



Charities Act 1993 (repealed)

1993 CHAPTER 10

[^{F1}PART X

SUPPLEMENTARY

Textual Amendments

- F1** S. 73F inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), **ss. 39**, 79(2); S.I. 2007/309, art. 2, Sch.

84 Supply by [^{F2}Commission] of copies of documents open to public inspection.

[^{F3}The Commission] shall, at the request of any person, furnish him with copies of, or extracts from, any document in [^{F4}the Commission's possession] which is for the time being open to inspection under Parts II to VI of this Act [^{F5}or section 75D].

Textual Amendments

- F2** Word in s. 84 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 163(5)**; S.I. 2007/309, art. 2, Sch.
- F3** Words in s. 84 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 163(2)**; S.I. 2007/309, art. 2, Sch.
- F4** Words in s. 84 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 163(3)**; S.I. 2007/309, art. 2, Sch.
- F5** Words in s. 84 added (18.3.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 163(4)**; S.I. 2008/751, art. 2, Sch.

85 Fees and other amounts payable to [^{F6}Commission]

- (1) The [^{F7}Minister] may by regulations require the payment to [^{F8}the Commission] of such fees as may be prescribed by the regulations in respect of—
- (a) the discharge by the [^{F8}the Commission] of such functions under the enactments relating to charities as may be so prescribed;

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- (b) the inspection of the register of charities or of other material [^{F9}kept by the Commission] under those enactments, or the furnishing of copies of or extracts from documents so kept.
- (2) Regulations under this section may—
- (a) confer, or provide for the conferring of, exemptions from liability to pay a prescribed fee;
- (b) provide for the remission or refunding of a prescribed fee (in whole or in part) in circumstances prescribed by the regulations.
- (3) Any regulations under this section which require the payment of a fee in respect of any matter for which no fee was previously payable shall not be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (4) [^{F10}The Commission] may impose charges of such amounts as [^{F11}it considers] reasonable in respect of the supply of any publications produced [^{F12}by it].
- (5) Any fees and other payments received by [^{F13}the Commission] by virtue of this section shall be paid into the Consolidated Fund.

Textual Amendments

- F6** Word in s. 85 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 164(5)**; S.I. 2007/309, art. 2, Sch.
- F7** Word in s. 85(1) substituted (13.12.2006) by Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951), art. 1(2), **Sch. para. 4(x)**
- F8** Words in s. 85(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 164(2)(a)**; S.I. 2007/309, art. 2, Sch.
- F9** Words in s. 85(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 164(2)(b)**; S.I. 2007/309, art. 2, Sch.
- F10** Words in s. 85(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 164(3)(a)**; S.I. 2007/309, art. 2, Sch.
- F11** Words in s. 85(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 164(3)(b)**; S.I. 2007/309, art. 2, Sch.
- F12** Words in s. 85(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 164(3)(c)**; S.I. 2007/309, art. 2, Sch.
- F13** Words in s. 85(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 164(4)**; S.I. 2007/309, art. 2, Sch.

86 Regulations and orders.

- (1) Any regulations or order of the [^{F14}Minister] under this Act—
- (a) shall be made by statutory instrument; and
- (b) (subject to subsection (2) below) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1)(b) above does not apply—
- (a) to an order under section 17(2), [^{F15}73F(6)]^{F16}... or 99(2) [^{F17}or paragraph 6 of Schedule 1C] ; [^{F18}or]

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- [^{F19}(aa) to regulations under section 69N above; and no regulations shall be made under that section unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament; or]
- ^{F20}(b)
- (c) to any regulations to which section 85(3) applies.
- (3) Any regulations of the [^{F14}Minister] or [^{F21}the Commission] and any order of the [^{F14}Minister] under this Act may make—
- (a) different provision for different cases; and
- (b) such supplemental, incidental, consequential or transitional provision or savings as the [^{F14}Minister] or, as the case may be, [^{F22}the Commission considers] appropriate.
- (4) Before making any regulations under section 42, 44^{F23}, 45, 69N or 69Q] above [^{F24}or Schedule 5A,] the [^{F14}Minister] shall consult such persons or bodies of persons as he considers appropriate.

