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Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 1

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Textual Amendments

F1 [Sch. 1](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch.7](#)

^{F2}SCHEDULE 2

.....

Textual Amendments

F2 [Sch. 2](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch.7](#)

^{F3}SCHEDULE 3

.....

Textual Amendments

F3 [Sch. 3](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch. 7](#)

^{F5}SCHEDULE 4

.....

Textual Amendments

F5 [Sch. 4](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch.7](#)

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SCHEDULE 5

Section 49.

AMENDMENTS OF REDUNDANT CHURCHES AND OTHER RELIGIOUS BUILDINGS ACT 1969

Commencement Information

I21 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 ^{M3}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

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

I22 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.

F62

Textual Amendments

F6 Sch. 6 para. 2 repealed (27.7.1999 with effect in relation to instruments executed on or after 6.2.2000) by 1999 c. 16, s. 139, Sch. 20 Pt. V(5) Notes 1, 2

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

I23 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.

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 ”.

Commencement Information

I24 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.

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) ”.

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Commencement Information

I25 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.

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

I26 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.

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

I27 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.

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

I28 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)

F79

Textual Amendments

F7 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.

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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

I29 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 ”.

Commencement Information

I30 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

I31 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.

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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 ”.

^{F8}(2)

(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) ”.

Textual Amendments

F8 Sch. 6 para. 13(2) repealed (1.8.1993) by 1993 c. 10, s. 98(2), Sch.7

Commencement Information

I32 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 ”.

Commencement Information

I33 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

I34 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.

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REVERTER OF SITES ACT 1987 (c.15)

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

Commencement Information

I35 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

I36 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.

SCHEDULE 7

Section 78(2).

REPEALS

Extent Information

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

Commencement Information

I37 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.

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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). F9 ... Section 16(2). 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,”.

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		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).
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.	F9	F9

1986 c.41.	Finance Act 1986.	Section 33.

Textual Amendments

F9 Sch. 7: entries relating to 1960 c. 58, s. 8 and (so far as not in force at 1.8.1993) 1985 c. 20 repealed (1.8.1993) by 1993 c. 10, s. 98(2), Sch.7

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