

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Charities Act 1993 (c. 10)*

VALID FROM 27/02/2007

96 The 1993 Act has effect subject to the following amendments.

VALID FROM 27/02/2007

97 In the heading for Part 1, for “CHARITY COMMISSIONERS” substitute “ CHARITY COMMISSION ”.

VALID FROM 27/02/2007

98 (1) Section 2 (official custodian for charities) is amended as follows.

(2) For subsection (2) substitute—

“(2) Such individual as the Commission may from time to time designate shall be the official custodian.”

(3) In subsection (3), for “Commissioners” (in both places) substitute “ Commission ”.

(4) In subsection (4)—

(a) for “officer of the Commissioners” substitute “ member of the staff of the Commission ”, and

(b) for “by them” substitute “ by it ”.

(5) In subsection (7) omit the words from “ , and the report ” onwards.

(6) After subsection (7) add—

“(8) The Comptroller and Auditor General shall send to the Commission a copy of the accounts as certified by him together with his report on them.

(9) The Commission shall publish and lay before Parliament a copy of the documents sent to it under subsection (8) above.”

VALID FROM 27/02/2007

99 (1) Section 4 (claims and objections to registration) is amended as follows.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

- (2) In subsection (2)—
- (a) for “the Commissioners” substitute “ the Commission ”, and
  - (b) for “to them” substitute “ to the Commission ”.
- (3) Omit subsection (3).
- (4) In subsection (4)—
- (a) for “High Court” substitute “ Tribunal ”,
  - (b) for “the Commissioners” (in the first and third places) substitute “ the Commission ”, and
  - (c) for “the Commissioners are” substitute “ the Commission is ”.
- (5) In subsection (5)—
- (a) for “subsection (3) above” substitute “ Schedule 1C to this Act ”,
  - (b) for “the Commissioners” (in both places) substitute “ the Commission ”, and
  - (c) omit “ , whether given on such an appeal or not ”.

#### Commencement Information

**II** Sch. 8 para. 99(1)(2)(4)(b)(c)(5)(b) in force at 27.2.2007 by [S.I. 2007/309](#), art. 2, [Sch.](#)

VALID FROM 27/02/2007

- 100 (1) Section 6 (power to require charity's name to be changed) is amended as follows.
- (2) For “Commissioners” (in each place including the sidenote) substitute “ Commission ”.
  - (3) In subsection (5) for “section 3(7)(b) above” substitute “ section 3B(3) ”.

VALID FROM 27/02/2007

- 101 For the heading for Part 3 substitute “ INFORMATION POWERS ”.

VALID FROM 27/02/2007

- 102 (1) Section 8 (power to institute inquiries) is amended as follows.
- (2) In subsection (1) for “The Commissioners” substitute “ The Commission ”.
  - (3) In subsection (2)—
    - (a) for “The Commissioners” substitute “ The Commission ”,
    - (b) for “themselves” substitute “ itself ”, and
    - (c) for “to them” substitute “ to the Commission ”.
  - (4) In subsection (3) for “the Commissioners, or a person appointed by them” substitute “ the Commission, or a person appointed by the Commission ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

(5) In subsection (5) for “The Commissioners” substitute “ The Commission ”.

(6) In subsection (6)—

- (a) for “the Commissioners” substitute “ the Commission ”,
- (b) for “they think” substitute “ the Commission thinks ”,
- (c) for “their opinion” substitute “ the Commission's opinion ”, and
- (d) for “to them” substitute “ to the Commission ”.

(7) In subsection (7) for “the Commissioners” substitute “ the Commission ”.

VALID FROM 27/02/2007

103 (1) Section 9 (power to call for documents and search records) is amended as follows.

(2) In subsection (1)—

- (a) for “The Commissioners” substitute “ The Commission ”,
- (b) for “furnish them” (in both places) substitute “ furnish the Commission ”,
- (c) for “their functions” (in both places) substitute “ the Commission's functions ”, and
- (d) for “them for their” substitute “ the Commission for its ”.

(3) In subsection (2)—

- (a) for “officer of the Commissioners, if so authorised by them” substitute “ member of the staff of the Commission, if so authorised by it ”, and
- (b) for “the Commissioners” (in the second place) substitute “ the Commission ”.

(4) In subsection (3)—

- (a) for “The Commissioners” substitute “ The Commission ”,
- (b) for “to them” (in the first place) substitute “ to it ”,
- (c) for “to them” (in the second place) substitute “ to the Commission ”,
- (d) for “their inspection” substitute “ it to inspect ”, and
- (e) for “the Commissioners” substitute “ the Commission ”.

(5) After subsection (5) add—

“(6) In subsection (2) the reference to a member of the staff of the Commission includes the official custodian even if he is not a member of the staff of the Commission.”

104 For section 10 substitute—

#### “10 Disclosure of information to Commission

- (1) Any relevant public authority may disclose information to the Commission if the disclosure is made for the purpose of enabling or assisting the Commission to discharge any of its functions.
- (2) But Revenue and Customs information may be disclosed under subsection (1) only if it relates to an institution, undertaking or body falling within one (or more) of the following paragraphs—

---

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

---

- (a) a charity;
  - (b) an institution which is established for charitable, benevolent or philanthropic purposes;
  - (c) an institution by or in respect of which a claim for exemption has at any time been made under section 505(1) of the Income and Corporation Taxes Act 1988;
  - (d) a subsidiary undertaking of a charity;
  - (e) a body entered in the Scottish Charity Register which is managed or controlled wholly or mainly in or from England or Wales.
- (3) In subsection (2)(d) above “subsidiary undertaking of a charity” means an undertaking (as defined by section 259(1) of the Companies Act 1985) in relation to which—
- (a) a charity is (or is to be treated as) a parent undertaking in accordance with the provisions of section 258 of, and Schedule 10A to, the Companies Act 1985, or
  - (b) two or more charities would, if they were a single charity, be (or be treated as) a parent undertaking in accordance with those provisions.
- (4) For the purposes of the references to a parent undertaking—
- (a) in subsection (3) above, and
  - (b) in section 258 of, and Schedule 10A to, the Companies Act 1985 as they apply for the purposes of that subsection,
- “undertaking” includes a charity which is not an undertaking as defined by section 259(1) of that Act.