Textual Amendments

- F14** Word in s. 86 substituted (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), art. 1(2), **Sch. para. 4(y)**
- F15** Word in s. 86(2)(a) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 165(2)(a)**; [S.I. 2007/309](#), art. 2, Sch.
- F16** Word in s. 86(2)(a) repealed (E.W.) (1.2.2001) by [Trustee Act 2000 \(c. 29\)](#), s. 40(1)(3), Sch. 2 Pt. I para. 2(2)(a), **Sch. 4 Pt. I** (with s. 35); [S.I. 2001/49](#), art. 2; same word repealed (S.) (1.1.2006) by [Charities and Trustee Investment \(Scotland\) Act 2005 \(asp 10\)](#), s. 107(2), **Sch. 3 para. 9**; [S.S.I. 2005/644](#), art. 2(1), **Sch. 1**
- F17** Words in s. 86(2)(a) inserted (18.3.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 165(2)(b)**; [S.I. 2008/751](#), art. 2, Sch.
- F18** Word in s. 86(2)(a) inserted (E.W.) (1.2.2001) by [2000 c. 29](#), s. 40(1), **Sch. 2 Pt. I para. 2(2)(b)** (with s. 35); [S.I. 2001/49](#), art. 2
- F19** S. 86(2)(aa) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 7 para. 6(a)**; [S.I. 2007/309](#), art. 2, Sch.
- F20** S. 86(2)(b) repealed (E.W.) (1.2.2001) by [Trustee Act 2000 \(c. 29\)](#), s. 40(1)(3), Sch. 2 Pt. I para. 2(3), **Sch. 4 Pt. I** (with s. 35); [S.I. 2001/49](#), art. 2; s. 86(2)(b) repealed (S.) (1.1.2006) by [Charities and Trustee Investment \(Scotland\) Act 2005 \(asp 10\)](#), s. 107(2), **Sch. 3 para. 9**; [S.S.I. 2005/644](#), art. 2(1), **Sch. 1**
- F21** Word in s. 86(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 165(3)(a)**; [S.I. 2007/309](#), art. 2, Sch.
- F22** Word in s. 86(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 165(3)(b)**; [S.I. 2007/309](#), art. 2, Sch.
- F23** Words in s. 86(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 7 para. 6(b)**; [S.I. 2007/309](#), art. 2, Sch.
- F24** Words in s. 86(4) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 165(4)**; [S.I. 2007/309](#), art. 2, Sch.

^{F25}86A Consultation by Commission before exercising powers in relation to exempt charity

Before exercising in relation to an exempt charity any specific power exercisable by it in relation to the charity, the Commission must consult the charity's principal regulator.]

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Textual Amendments

F25 S. 86A inserted (1.6.2010 for specified purposes, 1.8.2011 for specified purposes) by [Charities Act 2006 \(c. 50\), ss. 14, 79\(2\)](#); [S.I. 2010/503, art. 2, Sch. 1 \(with Sch. 2\)](#); [S.I. 2011/1728, art. 2, Sch. 1 \(with Sch. 2\)](#)

87 Enforcement of requirements by order of [^{F26}Commission] .

- (1) If a person fails to comply with any requirement imposed by or under this Act then (subject to subsection (2) below) [^{F27}the Commission] may by order give him such directions as [^{F28}it considers] appropriate for securing that the default is made good.
- (2) Subsection (1) above does not apply to any such requirement if—
- (a) a person who fails to comply with, or is persistently in default in relation to, the requirement is liable to any criminal penalty; or
 - (b) the requirement is imposed—
 - (i) by an order of [^{F29}the Commission] to which section 88 below applies, or
 - (ii) by a direction of [^{F29}the Commission] to which that section applies by virtue of section 90(2) below.

