least one must be a person having a qualification such as is mentioned in paragraph 1(2) above); and
  - (b) if five commissioners so hold office, the quorum shall be three commissioners (of whom at least one must be a person having such a qualification);

and”.

(3) At the end of the paragraph add—

“(6) It is hereby declared that the power of a commissioner or assistant commissioner to act for and in the name of the Commissioners in accordance with sub-paragraph (3) above may, in particular, be exercised in relation to functions of the Commissioners under sections 6, 20, 20A and 30 of this Act.”

#### Commencement Information

**I22** Sch. 3 para. 21 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

F122

#### Textual Amendments

**F1** Sch. 3 para. 22 repealed (1.9.1992) by Museums and Galleries Act 1992 (c. 44), s. 11(3), Sch.9; S.I. 1992/1874, art. 2.

VALID FROM 01/01/1993

## SCHEDULE 4

Section 48.

### AMENDMENTS OF CHARITABLE TRUSTEES INCORPORATION ACT 1872

#### Commencement Information

**I23** Sch. 4 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch 3.

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## SCHEDULE 5

Section 49.

### AMENDMENTS OF REDUNDANT CHURCHES AND OTHER RELIGIOUS BUILDINGS ACT 1969

#### Commencement Information

**I24** Sch. 5 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

1 For section 4 of the <sup>M3</sup>Redundant Churches and Other Religious Buildings Act 1969 (“the 1969 Act”) substitute—

#### “4 Transfer of certain redundant places of public worship.

- (1) Subject to subsections (9) and (10) below, this section applies to any premises if—
  - (a) the premises are held by or in trust for a charity (“the relevant charity”), and
  - (b) the whole or part of the premises has been used as a place of public worship; but
  - (c) the premises are not a church subject to the provisions of the Pastoral Measure 1983.
- (2) If the court is satisfied, with respect to any premises to which this section applies (“the relevant premises”)—
  - (a) that those premises are no longer required (whether wholly or in part) for use as a place of public worship, and
  - (b) that one of the following, namely—
    - (i) the Secretary of State,
    - (ii) the Commission, or
    - (iii) a prescribed charity,is or are willing to enter into an agreement to acquire those premises by way of gift or for a consideration other than full consideration, but
  - (c) that it is not within the powers of the persons in whom those premises are vested to carry out such an agreement except by virtue of this section,the court may, under its jurisdiction with respect to charities, establish a scheme for the making and carrying out of such an agreement.
- (3) A scheme established under subsection (2) above may, if it appears to the court proper to do so, provide for the acquirer of the relevant premises also to acquire (whether by gift or for a consideration other than full consideration or otherwise)—
  - (a) any land held by or in trust for the relevant charity which is contiguous or adjacent to those premises; and
  - (b) any objects which are or have been ordinarily kept on those premises.
- (4) In subsections (2) and (3) above, in relation to the acquisition of the relevant premises or the acquisition of any land or object—

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- (a) references to acquisition by the Secretary of State are references to acquisition by him under section 5 of the Historic Buildings and Ancient Monuments Act 1953 (acquisition by him of buildings of historic or architectural interest); and
  - (b) references to acquisition by the Commission are references to acquisition by them under section 5A of that Act (acquisition by them of buildings of historic or architectural interest).
- (5) A scheme established under subsection (2) above may also provide for conferring on the acquirer of the relevant premises—
- (a) such rights of way over any land held by or in trust for the relevant charity as appear to the court to be necessary—
    - (i) for the purpose of the discharge of the acquirer’s functions in relation to those premises or to any land acquired under the scheme, or
    - (ii) for giving to the public reasonable access to those premises or to any such land, and
  - (b) so far as is necessary for the purpose of the discharge of such functions or the giving of such access, any rights of way enjoyed by persons attending services at those premises.
- (6) The Charity Commissioners may, on the application of the acquirer of the relevant premises, by order establish a scheme under section 18 of the Charities Act 1960 (Commissioners’ concurrent jurisdiction with the High Court for certain purposes) making provision for the restoration of the relevant premises, or part of them, to use as a place of public worship.
- (7) The Charity Commissioners may so establish any such scheme notwithstanding—
- (a) anything in subsection (4) of section 18 of that Act, or
  - (b) that the relevant charity has ceased to exist;
- and if the relevant charity has ceased to exist, any such scheme may provide for the constitution of a charity by or in trust for which the relevant premises are to be held on the restoration of those premises, or part of them, to use as a place of public worship.
- (8) The Charity Commissioners shall have the same jurisdiction and powers in relation to the establishment of a scheme under subsection (2) above as they have under the provisions of section 18 of the Charities Act 1960 (except subsection (6)) in relation to the establishment of a scheme for the administration of a charity; and section 21 of that Act (publicity for proceedings under section 18, etc.) shall accordingly have effect in relation to the establishment of a scheme under subsection (2) above as it has effect in relation to the establishment of a scheme for the administration of a charity.
- (9) In relation to the Commission—
- (a) this section only applies to any premises falling within subsection (1) above if they are situated in England, and
  - (b) references in this section to land are references only to land situated in England.
- (10) In relation to a prescribed charity, this section only applies to any premises falling within subsection (1) above if they constitute either—