### **10A Disclosure of information by Commission**

- (1) Subject to subsections (2) and (3) below, the Commission may disclose to any relevant public authority any information received by the Commission in connection with any of the Commission's functions—
- (a) if the disclosure is made for the purpose of enabling or assisting the relevant public authority to discharge any of its functions, or
  - (b) if the information so disclosed is otherwise relevant to the discharge of any of the functions of the relevant public authority.
- (2) In the case of information disclosed to the Commission under section 10(1) above, the Commission's power to disclose the information under subsection (1) above is exercisable subject to any express restriction subject to which the information was disclosed to the Commission.
- (3) Subsection (2) above does not apply in relation to Revenue and Customs information disclosed to the Commission under section 10(1) above; but any such information may not be further disclosed (whether under subsection (1) above or otherwise) except with the consent of the Commissioners for Her Majesty's Revenue and Customs.
- (4) Any responsible person who discloses information in contravention of subsection (3) above is guilty of an offence and liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or both;

---

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

---

- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (5) It is a defence for a responsible person charged with an offence under subsection (4) above of disclosing information to prove that he reasonably believed—
  - (a) that the disclosure was lawful, or
  - (b) that the information had already and lawfully been made available to the public.
- (6) In the application of this section to Scotland or Northern Ireland, the reference to 12 months in subsection (4) is to be read as a reference to 6 months.
- (7) In this section “responsible person” means a person who is or was—
  - (a) a member of the Commission,
  - (b) a member of the staff of the Commission,
  - (c) a person acting on behalf of the Commission or a member of the staff of the Commission, or
  - (d) a member of a committee established by the Commission.

#### **10B Disclosure to and by principal regulators of exempt charities**

- (1) Sections 10 and 10A above apply with the modifications in subsections (2) to (4) below in relation to the disclosure of information to or by the principal regulator of an exempt charity.
- (2) References in those sections to the Commission or to any of its functions are to be read as references to the principal regulator of an exempt charity or to any of the functions of that body or person as principal regulator in relation to the charity.
- (3) Section 10 above has effect as if for subsections (2) and (3) there were substituted—
  - “(2) But Revenue and Customs information may be disclosed under subsection (1) only if it relates to—
    - (a) the exempt charity in relation to which the principal regulator has functions as such, or
    - (b) a subsidiary undertaking of the exempt charity.
  - (3) In subsection (2)(b) above “subsidiary undertaking of the exempt charity” means an undertaking (as defined by section 259(1) of the Companies Act 1985) in relation to which—
    - (a) the exempt charity is (or is to be treated as) a parent undertaking in accordance with the provisions of section 258 of, and Schedule 10A to, the Companies Act 1985, or
    - (b) the exempt charity and one or more other charities would, if they were a single charity, be (or be treated as) a parent undertaking in accordance with those provisions.”
- (4) Section 10A above has effect as if for the definition of “responsible person” in subsection (7) there were substituted a definition specified by regulations

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

under section 13(4)(b) of the Charities Act 2006 (regulations prescribing principal regulators).

- (5) Regulations under section 13(4)(b) of that Act may also make such amendments or other modifications of any enactment as the Secretary of State considers appropriate for securing that any disclosure provisions that would otherwise apply in relation to the principal regulator of an exempt charity do not apply in relation to that body or person in its or his capacity as principal regulator.
- (6) In subsection (5) above “disclosure provisions” means provisions having effect for authorising, or otherwise in connection with, the disclosure of information by or to the principal regulator concerned.

### 10C Disclosure of information: supplementary

- (1) In sections 10 and 10A above “relevant public authority” means—
- (a) any government department (including a Northern Ireland department),
  - (b) any local authority,
  - (c) any constable, and
  - (d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).
- (2) In section 10A above “relevant public authority” also includes any body or person within subsection (1)(d) above in a country or territory outside the United Kingdom.
- (3) In sections 10 to 10B above and this section—
- “enactment” has the same meaning as in the Charities Act 2006;
- “Revenue and Customs information” means information held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005.
- (4) Nothing in sections 10 and 10A above (or in those sections as applied by section 10B(1) to (4) above) authorises the making of a disclosure which—
- (a) contravenes the Data Protection Act 1998, or
  - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.”

#### Commencement Information

**I2** Sch. 8 para. 104 partly in force; Sch. 8 para. 104 in force at Royal Assent for certain purposes, see s. 79(1)(g)

VALID FROM 27/02/2007

105 (1) Section 11 (supply of false or misleading information) is amended as follows.

(2) For “Commissioners” (in each place including the sidenote) substitute “Commission”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

(3) In subsection (1)(b) for “their functions” substitute “ its functions ”.

VALID FROM 27/02/2007

106 In the heading for Part 4 for “AND COMMISSIONERS” substitute “ AND COMMISSION ”.

VALID FROM 27/02/2007

107 (1) Section 14 (application *cy-près* of gifts of donors unknown or disclaiming) is amended as follows.

(2) In subsection (6) for “the Commissioners so direct” substitute “ the Commission so directs ”.

(3) In subsection (8) for “the Commissioners” substitute “ the Commission ”.

(4) In subsection (9)—

(a) for “the Commissioners” (in both places) substitute “ the Commission ”, and

(b) for “they think fit” substitute “ it thinks fit ”.

VALID FROM 27/02/2007

108 In the heading preceding section 16 for “*Powers of Commissioners*” substitute “ *Powers of Commission* ”.

VALID FROM 27/02/2007

109 (1) Section 16 (concurrent jurisdiction of Commissioners with High Court) is amended as follows.

(2) In subsection (1) for “the Commissioners” substitute “ the Commission ”.

(3) In subsection (2)—

(a) for “the Commissioners for them” substitute “ the Commission for it ”, and

(b) for “the Commissioners” (in the second place) substitute “ the Commission ”.