Textual Amendments

F26 Word in s. 87 heading substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 166\(4\)](#); [S.I. 2007/309, art. 2, Sch.](#)

F27 Words in s. 87(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 166\(2\)\(a\)](#); [S.I. 2007/309, art. 2, Sch.](#)

F28 Words in s. 87(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 166\(2\)\(b\)](#); [S.I. 2007/309, art. 2, Sch.](#)

F29 Words in s. 87(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 166\(3\)](#); [S.I. 2007/309, art. 2, Sch.](#)

88 Enforcement of orders of [^{F30}Commission]

A person guilty of disobedience—

- [^{F31}(a) to an order of the Commission under section 9(1), 19A, 19B, 44(2), 61, 73, 73C or 80 above; or]
- (b) to an order of [^{F32}the Commission] under section 16 or 18 above requiring a transfer of property or payment to be called for or made; or
- (c) to an order of [^{F32}the Commission] requiring a default under this Act to be made good;

may on the application of [^{F33}the Commission to] the High Court be dealt with as for disobedience to an order of the High Court.

Textual Amendments

F30 Word in s. 88 heading substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 167\(5\)](#); [S.I. 2007/309, art. 2, Sch.](#)

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- F31** S. 88(a) substituted (18.3.2008) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 167(2)**; S.I. 2008/751, art. 2, Sch.
- F32** Words in s. 88(b)(c) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 167(3)**; S.I. 2007/309, art. 2, Sch.
- F33** Words in s. 88 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 167(4)**; S.I. 2007/309, art. 2, Sch.

89 Other provisions as to orders of [^{F34}Commission]

- (1) Any order made by [^{F35}the Commission] under this Act may include such incidental or supplementary provisions as [^{F36}the Commission thinks] expedient for carrying into effect the objects of the order, and where [^{F37}the Commission exercises] any jurisdiction to make such an order on an application or reference [^{F38}to it, it may] insert any such provisions in the order notwithstanding that the application or reference does not propose their insertion.
- (2) Where [^{F39}the Commission makes] an order under this Act, then (without prejudice to the requirements of this Act where the order is subject to appeal) [^{F40}the Commission may itself] give such public notice as [^{F41}it thinks 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) [^{F42}The Commission] at any time within twelve months after [^{F43}it has] made an order under any provision of this Act other than section 61 if [^{F44}it is] satisfied that the order was made by mistake or on misrepresentation or otherwise than in conformity with this Act, may with or without any application or reference [^{F45}to it] 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 [^{F46}the Commission] 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.

[Any order made by the Commission under any provision of this Act may be varied or ^{F47}(5) revoked by a subsequent order so made.]

Textual Amendments

- F34** Word in s. 89 heading substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(7)**; S.I. 2007/309, art. 2, Sch.
- F35** Words in s. 89(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(2)(a)**; S.I. 2007/309, art. 2, Sch.
- F36** Words in s. 89(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(2)(b)**; S.I. 2007/309, art. 2, Sch.
- F37** Words in s. 89(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(2)(c)**; S.I. 2007/309, art. 2, Sch.
- F38** Words in s. 89(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(2)(d)**; S.I. 2007/309, art. 2, Sch.
- F39** Words in s. 89(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(3)(a)**; S.I. 2007/309, art. 2, Sch.
- F40** Words in s. 89(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(3)(b)**; S.I. 2007/309, art. 2, Sch.

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- F41** Words in s. 89(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(3)(c)**; S.I. 2007/309, art. 2, Sch.
- F42** Words in s. 89(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(4)(a)**; S.I. 2007/309, art. 2, Sch.
- F43** Words in s. 89(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(4)(b)**; S.I. 2007/309, art. 2, Sch.
- F44** Words in s. 89(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(4)(c)**; S.I. 2007/309, art. 2, Sch.
- F45** Words in s. 89(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(4)(d)**; S.I. 2007/309, art. 2, Sch.
- F46** Words in s. 89(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(5)**; S.I. 2007/309, art. 2, Sch.
- F47** S. 89(5) added (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 168(6)**; S.I. 2007/309, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 89(1)(2)(4) applied (1.8.1993) by 1992 c. 41, **s. 72(5)** (as substituted (1.8.1993) by ss. 98(1), 99(1), Sch. 6 para. 29(7) of this Act).