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- (a) a listed building within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990, or
  - (b) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979.
- (11) The Secretary of State may direct that any charity specified in the direction shall be a prescribed charity for the purposes of this section; and any direction under this subsection may be varied or revoked by a further direction given by the Secretary of State.
- (12) References in this section to the acquirer of the relevant premises are references to the person or body acquiring those premises by virtue of a scheme established under subsection (2) above.
- (13) In this section and section 5 below—
- “the Commission” means the Historic Buildings and Monuments Commission for England;
  - “premises” includes a part of a building;
  - “prescribed charity” shall be construed by reference to subsection (11) above;
- and sections 45 and 46 of the Charities Act 1960 (interpretation) shall have effect for the purposes of this section and section 5 below as they have effect for the purposes of that Act.”

#### Marginal Citations

M3 1969 c.22.

2 For section 5 of the 1969 Act substitute—

#### “5 Trusts for repair etc. of premises to continue after transfer under section 4.

- (1) Where any premises to which section 4 of this Act applies are acquired by the Secretary of State, the Commission or a prescribed charity in pursuance of that section, any property of a charity whose purposes include—
- (a) the repair and maintenance of those premises, or
  - (b) the provision of objects for keeping on those premises, or
  - (c) the maintenance of objects ordinarily kept there,
- shall (subject to subsection (2) below) continue to be applicable for that purpose so long as the premises remain vested in the Secretary of State, the Commission or the prescribed charity, as the case may be.
- (2) If so provided by the scheme under which the agreement for the acquisition of any such premises is made, subsection (1) above shall have effect in relation to the premises subject to and in accordance with any specified provisions of the scheme.
- (3) Subsection (13) of section 4 of this Act has effect for the purposes of this section.”

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SCHEDULE 6

Section 78(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 01/01/1993

*CLERGY PENSIONS MEASURE 1961 (No.3)*

- 1 In section 33 (preservation of restrictions on certain transactions)—
- (a) for “section twenty-nine of the Charities Act 1960” substitute “ section 32 of the Charities Act 1992 ”; and
  - (b) for “said Act” substitute “ Charities Act 1960 ”.

**Commencement Information**

**I25** Sch. 6 para. 1 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch. 3.

*FINANCE ACT 1963 (c.25)*

- 2 In section 65(2)(a) (miscellaneous exemptions), after “1960” insert “ or any common deposit scheme under section 22A of that Act ”.

**Commencement Information**

**I26** Sch. 6 para. 2 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

VALID FROM 01/01/1993

*CATHEDRALS MEASURE 1963 (No.2)*

- 3 In section 20(2)(iii) (consents to disposal of land by cathedral bodies), for “section twenty-nine of the Charities Act 1960” substitute “ section 32 of the Charities Act 1992 ”.

**Commencement Information**

**I27** Sch. 6 para. 3 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch. 3.

VALID FROM 01/01/1993

*LEASEHOLD REFORM ACT 1967 (c.88)*

- 4 In section 23(4) (grant of new tenancy), for “section 29 of the Charities Act 1960” substitute “ section 32 of the Charities Act 1992 ”.



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**Commencement Information**

**I28** Sch. 6 para. 4 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch. 3.

VALID FROM 01/01/1993

*SHARING OF CHURCH BUILDINGS ACT 1969 (c.38)*

- 5 In section 8(3) (shared buildings), for the words from the beginning to “Commissioners)” substitute “ Section 32 of the Charities Act 1992 (restrictions on dispositions of charity land) ”.

**Commencement Information**

**I29** Sch. 6 para. 5 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch. 3.

VALID FROM 01/01/1993

*LOCAL GOVERNMENT ACT 1972 (c.70)*

- 6 In section 131(3) (savings)—
- (a) for the words from “section 29” to “property)” substitute “ section 32 of the Charities Act 1992 (restrictions on disposition of charity land) ”; and
  - (b) for “subsection (3)(a) of that section” substitute “ section 32(9)(a) of that Act ”.