(4) In subsection (3) for “The Commissioners” substitute “ The Commission ”.

(5) In subsection (4) for “the Commissioners shall not exercise their” substitute “ the Commission shall not exercise its ”.

(6) In subsection (5)—

(a) for “income from all sources does not in aggregate” substitute “ gross income does not ”, and

(b) for “the Commissioners may exercise their” substitute “ the Commission may exercise its ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

- (7) In subsection (6)—
- (a) for “the Commissioners are” substitute “ the Commission is ”,
  - (b) for “the Commissioners have” substitute “ the Commission has ”,
  - (c) for “the Commissioners” (in the third and fourth places) substitute “ the Commission ”, and
  - (d) for “they act” substitute “ it acts ”.
- (8) In subsection (7)—
- (a) for “the Commissioners” (in the first and third places) substitute “ the Commission ”, and
  - (b) for “the Commissioners consider” substitute “ the Commission considers ”.
- (9) In subsection (8)—
- (a) for “The Commissioners” substitute “ The Commission ”, and
  - (b) for “their jurisdiction” substitute “ its jurisdiction ”.
- (10) In subsection (9) for “the Commissioners shall give notice of their” substitute “ the Commission shall give notice of its ”.
- (11) In subsection (10)—
- (a) for “The Commissioners shall not exercise their” substitute “ The Commission shall not exercise its ”, and
  - (b) for “the Commissioners” (in the second place) substitute “ the Commission ”.
- (12) Omit subsections (11) to (14).
- (13) In subsection (15)(b) for “the Commissioners may exercise their” substitute “ the Commission may exercise its ”.

#### Commencement Information

**I3** Sch. 8 para. 109(1)-(11)(13) in force at 27.2.2007 by [S.I. 2007/309](#), art. 2, [Sch.](#)

VALID FROM 27/02/2007

- 110 (1) Section 17 (further power to make schemes or alter application of charitable property) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Commissioners” (in both places) substitute “ the Commission ”, and
  - (b) for “by them” substitute “ by the Commission ”.
- (3) In subsection (2) for “the Commissioners” substitute “ the Commission ”.
- (4) In subsection (4) for “the Commissioners” (in both places) substitute “ the Commission ”.
- (5) In subsection (6)—
- (a) for “Commissioners” (in both places) substitute “ Commission ”,



*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

- (b) for “if they were” substitute “ if the Commission was ”,
- (c) for “they act” substitute “ it acts ”, and
- (d) for “to them” substitute “ to it ”.

(6) In subsection (7) for “the Commissioners” substitute “ the Commission ”.

(7) In subsection (8)—

- (a) for “the Commissioners are” substitute “ the Commission is ”, and
- (b) for “the Commissioners” (in the second place) substitute “ the Commission ”.

VALID FROM 27/02/2007

111 (1) Section 18 (power to act for protection of charities) is amended as follows.

(2) In subsection (1)—

- (a) for “after they have” substitute “ after it has ”,
- (b) for “the Commissioners are” substitute “ the Commission is ”,
- (c) for “the Commissioners may of their” substitute “ the Commission may of its ”,
- (d) for “as they consider” substitute “ as it considers ”,
- (e) for “the Commissioners” (in the third, fourth and fifth places) substitute “ the Commission ”, and
- (f) for “a receiver” substitute “ an interim manager, who shall act as receiver ”.

(3) In subsection (2)—

- (a) for “they have” substitute “ it has ”,
- (b) for “the Commissioners are” substitute “ the Commission is ”, and
- (c) for “the Commissioners may of their” substitute “ the Commission may of its ”.

(4) In subsection (4)—

- (a) for “The Commissioners” substitute “ The Commission ”, and
- (b) for “their own motion” substitute “ its own motion ”.

(5) In subsection (5)—

- (a) for “The Commissioners may by order made of their” substitute “ The Commission may by order made of its ”,
- (b) for “removed by them” substitute “ removed by the Commission ”, and
- (c) for “the Commissioners are of” (in both places) substitute “ the Commission is of ”.

(6) In subsection (6)—

- (a) for “the Commissioners” (in both places) substitute “ the Commission ”,
- (b) for “their own motion” substitute “ its own motion ”, and
- (c) for “by them” substitute “ by it ”.

(7) Omit subsections (8) to (10).

(8) In subsection (11) for “the Commissioners” substitute “ the Commission ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

- (9) In subsection (12)—
- (a) for “the Commissioners” substitute “ the Commission ”, and
  - (b) for “their intention” substitute “ its intention ”.
- (10) In subsection (13)—
- (a) for “The Commissioners” substitute “ The Commission ”,
  - (b) for “they think fit” substitute “ it thinks fit ”,
  - (c) for “by them” substitute “ by it ”,
  - (d) for “to them” substitute “ to the Commission ”, and
  - (e) for “they shall” substitute “ the Commission shall ”.

VALID FROM 27/02/2007

- 112 (1) Section 19 (supplementary provisions relating to receiver and manager appointed for a charity) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Commission may under section 18(1)(vii) above appoint to be interim manager in respect of a charity such person (other than a member of its staff) as it thinks fit.”
- (3) In subsection (2)—
- (a) for “the Commissioners” (in both places) substitute “ the Commission ”, and
  - (b) for “receiver and manager” substitute “ interim manager ”.
- (4) In subsection (3) for “receiver and manager” (in both places) substitute “ interim manager ”.
- (5) In subsection (4)—
- (a) for “receiver and manager” substitute “ interim manager ”, and
  - (b) for “the Commissioners” substitute “ the Commission ”.
- (6) In subsections (6)(c) and (7) for “the Commissioners” substitute “ the Commission ”.
- (7) In the sidenote for “receiver and manager” substitute “ interim manager ”.