90 Directions of [^{F48}the Commission]

- (1) Any direction given by [^{F48}the Commission] under any provision contained in this Act—
- (a) may be varied or revoked by a further direction given under that provision; and
 - (b) shall be given in writing.
- (2) Sections 88 and 89(1), (2) and (4) above shall apply to any such directions as they apply to an order of [^{F48}the Commission].
- (3) In subsection (1) above the reference to the [^{F48}the Commission] includes, in relation to a direction under subsection (3) of section 8 above, a reference to any person conducting an inquiry under that section.
- (4) Nothing in this section shall be read as applying to any directions contained in an order made by [^{F48}the Commission] under section 87(1) above.

Textual Amendments

- F48** Words in s. 90 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 169**; S.I. 2007/309, art. 2, Sch.

91 Service of orders and directions.

- (1) This section applies to any order or direction made or given by [^{F49}the Commission] 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.

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- (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 [F50the Commission] for the purposes of this subsection.
- (5) In this section any reference to [F51the Commission] includes, in relation to a direction given under subsection (3) of section 8 above, a reference to any person conducting an inquiry under that section.

Textual Amendments

- F49** Words in s. 91(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 170; S.I. 2007/309, art. 2, Sch.
- F50** Words in s. 91(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 170; S.I. 2007/309, art. 2, Sch.
- F51** Words in s. 91(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 170; S.I. 2007/309, art. 2, Sch.

F52 **92 Appeals from Commissioners.**

Textual Amendments

- F52** S. 92 repealed (18.3.2008) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 171, Sch. 9; S.I. 2008/751, art. 2, Sch. (with art. 4)

93 Miscellaneous provisions as to evidence.

- (1) Where, in any proceedings to recover or compel payment of any rentcharge or other periodical payment claimed by or on behalf of a charity out of land or of the rents, profits or other income of land, otherwise than as rent incident to a reversion, it is shown that the rentcharge or other periodical payment has at any time been paid for twelve consecutive years to or for the benefit of the charity, that shall be prima facie evidence of the perpetual liability to it of the land or income, and no proof of its origin shall be necessary.
- (2) In any proceedings, the following documents, that is to say,—
 - (a) the printed copies of the reports of the Commissioners for enquiring concerning charities, 1818 to 1837, who were appointed under the Act 58 Geo. 3. c. 91 and subsequent Acts; and
 - (b) the printed copies of the reports which were made for various counties and county boroughs to the Charity Commissioners by their assistant commissioners and presented to the House of Commons as returns to orders

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of various dates beginning with 8th December 1890, and ending with 9th September 1909,

shall be admissible as evidence of the documents and facts stated in them.

- [^{F53}(3) Evidence of any order, certificate or other document issued by the Commission may be given by means of a copy which it retained, or which is taken from a copy so retained, and evidence of an entry in any register kept by it may be given by means of a copy of the entry, if (in each case) the copy is certified in accordance with subsection (4).
- (4) The copy shall be certified to be a true copy by any member of the staff of the Commission generally or specially authorised by the Commission to act for that purpose.
- (5) A document purporting to be such a copy shall be received in evidence without proof of the official position, authority or handwriting of the person certifying it.
- (6) In subsection (3) above “the Commission” includes the Charity Commissioners for England and Wales.]

Textual Amendments

F53 S. 93(3)-(6) substituted for s. 93(3) (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 172](#); [S.I. 2007/309](#), art. 2, Sch.

94 Restriction on institution of proceedings for certain offences.

- (1) No proceedings for an offence under this Act to which this section applies shall be instituted except by or with the consent of the Director of Public Prosecutions.
- (2) This section applies to any offence under—
- (a) section 5;
 - (b) section 11;
 - (c) section 18(14);
 - (d) section 49; or
 - (e) section 73(1).