**Commencement Information**

**I30** Sch. 6 para. 6 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch. 3.

VALID FROM 01/01/1993

*FIRE PRECAUTIONS (LOANS) ACT 1973 (c.11)*

- 7 In section 1(7) (loans to meet certain expenditure), for the words from the beginning to “property)” substitute “ Section 34 of the Charities Act 1992 (which restricts the charging of charity property) ”.

**Commencement Information**

**I31** Sch. 6 para. 7 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), Sch. 3.

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VALID FROM 01/01/1993

*THEATRES TRUST ACT 1976 (c.27)*

- 8 In section 2(2)(d) (powers of trustees), for “section 29 of the Charities Act 1960” substitute “ sections 32 and 34 of the Charities Act 1992 ”.

**Commencement Information**

**I32** Sch. 6 para. 8 wholly in force at 1.1.1993 see s. 79(2) and S.I. 1992/1900, art. 4(1), **Sch. 3**.

PROSPECTIVE

*LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (c.30)*

F29 .....

**Textual Amendments**

**F2** Sch. 6 para. 9 repealed (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 9**; S.I. 2007/309, art. 2, Sch.

*CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (c. 45)*

- 10 In section 119(6)(d) (grounds for refusal of permission for public charitable collection in Scotland)—
- (a) after “under”, where secondly occurring, insert “ this section or ”; and
  - (b) after “section”, where secondly occurring, insert “ or under Part III of the Charities Act 1992 or regulations made under section 73 of that Act ”.

**Commencement Information**

**I33** Sch. 6 para. 10 partly in force; Sch. 6 para. 10 not in force at Royal Assent see s. 79(2); Sch. 6 para. 10(a) in force at 1.9.1992 see S.I. 1992/1900, art. 2(1), Sch. 1.

*COMPANIES ACT 1985 (c.6)*

- 11 In each of the following provisions, namely—
- (a) section 209(1)(c) (interests to be disregarded for purposes of general disclosure provisions), and
  - (b) paragraph 11(b) of Schedule 13 (interests to be disregarded for purposes of provisions relating to disclosure by directors etc.),
- after “section 22” insert “ or 22A ”.

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#### Commencement Information

**I34** Sch. 6 para. 11 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

#### HOUSING ACT 1985 (c.68)

12 For paragraph 12 of Schedule 1 substitute—

- “12 A licence to occupy a dwelling-house is not a secure tenancy if—
- (a) the dwelling-house is an almshouse, and
  - (b) the licence was granted by or on behalf of a charity which—
    - (i) is authorised under its trusts to maintain the dwelling-house as an almshouse, and
    - (ii) has no power under its trusts to grant a tenancy of the dwelling-house;

and in this paragraph “almshouse” means any premises maintained as an almshouse, whether they are called an almshouse or not; and “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.”

#### Commencement Information

**I35** Sch. 6 para. 12 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

VALID FROM 01/01/1993

#### HOUSING ASSOCIATIONS ACT 1985 (c.69)

- 13 (1) In section 10(1) (excepted dispositions), for “section 29 of the Charities Act 1960” substitute “ sections 32 and 34 of the Charities Act 1992 ”.
- (2) In section 26(2) (accounting requirements), for the words from “section 8” onwards substitute “ sections 19 to 23 of the Charities Act 1992 (charity accounts). ”
- (3) In section 35(2)(c) (power to transfer housing to local housing authority), for the words from “section” to “Commissioners” substitute “ section 32 of the Charities Act 1992 (restrictions on dispositions of charity land) ”.

#### Commencement Information

**I36** Sch. 6 para. 13 partly in force; Sch. 6 para. 13 not in force at Royal Assent see s. 79(2); Sch. 6 para. 13(1)(3) in force at 1.1.1993 see S.I. 1992/1900, art. 4(1), Sch. 3.

#### FINANCIAL SERVICES ACT 1986 (c.60)

14 In section 45(1)(j) (miscellaneous exemptions), after “section 22” insert “ or 22A ”.

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#### Commencement Information

**I37** Sch. 6 para. 14 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

#### COAL INDUSTRY ACT 1987 (c.3)

15 In section 5 (power of Commissioners to make schemes relating to coal industry trusts), for subsection (8) substitute—

“(8) Sections 18(3), (8), (10) to (12), 19(1) to (5) and (7) and 21 of the Charities Act 1960 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 40(1) to (4), 40A and 42 of that Act shall apply to orders and decisions under this section as they apply to orders and decisions under that Act.