VALID FROM 27/02/2007

- 113 After section 19B (inserted by section 21 of this Act) insert—
- “19C Copy of order under section 18, 18A, 19A or 19B, and Commission's reasons, to be sent to charity**
- (1) Where the Commission makes an order under section 18, 18A, 19A or 19B, it must send the documents mentioned in subsection (2) below—
- (a) to the charity concerned (if a body corporate), or
  - (b) (if not) to each of the charity trustees.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

- (2) The documents are—
  - (a) a copy of the order, and
  - (b) a statement of the Commission's reasons for making it.
- (3) The documents must be sent to the charity or charity trustees as soon as practicable after the making of the order.
- (4) The Commission need not, however, comply with subsection (3) above in relation to the documents, or (as the case may be) the statement of its reasons, if it considers that to do so—
  - (a) would prejudice any inquiry or investigation, or
  - (b) would not be in the interests of the charity;but, once the Commission considers that this is no longer the case, it must send the documents, or (as the case may be) the statement, to the charity or charity trustees as soon as practicable.
- (5) Nothing in this section requires any document to be sent to a person who cannot be found or who has no known address in the United Kingdom.
- (6) Any documents required to be sent to a person under this section may be sent to, or otherwise served on, that person in the same way as an order made by the Commission under this Act could be served on him in accordance with section 91 below.”

VALID FROM 27/02/2007

- 114 In section 22(3) (property vested in official custodian) for “the Commissioners” substitute “ the Commission ”.

VALID FROM 27/02/2007

- 115 (1) Section 23 (divestment in case of land subject to Reverter of Sites Act 1987 (c. 15)) is amended as follows.
- (2) In subsection (1)—
    - (a) for “the Commissioners” (in both places) substitute “ the Commission ”,
    - (b) for “by them of their own” substitute “ by the Commission of its own ”, and
    - (c) for “appear to them” substitute “ appear to the Commission ”.
  - (3) In subsection (2)—
    - (a) for “the Commissioners (of their own motion)” substitute “ the Commission (of its own motion) ”, and
    - (b) omit “ or them ”.
  - (4) In subsection (3)—
    - (a) for “the Commissioners” (in the first and second places) substitute “ the Commission ”, and
    - (b) for “the Commissioners is or are” substitute “ the Commission is ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

VALID FROM 27/02/2007

116 In section 24 (schemes to establish common investment funds), in subsections (1) and (2), for “the Commissioners” substitute “ the Commission ”.

VALID FROM 27/02/2007

117 In section 25(1) (schemes to establish common deposit funds) for “the Commissioners” substitute “ the Commission ”.

VALID FROM 27/02/2007

118 For the heading preceding section 26 substitute “ *Additional powers of Commission* ”.

VALID FROM 27/02/2007

119 In section 26(1) (power to authorise dealings with charity property)—  
(a) for “the Commissioners” substitute “ the Commission ”, and  
(b) for “they may” substitute “ the Commission may ”.

VALID FROM 27/02/2007

120 (1) Section 27 (power to authorise ex gratia payments) is amended as follows.  
(2) In subsection (1) for “the Commissioners” substitute “ the Commission ”.  
(3) In subsection (2)—  
(a) for “the Commissioners” (in both places) substitute “ the Commission ”, and  
(b) for “by them” substitute “ by the Commission ”.  
(4) In subsection (3)—  
(a) for “the Commissioners for them” substitute “ the Commission for it ”,  
(b) for “they are not” substitute “ it is not ”,  
(c) for “they consider” substitute “ the Commission considers ”,  
(d) for “by them” substitute “ by the Commission ”, and  
(e) for “they shall” substitute “ the Commission shall ”.  
(5) In subsection (4)—  
(a) for “to them” substitute “ to the Commission ”, and  
(b) for “the Commissioners determine” substitute “ the Commission determines ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

VALID FROM 27/02/2007

- 121 (1) Section 28 (power to give directions about dormant bank accounts) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Commissioners” substitute “ the Commission ”,
  - (b) for “are informed” substitute “ is informed ”,
  - (c) for “are unable” substitute “ is unable ”, and
  - (d) for “they may give” substitute “ it may give ”.
- (3) In subsection (3)—
- (a) for “Commissioners” (in both places) substitute “ Commission ”,
  - (b) for “they consider” substitute “ it considers ”,
  - (c) for “to them” substitute “ to the Commission ”, and
  - (d) for “they have received” substitute “ it has received ”.
- (4) In subsection (5)—
- (a) for “the Commissioners have been” substitute “ the Commission has been ”,
  - (b) for “the Commissioners” (in the second and third places) substitute “ the Commission ”,
  - (c) for “they shall revoke” substitute “ it shall revoke ”, and
  - (d) for “by them” substitute “ by it ”.
- (5) In subsection (7)—
- (a) for “the Commissioners” substitute “ the Commission ”, and
  - (b) for “them to discharge their functions” substitute “ the Commission to discharge its functions ”.
- (6) In subsection (8)(a) for “the Commissioners are informed” substitute “ the Commission is informed ”.
- (7) In subsection (9)—
- (a) for “the Commissioners have” substitute “ the Commission has ”, and
  - (b) for “the Commissioners” (in the second place) substitute “ the Commission ”.

VALID FROM 27/02/2007

- 122 (1) Section 30 (powers for preservation of charity documents) is amended as follows.
- (2) In subsection (1) for “The Commissioners” substitute “ The Commission ”.
- (3) In subsection (2) for “Commissioners” (in each place) substitute “ Commission ”.
- (4) In subsection (3)—
- (a) for “the Commissioners” (in the first place) substitute “ the Commission ”,
  - (b) for “with them” substitute “ with the Commission ”,

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

(c) for “officer of the Commissioners generally or specially authorised by them” substitute “ member of the staff of the Commission generally or specially authorised by the Commission ”.

(5) In subsection (4) for “the Commissioners” substitute “ the Commission ”.

(6) In subsection (5)—

- (a) for “the Commissioners” substitute “ the Commission ”,
- (b) for “by them” substitute “ by the Commission ”, and
- (c) for “with them” substitute “ with the Commission ”.

VALID FROM 27/02/2007

- 123 (1) Section 31 (power to order taxation of solicitor's bill) is amended as follows.
- (2) In subsection (1) for “The Commissioners” substitute “ The Commission ”.
- (3) In subsection (3) for “the Commissioners are” substitute “ the Commission is ”.