95 Offences by bodies corporate.

Where any offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In relation to a body corporate whose affairs are managed by its members, “director” means a member of the body corporate.

96 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—

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[^{F54}“charity” has the meaning given by section 1(1) of the Charities Act 2006;]

“ecclesiastical charity” has the same meaning as in the ^{M1}Local Government Act 1894;

“exempt charity” means (subject to section 24(8) above) a charity comprised in Schedule 2 to this Act;

“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 or (in Wales) community, a charity the benefits of which are, or the separate distribution of the benefits of which is, confined to inhabitants of the parish or community, or of a single ancient ecclesiastical parish which included that parish or community or part of it, or of an area consisting of that parish or community with not more than four neighbouring parishes or communities.

- (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
 - (b) to any Diocesan Board of Finance [^{F55}(or any subsidiary thereof)] within the meaning of the ^{M2}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
 - (c) to any trust of property for purposes for which the property has been consecrated.
- (3) 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 expended for the purposes of the charity.
- ^{F56}(4)
- (5) [^{F57}The Commission] 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.
- [[^{F57}The Commission] may direct that for all or any of the purposes of this Act two or ^{F58}(6) more charities having the same charity trustees shall be treated as a single charity.]

Textual Amendments

F54 Words in s. 96(1) substituted (1.4.2008) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 173\(2\)](#); [S.I. 2008/945, art. 2, Sch. 1](#)

F55 Words in s. 96(2)(b) inserted (1.1.2001) by [Church of England \(Miscellaneous Provisions\) Measure 2000 \(No. 1\), s. 11](#); [Instrument dated 28.7.2000 made by the Archbishops of Canterbury and York](#)

F56 S. 96(4) repealed (1.4.2008) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 173\(3\)\(b\), Sch. 9](#); [S.I. 2008/945, art. 2, Sch. 1](#)

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F57 Words in s. 96(5)(6) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 173(4)**; S.I. 2007/309, art. 2, Sch.

F58 S. 96(6) inserted (8.11.1995) by 1995 c. 48, s. 1

Modifications etc. (not altering text)

C2 S. 96(2) modified (8.11.2006) by Charities Act 2006 (c. 50), s. 78(2)(3)79(1)(d)

C3 S. 96(2) modified (E.) (1.7.2010) by Church of England (Miscellaneous Provisions) Measure 2010 (No. 1), **ss. 10(1)**, 13(2); 2010 No. 2, art. 2, Sch. 1

Marginal Citations

M1 1894 c. 73.

M2 1976 No. 4.

97 General interpretation.

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

“charitable purposes” means purposes which are exclusively [^{F59}charitable purposes as defined by section 2(1) of the Charities Act 2006;] ;

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

[^{F60}“the Commission” means the Charity Commission;]

[^{F61}“company” means a company registered under the Companies Act 2006 in England and Wales or Scotland;]

“the court” means the High Court and, within the limits of its jurisdiction, any other court in England and 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;

“financial year”—

(a) in relation to a charity which is a company, shall be construed in accordance with [^{F62}section 390 of the Companies Act 2006] ; and

(b) in relation to any other charity, shall be construed in accordance with regulations made by virtue of section 42(2) above;

but this definition is subject to the transitional provisions in section 99(4) below and Part II of Schedule 8 to this Act;

“gross income”, in relation to charity, means its gross recorded income from all sources including special trusts;

“independent examiner”, in relation to a charity, means such a person as is mentioned in section 43(3)(a) above;

“institution” [^{F63}means an institution whether incorporated or not, and] includes any trust or undertaking;

[^{F64}“members”, in relation to a charity with a body of members distinct from the charity trustees, means any of those members;]

[^{F64}“the Minister” means the Minister for the Cabinet Office;]

“the official custodian” means the official custodian for charities;

“permanent endowment” shall be construed in accordance with section 96(3) above;

[^{F64}“principal regulator”, in relation to an exempt charity, means the charity's principal regulator within the meaning of section 13 of the Charities Act 2006;]

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“the register” means the register of charities kept under section 3 above and “registered” shall be construed accordingly;

“special trust” means property which is held and administered by or on behalf of a charity for any special purposes of the charity, and is so held and administered on separate trusts relating only to that property but a special trust shall not, by itself, constitute a charity for the purposes of Part VI of this Act;

[^{F65}“the Tribunal”, in relation to any appeal, application or reference, means—

- (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal, application or reference; or
- (b) the First-tier Tribunal, in any other case;]

“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.