(8A) The Commissioners shall not proceed under section 19 of that Act (as applied by subsection (8) above) without the like application, and the like notice to the trustees of the trust in question, as would be required if they were proceeding under subsection (1) above; but on any application made with a view to a scheme under subsection (1) above the Commissioners may proceed under that subsection or under section 19 of that Act (as so applied) as appears to them appropriate.”

#### Commencement Information

**I38** Sch. 6 para. 15 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

#### REVERTER OF SITES ACT 1987 (c.15)

16 In section 4(4) (supplementary provisions), after “sections 40” insert “,40A ”.

#### Commencement Information

**I39** Sch. 6 para. 16 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

#### INCOME AND CORPORATION TAXES ACT 1988 (c.1)

17 After paragraph 3 of Schedule 20 (charities: qualifying investments and loans) insert—

“3A Any investment in a common deposit fund established under section 22A of the Charities Act 1960 or in any similar fund established for the exclusive benefit of charities by or under any enactment relating to any particular charities or class of charities.”

#### Commencement Information

**I40** Sch. 6 para. 17 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

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## SCHEDULE 7

Section 78(2).

### REPEALS

#### Extent Information

**E1** [Schedule 7](#): extents of individual entries are in accordance with s. 76(6)

#### Commencement Information

**I41** [Sch. 7](#) partly in force; [Sch. 7](#) not in force at Royal Assent see [s. 79\(2\)](#); certain repeals in [Sch 7](#) in force at 1.9.1992 and at 1.1.1993 see [S.I 1992/1900](#) arts. 2(1), 4(1), [Schs. 1, 3](#).

Chapter	Short title	Extent of repeal
1872 c.24.	Charitable Trustees Incorporation Act 1872.	In section 2, the words from “; and all” onwards.  In section 4, the words from “; and the appointment” onwards.  In section 5, the words from “; and nothing” onwards.  In section 7, the words from “; and there” onwards.  The Schedule.
1916 c.31.	Police, Factories, &c. (Miscellaneous Provisions) Act 1916.	The whole Act.
1939 c.44.	House to House Collections Act 1939.	The whole Act.
1940 c.31.	War Charities Act 1940.	The whole Act.
1948 c.29.	National Assistance Act 1948.	Section 41.
1958 c.49.	Trading Representations (Disabled Persons) Act 1958.	Section 1(2)(b).
1959 c.72.	Mental Health Act 1959.	Section 8(3).
1960 c.58.	Charities Act 1960.	In section 4(6), the words from “and any person” onwards.  Section 6(6) and (9).  Section 7(4).  Section 8(1), (2), (6)(a) and (7).  Section 16(2).

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		In section 19(6), the words “or the like reference from the Secretary of State”.
		In section 22, subsection (6) and, in subsection (9), the words from “, and the” to “endowment” (where last occurring).
		Section 27.
		Section 29.
		In section 30C(1)(c), the words “by or”.
		Section 31.
		Section 44.
		In section 45(3), the words “Subject to subsection (9) of section twenty-two of this Act,”.
		In section 46, the words “, subject to subsection (9) of section twenty-two of this Act,”.
		In Schedule 1, in paragraph 1(3), the words “Subject to sub-paragraph (6) below,”.
		In Schedule 6, the entry relating to the War Charities Act 1940.
1966 c.42.	Local Government Act 1966.	In Schedule 3, in column 1 of Part II, paragraph 20.
1968 c.60.	Theft Act 1968.	In Schedule 2, in Part III, the entry relating to the House to House Collections Act 1939.
1970 c.42.	Local Authority Social Services Act 1970.	In Schedule 1, the entry relating to section 41 of the National Assistance Act 1948.
1972 c.70.	Local Government Act 1972.	Section 210(8). In Schedule 29, paragraphs 22 and 23.
1983 c.41.	Health and Social Services and Social Security Adjudications Act 1983.	Section 30(3).

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1983 c.47.	National Heritage Act 1983.	In Schedule 4, paragraphs 13 and 14.
1985 c.9.	Companies Consolidation (Consequential Provisions) Act 1985.	In Schedule 2, the entry relating to section 30(1) of the Charities Act 1960.
1985 c.20.	Charities Act 1985.	The whole Act.
1986 c.41.	Finance Act 1986.	Section 33.

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