VALID FROM 27/02/2007

- 124 (1) Section 32 (proceedings by Commissioners) is amended as follows.
- (2) In subsections (1) and (3) for “the Commissioners” substitute “ the Commission ”.
- (3) In subsection (5)—
- (a) for “the Commissioners” substitute “ the Commission ”, and
  - (b) for “by them of their own” substitute “ by the Commission of its own ”.
- (4) In the sidenote, for “Commissioners” substitute “ Commission ”.

VALID FROM 27/02/2007

- 125 (1) Section 33 (proceedings by other persons) is amended as follows.
- (2) In subsection (2) for “the Commissioners” substitute “ the Commission ”.
- (3) In subsection (3)—
- (a) for “The Commissioners” substitute “ The Commission ”,
  - (b) for “their opinion” substitute “ its opinion ”, and
  - (c) for “by them” substitute “ by the Commission ”.
- (4) In subsections (5) and (6) for “the Commissioners” substitute “ the Commission ”.
- (5) In subsection (7)—
- (a) for “the Commissioners” (in both places) substitute “ the Commission ”, and
  - (b) for “they think” substitute “ the Commission thinks ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

VALID FROM 27/02/2007

126 In section 34 (report of inquiry to be evidence in certain proceedings), in subsections (1) and (2), for “the Commissioners” substitute “the Commission”.

VALID FROM 27/02/2007

127 In section 35(1) (application of certain provisions to trust corporations) for “the Commissioners” substitute “the Commission”.

VALID FROM 27/02/2007

128 (1) Section 36 (restrictions on dispositions) is amended as follows.

(2) In subsection (1)—

(a) for “sold” substitute “conveyed, transferred”, and

(b) for “the Commissioners” substitute “the Commission”.

(3) In subsection (3) after “subsection (5) below,” insert “the requirements mentioned in subsection (2)(b) above are that”.

(4) In subsection (5) after “consideration of a fine,” insert “the requirements mentioned in subsection (2)(b) above are that”.

(5) In subsection (6)—

(a) for “sold” substitute “conveyed, transferred”, and

(b) for “previously” substitute “before the relevant time”.

(6) After subsection (6) insert—

“(6A) In subsection (6) above “the relevant time” means—

(a) where the charity trustees enter into an agreement for the sale, or (as the case may be) for the lease or other disposition, the time when they enter into that agreement, and

(b) in any other case, the time of the disposition.”

(7) In subsection (8)—

(a) for “The Commissioners” substitute “The Commission”,

(b) for “the Commissioners are satisfied” substitute “the Commission is satisfied”, and

(c) for “for them” substitute “for the Commission”.

VALID FROM 27/02/2007

129 In section 37 (supplementary provisions relating to dispositions), in subsections (2) and (4)—

(a) for “sold” substitute “conveyed, transferred”, and

(b) for “the Commissioners” substitute “the Commission”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

VALID FROM 27/02/2007

130 In section 38(1) (restrictions on mortgaging) for “the Commissioners” substitute “the Commission”.

VALID FROM 27/02/2007

131 (1) Section 39 (supplementary provisions relating to mortgaging) is amended as follows.

(2) In subsections (2)(a) and (4) for “the Commissioners” substitute “the Commission”.

(3) After subsection (4) insert—

“(4A) Where subsection (3D) of section 38 above applies to any mortgage of land held by or in trust for a charity, the charity trustees shall certify in relation to any transaction falling within that subsection that they have obtained and considered such advice as is mentioned in that subsection.

(4B) Where subsection (4A) above has been complied with in relation to any transaction, then, in favour of a person who (whether under the mortgage or afterwards) has acquired or 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.”

VALID FROM 27/02/2007

132 In section 41(4) (obligation to preserve accounting records) for “the Commissioners consent” substitute “the Commission consents”.

VALID FROM 01/04/2008

133 (1) Section 42 (annual statements of accounts) is amended as follows.

(2) After subsection (2) insert—

“(2A) Such regulations may, however, not impose on the charity trustees of a charity that is a charitable trust created by any person (“the settlor”) any requirement to disclose, in any statement of accounts prepared by them under subsection (1) —

(a) the identities of recipients of grants made out of the funds of the charity, or

(b) the amounts of any individual grants so made,

if the disclosure would fall to be made at a time when the settlor or any spouse or civil partner of his was still alive.”

(3) After subsection (7) add—

“(8) Provisions about the preparation of accounts in respect of groups consisting of certain charities and their subsidiary undertakings, and about other



*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

matters relating to such groups, are contained in Schedule 5A to this Act (see section 49A below).”

VALID FROM 27/02/2007

- 134 (1) Section 43 (annual audit or examination of charity accounts) is amended as follows.
- (2) In subsection (4) for “the Commissioners” (in both places) substitute “ the Commission ”.
- (3) In subsection (5)—
- (a) for “the Commissioners make” substitute “ the Commission makes ”, and
- (b) for “the Commissioners” (in the second place) substitute “ the Commission ”.
- (4) In subsection (6) for “the Commissioners” (in each place) substitute “ the Commission ”.
- (5) In subsection (7)—
- (a) for “The Commissioners” substitute “ The Commission ”, and
- (b) for “they think” substitute “ it thinks ”.

VALID FROM 27/02/2007

- 135 (1) Section 43A (annual audit or examination of English NHS charity accounts) is amended as follows.
- (2) In subsection (2) for “the criterion set out in subsection (1) of section 43 is met in respect of” substitute “ paragraph (a) or (b) of section 43(1) is satisfied in relation to ”.
- (3) In subsection (5)—
- (a) for “The Commissioners” substitute “ The Commission ”, and
- (b) for “they think” substitute “ it thinks ”.

VALID FROM 27/02/2007

- 136 (1) Section 43B (annual audit or examination of Welsh NHS charity accounts) is amended as follows.
- (2) In subsection (2) for “the criterion set out in subsection (1) of section 43 is met in respect of” substitute “ paragraph (a) or (b) of section 43(1) is satisfied in relation to ”.
- (3) After subsection (4) add—
- “(5) References in this Act to an auditor or an examiner have effect in relation to this section as references to the Auditor General for Wales acting under this section as an auditor or examiner.”