- (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.
- (3) No vesting or transfer of any property in pursuance of any provision of [^{F66}Part 4, 7, 8A or 9] of this Act shall operate as a breach of a covenant or condition against alienation or give rise to a forfeiture.

Textual Amendments

- F59** Words in s. 97(1) substituted (1.4.2008) by [Charities Act 2006 \(c. 50\), s. 79\(2\)](#), [Sch. 8 para. 174\(a\)](#); [S.I. 2008/945, art. 2, Sch. 1](#)
- F60** Words in s. 97(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\)](#), [Sch. 8 para. 174\(b\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F61** Words in s. 97(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 1\(2\)](#), [Sch. 1 para. 139\(9\)](#) (with [art. 10](#))
- F62** Words in s. 97(1) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\)](#), [Sch. 1 para. 192\(9\)](#) (with [arts. 6, 11, 12](#))
- F63** Words in s. 97(1) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\)](#), [Sch. 8 para. 174\(c\)](#); [S.I. 2007/309, art. 2, Sch.](#)
- F64** Words in s. 97(1) inserted (8.11.2006) by [Charities Act 2006 \(c. 50\), s. 79\(1\)\(g\)](#), [Sch. 8 para. 174\(d\)](#)
- F65** Words in s. 97(1) substituted (1.9.2009) by [The Transfer of Functions of the Charity Tribunal Order 2009 \(S.I. 2009/1834\), art. 1, Sch. 1 para. 12](#) (with [Sch. 4](#))
- F66** Words in s. 97(3) substituted (27.2.2007 for specified purposes) by [Charities Act 2006 \(c. 50\), s. 79\(2\)](#), [Sch. 8 para. 175](#); [S.I. 2007/309, art. 2, Sch.](#)

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98 Consequential amendments and repeals.

- (1) The enactments mentioned in Schedule 6 to this Act shall be amended as provided in that Schedule.
- (2) The enactments mentioned in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of the Schedule.

^{F67}99 Commencement and transitional provisions.

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Textual Amendments

F67 S. 99 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 17](#) Group 4

100 Short title and extent.

- (1) This Act may be cited as the Charities Act 1993.
- (2) Subject to subsection (3) to (6) below, this Act extends only to England and Wales.
- (3) [^{F68}Section 10][^{F68}Sections 10 to 10C] above and this section extend to the whole of the United Kingdom.
- (4) Section 15(2) [^{F69}and sections 24 to 25A extend] also to Northern Ireland.
- [^{F70}(5) Sections 70 and 71 and so much of section 86 as relates to those sections extend also to Scotland.]
- (6) The amendments in Schedule 6 and the repeals in Schedule 7 have the same extent as the enactments to which they refer and section 98 above extends accordingly.]

Textual Amendments

F68 Words in s. 100(3) substituted (27.2.2007 for specified purposes, 1.6.2010 for specified purposes) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 176](#); S.I. 2007/309, art. 2, Sch.; S.I. 2010/503, art. 2, Sch. 1 (with Sch. 2)

F69 Words in s. 100(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), [ss. 23\(5\)](#), 79(2); S.I. 2007/309, art. 2, Sch.

F70 S. 100(5) repealed (S.) (1.1.2006) by [Charities and Trustee Investment \(Scotland\) Act 2005 \(asp 10\)](#), s. 107(2), [sch. 3 para. 9](#); S.S.I. 2005/644, art. 2(1), sch. 1

Status:

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