



# Charities Act 1993 (repealed)

## 1993 CHAPTER 10

### PART V

#### CHARITY LAND

#### **37 Supplementary provisions relating to dispositions.**

- (1) Any of the following instruments, namely—
- (a) any contract for the sale, or for a lease or other disposition, of land which is held by or in trust for a charity, and
  - (b) any conveyance, transfer, lease or other instrument effecting a disposition of such land,
- shall state—
- (i) that the land is held by or in trust for a charity,
  - (ii) whether the charity is an exempt charity and whether the disposition is one falling within paragraph (a), [<sup>F1</sup>(aa),] (b) or (c) of subsection (9) of section 36 above, and
  - (iii) if it is not an exempt charity and the disposition is not one falling within any of those paragraphs, that the land is land to which the restrictions on disposition imposed by that section apply.
- (2) Where any land held by or in trust for a charity is [<sup>F2</sup>conveyed, transferred], leased or otherwise disposed of by a disposition to which subsection (1) or (2) of section 36 above applies, the charity trustees shall certify in the instrument by which the disposition is effected—
- (a) (where subsection (1) of that section applies) that the disposition has been sanctioned by an order of the court or of [<sup>F3</sup>the Commission] (as the case may be), or
  - (b) (where subsection (2) of that section applies) that the charity trustees have power under the trusts of the charity to effect the disposition, and that they have complied with the provisions of that section so far as applicable to it.

*Status: Point in time view as at 01/06/2010. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), Section 37. (See end of Document for details)*

(3) Where subsection (2) above has been complied with in relation to any disposition of land, then in favour of a person who (whether under the disposition or afterwards) acquires an interest in the land for money or money’s worth, it shall be conclusively presumed that the facts were as stated in the certificate.

(4) Where—

- (a) any land held by or in trust for a charity is [<sup>F2</sup>conveyed, transferred], leased or otherwise disposed of by a disposition to which subsection (1) or (2) of section 36 above applies, but
- (b) subsection (2) above has not been complied with in relation to the disposition, then in favour of a person who (whether under the disposition or afterwards) in good faith acquires an interest in the land for money or money’s worth, the disposition shall be valid whether or not—
  - (i) the disposition has been sanctioned by an order of the court or of [<sup>F3</sup>the Commission], or
  - (ii) the charity trustees have power under the trusts of the charity to effect the disposition and have complied with the provisions of that section so far as applicable to it.

(5) Any of the following instruments, namely—

- (a) any contract for the sale, or for a lease or other disposition, of land which will, as a result of the disposition, be held by or in trust for a charity, and
- (b) any conveyance, transfer, lease or other instrument effecting a disposition of such land,

shall state—

- (i) that the land will, as a result of the disposition, be held by or in trust for a charity,
- (ii) whether the charity is an exempt charity, and
- (iii) if it is not an exempt charity, that the restrictions on disposition imposed by section 36 above will apply to the land (subject to subsection (9) of that section).

<sup>F4</sup>(6) .....

[<sup>F5</sup>(7) Where the disposition to be effected by any such instrument as is mentioned in subsection (1)(b) or (5)(b) above will be—

- (a) a registrable disposition, or
- (b) a disposition which triggers the requirement of registration,

the statement which, by virtue of subsection (1) or (5) above, is to be contained in the instrument shall be in such form as may be prescribed by land registration rules.]

[<sup>F5</sup>(8) Where the registrar approves an application for registration of—

- (a) a disposition of registered land, or
- (b) a person’s title under a disposition of unregistered land,

and the instrument effecting the disposition contains a statement complying with subsections (5) and (7) above, he shall enter in the register a restriction reflecting the limitation under section 36 above on subsequent disposal.]

(9) Where—

- (a) any such restriction is entered in the register in respect of any land, and
- (b) the charity by or in trust for which the land is held becomes an exempt charity,

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the charity trustees shall apply to the registrar for [<sup>F6</sup>the removal of the entry]; and on receiving any application duly made under this subsection the registrar shall [<sup>F7</sup>remove the entry].

(10) Where—

- (a) any registered land is held by or in trust for an exempt charity and the charity ceases to be an exempt charity, or
- (b) any registered land becomes, as a result of a declaration of trust by the registered proprietor, land held in trust for a charity (other than an exempt charity),

the charity trustees shall apply to the registrar for such a restriction as is mentioned in subsection (8) above to be entered in the register in respect of the land; and on receiving any application duly made under this subsection the registrar shall enter such a restriction in the register in respect of the land.

(11) In this section—

- (a) references to a disposition of land do not include references to—
  - (i) a disposition of land by way of mortgage or other security,
  - (ii) any disposition of an advowson, or
  - (iii) any release of a rentcharge falling within section 40(1) below; and
- (b) “land” means land in England or Wales;

and subsections (7) to (10) above shall be construed as one with the [<sup>F8</sup>Land Registration Act 2002].

#### Textual Amendments

- F1** Word in s. 37(1) inserted (1.6.2010 immediately after 2006 c. 50, s. 11(3) comes into force, see S.I. 2010/503, art. 2, Sch. 1) by [The Charities Act 2006 \(Changes in Exempt Charities\) Order 2010 \(S.I. 2010/500\)](#), art. 1, [Sch. 1 para. 4\(3\)](#) (with Sch. 2)
- F2** Words in s. 37(2)(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 129\(a\)](#); S.I. 2007/309, art. 2, Sch.; S.I. 2007/309, art. 2, Sch.
- F3** Words in s. 37(2)(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 129\(b\)](#); S.I. 2007/309, art. 2, Sch.; S.I. 2007/309, art. 2, Sch.
- F4** S. 37(6) repealed (1.1.1997) by 1996 c. 47, s. 25(2), [Sch. 4](#) (with s. 24(2), 25(4)); S.I. 1996/2974, art. 2
- F5** S. 37(7)(8) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 29\(2\)](#) (with s. 129); S.I. 2003/1725, art. 2(1)
- F6** Words in s. 37(9) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 29\(3\)\(a\)](#) (with s. 129); S.I. 2003/1725, art. 2(1)
- F7** Words in s. 37(9) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 29\(3\)\(b\)](#) (with s. 129); S.I. 2003/1725, art. 2(1)
- F8** Words in s. 37(11) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 29\(4\)](#) (with s. 129); S.I. 2003/1725, art. 2(1)

**Status:**

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**Changes to legislation:**

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