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

VALID FROM 27/02/2007

- 137 (1) Section 44 (supplementary provisions relating to audits) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b) after “section 43” insert “, 43A or 43B ”,
  - (b) for paragraph (c) substitute—
    - “(c) with respect to the making of a report—
      - (i) by an independent examiner in respect of an examination carried out by him under section 43 above; or
      - (ii) by an examiner in respect of an examination carried out by him under section 43A or 43B above;”
  - (c) in each of paragraphs (d) and (e) after “independent examiner” insert “ or examiner ”, and
  - (d) in paragraph (f) for “the Commissioners” substitute “ the Commission ”.
- (3) In subsection (2)—
- (a) after “independent examiner” insert “ or examiner ”,
  - (b) for “the Commissioners” (in the first place) substitute “ the Commission ”, and
  - (c) for “the Commissioners think” substitute “ the Commission thinks ”.
- (4) Omit subsection (3).

VALID FROM 27/02/2007

- 138 (1) Section 45 (annual reports) is amended as follows.
- (2) In subsection (2)(b) for “the Commissioners” substitute “ the Commission ”.
- (3) In subsection (3)—
- (a) for the words from “in any” to “expenditure” substitute “ a charity's gross income in any financial year ”,
  - (b) before “the annual report” insert “ a copy of ”, and
  - (c) for “the Commissioners” (in both places) substitute “ the Commission ”.
- (4) In subsection (3A)—
- (a) for the words from “in any” to “exceeds” substitute “ a charity's gross income in any financial year does not exceed ”,
  - (b) before “the annual report” insert “ a copy of ”,
  - (c) for “the Commissioners so request, be transmitted to them” substitute “ the Commission so requests, be transmitted to it ”, and
  - (d) for “the Commissioners” (in the second place) substitute “ the Commission ”.
- (5) In subsection (4)—
- (a) for “annual report transmitted to the Commissioners” substitute “ copy of an annual report transmitted to the Commission ”, and

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

- (b) before “the statement”, and before “the account and statement”, insert “ a copy of ”.
- (6) In subsection (5) before “annual report” insert “ copy of an ”.
- (7) In subsection (6)—
  - (a) after “Any” insert “ copy of an ”,
  - (b) for “the Commissioners” (in both places) substitute “ the Commission ”, and
  - (c) for “they think fit” substitute “ it thinks fit ”.
- (8) In subsection (7) for the words from “which they have not” onwards substitute “ of which they have not been required to transmit a copy to the Commission. ”
- (9) In subsection (8) for “in subsection (3)” substitute “ to subsection (3) ”.

VALID FROM 27/02/2007

- 139 (1) Section 46 (special provisions as respects accounts etc. of excepted charities) is amended as follows.
- (2) In subsection (2) for “the Commissioners consent” substitute “ the Commission consents ”.
  - (3) For subsection (3) substitute—
    - “(3) Except in accordance with subsections (3A) and (3B) below, nothing in section 43, 44, 44A or 45 applies to any charity which—
      - (a) falls within section 3A(2)(d) above (whether or not it also falls within section 3A(2)(b) or (c)), and
      - (b) is not registered.
    - (3A) Section 44A above applies in accordance with subsections (2A) and (2B) above to a charity mentioned in subsection (3) above which is also an exempt charity.
    - (3B) Sections 44 and 44A above apply to a charity mentioned in subsection (3) above which is also an English National Health Service charity or a Welsh National Health Service charity (as defined in sections 43A and 43B above).”
  - (4) In subsection (4) for the words from “(other than” onwards substitute “which—
    - (a) falls within section 3A(2)(b) or (c) above but does not fall within section 3A(2)(d), and
    - (b) is not registered.”
  - (5) In subsection (5)—
    - (a) for “the Commissioners” (in the first place) substitute “ the Commission ”, and
    - (b) for “the Commissioners' request” substitute “ the Commission's request ”.
  - (6) For subsection (7) substitute—

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

“(7) The following provisions of section 45 above shall apply in relation to any report required to be prepared under subsection (5) above as if it were an annual report required to be prepared under subsection (1) of that section—

- (a) subsection (3), with the omission of the words preceding “ a copy of the annual report ”, and
- (b) subsections (4) to (6).”

(7) Omit subsection (8).

VALID FROM 27/02/2007

- 140 (1) Section 47 (public inspection of annual reports etc.) is amended as follows.
- (2) In subsection (1)—
    - (a) for “Any annual report or other document kept by the Commissioners” substitute “ Any document kept by the Commission ”,
    - (b) for “the Commissioners so determine” substitute “ the Commission so determines ”, and
    - (c) for “they may” substitute “ it may ”.
  - (3) In subsection (2)(a) after “accounts” insert “ or (if subsection (4) below applies) of its most recent annual report ”.
  - (4) After subsection (3) add—
    - “(4) This subsection applies if an annual report has been prepared in respect of any financial year of a charity in pursuance of section 45(1) or 46(5) above.
    - (5) In subsection (2) above the reference to a charity's most recent annual report is a reference to the annual report prepared in pursuance of section 45(1) or 46(5) in respect of the last financial year of the charity in respect of which an annual report has been so prepared.”

VALID FROM 27/02/2007

- 141 (1) Section 48 (annual returns by registered charities) is amended as follows.
- (2) In subsection (1) for “the Commissioners” substitute “ the Commission ”.
  - (3) In subsection (1A) for the words from “neither” to “exceeds” substitute “ the charity's gross income does not exceed ”.
  - (4) In subsection (2)—
    - (a) for “the Commissioners” substitute “ the Commission ”, and
    - (b) for “to them” substitute “ to the Commission ”.
  - (5) In subsection (3) for “The Commissioners” substitute “ The Commission ”.

VALID FROM 27/02/2007

- 142 For section 49 (offences) substitute—

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

#### “49 Offences

- (1) If any requirement imposed—
- (a) by section 45(3) or (3A) above (taken with section 45(3B), (4) and (5), as applicable), or
  - (b) by section 47(2) or 48(2) above,
- is not complied with, each person who immediately before the date for compliance specified in the section in question was a charity trustee of the charity shall be guilty of an offence and liable on summary conviction to the penalty mentioned in subsection (2).
- (2) The penalty is—
- (a) a fine not exceeding level 4 on the standard scale, and
  - (b) for continued contravention, a daily default fine not exceeding 10% of level 4 on the standard scale for so long as the person in question remains a charity trustee of the charity.
- (3) It is a defence for a person charged with an offence under subsection (1) to prove that he took all reasonable steps for securing that the requirement in question would be complied with in time.”

VALID FROM 27/02/2007

- 143 (1) Section 50 (incorporation of trustees of charity) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Commissioners” (in the first and third places) substitute “ the Commission ”,
  - (b) for “the Commissioners consider” substitute “ the Commission considers ”, and
  - (c) for “they think fit” substitute “ the Commission thinks fit ”.
- (3) In subsection (2)—
- (a) for “The Commissioners” substitute “ The Commission ”,
  - (b) for “to them” substitute “ to the Commission ”, and
  - (c) for “under section 3” substitute “ in accordance with section 3A ”.

#### Commencement Information

**I4** Sch. 8 para. 143(1)(2)(3)(a)(b) in force at 27.2.2007 by [S.I. 2007/309](#), art. 2, [Sch.](#)

VALID FROM 27/02/2007

- 144 (1) Section 52 (applications for incorporation) is amended as follows.
- (2) In subsection (1) for “the Commissioners” (in both places) substitute “ the Commission ”.
- (3) In subsection (2)—

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

- (a) for “The Commissioners” substitute “ The Commission ”, and
- (b) for “they may specify” substitute “ it may specify ”.

VALID FROM 27/02/2007

- 145 In section 53(1) (nomination of trustees, and filling up vacancies) for “the Commissioners” substitute “ the Commission ”.

VALID FROM 27/02/2007

- 146 (1) Section 56 (power of Commissioners to amend certificate of incorporation) is amended as follows.
- (2) In subsection (1)—
    - (a) for “The Commissioners” substitute “ The Commission ”, and
    - (b) for “of their own motion” substitute “ of the Commission's own motion ”.
  - (3) In subsection (2)—
    - (a) for “of their own motion, the Commissioners” substitute “ of its own motion, the Commission ”,
    - (b) for “their proposals” substitute “ its proposals ”, and
    - (c) for “to them” substitute “ to it ”.
  - (4) In subsection (3)—
    - (a) for “The Commissioners” substitute “ The Commission ”,
    - (b) for “their proposals” substitute “ its proposals ”, and
    - (c) for “to them” substitute “ to it ”.
  - (5) In subsection (4) for “The Commissioners” substitute “ The Commission ”.
  - (6) In the sidenote, for “Commissioners” substitute “ Commission ”.

VALID FROM 27/02/2007

- 147 (1) Section 57 (records of applications and certificates) is amended as follows.
- (2) In subsection (1)—
    - (a) for “The Commissioners” substitute “ The Commission ”, and
    - (b) for “to them” substitute “ to it ”.
  - (3) In subsection (2)—
    - (a) for “the Commissioners” (in the first place) substitute “ the Commission ”, and
    - (b) for “the secretary of the Commissioners” substitute “ a member of the staff of the Commission ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

VALID FROM 27/02/2007

148 In section 58 (enforcement of orders and directions) for “the Commissioners” substitute “ the Commission ”.

VALID FROM 27/02/2007

- 149 (1) Section 61 (power of Commissioners to dissolve incorporated body) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Commissioners are” substitute “ the Commission is ”,
  - (b) for “treated by them” substituted “ treated by the Commission ”, and
  - (c) for “they may of their own motion” substitute “ the Commission may of its own motion ”.
- (3) In subsection (2)—
- (a) for “the Commissioners are” substitute “ the Commission is ”, and
  - (b) for “the Commissioners” (in the second place) substitute “ the Commission ”.
- (4) In subsection (4)—
- (a) for “the Commissioners so direct” substitute “ the Commission so directs ”, and
  - (b) for “the Commissioners” (in the second place) substitute “ the Commission ”.
- (5) Omit subsection (7).
- (6) In the sidenote, for “Commissioners” substitute “ Commission ”.

VALID FROM 27/02/2007

- 150 (1) Section 63 (winding up) is amended as follows.
- (2) In subsection (2)—
- (a) for “the Commissioners” substitute “ the Commission ”,
  - (b) for “they have instituted” substitute “ it has instituted ”, and
  - (c) for “they are satisfied” substitute “ it is satisfied ”.
- (3) In subsection (3) for “the Commissioners” (in both places) substitute “ the Commission ”.
- (4) In subsection (4) for “the Commissioners” (in both places) substitute “ the Commission ”.
- (5) In subsection (5)—
- (a) for “the Commissioners” substitute “ the Commission ”, and
  - (b) for “by them of their own motion” substitute “ by the Commission of its own motion ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

VALID FROM 27/02/2007

151 In section 64(3) (alteration of objects clause) for “the Commissioner's consent” substitute “ the Commission's consent ”.

VALID FROM 27/02/2007

152 In section 65(4) (invalidity of certain transactions) for “the Commissioners” substitute “ the Commission ”.

VALID FROM 27/02/2007

153 In section 66 (requirement of consent of Commissioners to certain acts), in subsection (1) and the sidenote, for “Commissioners” substitute “ Commission ”.

VALID FROM 27/02/2007

154 (1) Section 69 (investigation of accounts) is amended as follows.

(2) In subsection (1)—

(a) for “the Commissioners” substitute “ the Commission ”,

(b) for “they think fit” substitute “ the Commission thinks fit ”, and

(c) for “by them” substitute “ by the Commission ”.

(3) In subsections (2)(c) and (3) for “the Commissioners” substitute “ the Commission ”.

(4) In subsection (4)—

(a) for “the Commissioners” (in the first place) substitute “ the Commission ”, and

(b) for “the Commissioners think” substitute “ the Commission thinks ”.

VALID FROM 27/02/2007

155 For the heading preceding section 72 substitute “ Charity trustees ”.

VALID FROM 27/02/2007

156 (1) Section 72 (persons disqualified for being trustees of a charity) is amended as follows.

(2) In subsection (1)(d)(i) after “by the” insert “ Commission or ”.

(3) In subsection (4) for “The Commissioners” substitute “ The Commission ”.

(4) In subsection (6)—

(a) for “the Commissioners” (in the first place) substitute “ the Commission ”,



*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

- (b) for “they think fit” substitute “ it thinks fit ”,
- (c) after “order of” insert “ the Commission or ”, and
- (d) for “the Commissioners” (in the third place) substitute “ the Commission ”.

(5) After subsection (7) add—

“(8) In this section “the Commissioners” means the Charity Commissioners for England and Wales.”

VALID FROM 27/02/2007

- 157 In section 73(4) (person acting as charity trustee while disqualified)—
- (a) for “the Commissioners are” substitute “ the Commission is ”,
  - (b) for “they may by order” substitute “ the Commission may by order ”, and
  - (c) for “(as determined by them)” substitute “ (as determined by the Commission) ”.

VALID FROM 27/02/2007

- 158 For the heading preceding section 74 substitute “ *Miscellaneous powers of charities* ”.

VALID FROM 27/02/2007

- 159 In section 76(2) (local authority's index of local charities)—
- (a) for “the Commissioners” (in both places) substitute “ the Commission ”, and
  - (b) for “they will” substitute “ it will ”.

VALID FROM 27/02/2007

- 160 In section 77(1) (reviews of local charities by local authority) for “the Commissioners” substitute “ the Commission ”.

VALID FROM 27/02/2007

- 161 (1) Section 79 (parochial charities) is amended as follows.
- (2) In subsection (1) for “the Commissioners” substitute “ the Commission ”.
  - (3) In subsection (2) for “the Commissioners” (in both places) substitute “ the Commission ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

VALID FROM 27/02/2007

- 162 (1) Section 80 (supervision by Commissioners of certain Scottish charities) is amended as follows.
- (2) In subsection (1) for paragraph (c) and the “and” preceding it substitute—  
 “(c) sections 19 to 19C, and  
 (d) section 31A.”
- (3) In subsection (2)—  
 (a) for “the Commissioners are satisfied” substitute “ the Commission is satisfied ”,  
 (b) for “they may make” substitute “ it may make ”, and  
 (c) for “their approval” substitute “ the Commission's approval ”.
- (4) In subsection (3)—  
 (a) for “the Commissioners” substitute “ the Commission ”,  
 (b) for “their being” substitute “ the Commission being ”, and  
 (c) for “supplied to them” substitute “ supplied to it ”.
- (5) In subsection (4)—  
 (a) for “the Commissioners are satisfied” substitute “ the Commission is satisfied ”,  
 (b) for “supplied to them” substitute “ supplied to it ”, and  
 (c) for “the Commissioners” (in the second place) substitute “ the Commission ”.
- (6) In subsection (5)—  
 (a) for “Commissioners” (in each place) substitute “ Commission ”,  
 (b) for “they consider” substitute “ it considers ”, and  
 (c) for “they have received” substitute “ it has received ”.
- (7) In the sidenote, for “Commissioners” substitute “ Commission ”.

VALID FROM 27/02/2007

- 163 (1) Section 84 (supply by Commissioners of copies of documents open to public inspection) is amended as follows.
- (2) For “The Commissioners” substitute “ The Commission ”.
- (3) For “their possession” substitute “ the Commission's possession ”.
- (4) At the end add “ or section 75D ”.
- (5) In the sidenote, for “Commissioners” substitute “ Commission ”.

#### Commencement Information

**I5** Sch. 8 para. 163(1)-(3)(5) in force at 27.2.2007 by [S.I. 2007/309](#), art. 2, [Sch.](#)

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

VALID FROM 27/02/2007

- 164 (1) Section 85 (fees and other amounts payable to Commissioners) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Commissioners” (in both places) substitute “ the Commission ”, and
  - (b) for “kept by them” substitute “ kept by the Commission ”.
- (3) In subsection (4)—
- (a) for “The Commissioners” substitute “ The Commission ”,
  - (b) for “they consider” substitute “ it considers ”, and
  - (c) for “by them” substitute “ by it ”.
- (4) In subsection (5) for “the Commissioners” substitute “ the Commission ”.
- (5) In the sidenote, for “Commissioners” substitute “ Commission ”.

VALID FROM 27/02/2007

- 165 (1) Section 86 (regulations and orders) is amended as follows.
- (2) In subsection (2)(a)—
- (a) after “17(2),” insert “ 73F(6) ”, and
  - (b) after “99(2)” insert “ or paragraph 6 of Schedule 1C ”.
- (3) In subsection (3)—
- (a) for “the Commissioners” (in the first place) substitute “ the Commission ”, and
  - (b) for “the Commissioners consider” substitute “ the Commission considers ”.
- (4) In subsection (4) after “above” insert “ or Schedule 5A, ”.

VALID FROM 27/02/2007

- 166 (1) Section 87 (enforcement of requirement by order of Commissioners) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Commissioners” substitute “ the Commission ”, and
  - (b) for “they consider” substitute “ it considers ”.
- (3) In subsection (2) for “the Commissioners” (in both places) substitute “ the Commission ”.
- (4) In the sidenote, for “Commissioners” substitute “ Commission ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

VALID FROM 27/02/2007

- 167 (1) Section 88 (enforcement of orders of Commissioners) is amended as follows.
- (2) For paragraph (a) substitute—
- “(a) to an order of the Commission under section 9(1), 19A, 19B, 44(2), 61, 73, 73C or 80 above; or”.
- (3) In paragraphs (b) and (c) for “the Commissioners” substitute “ the Commission ”.
- (4) For “the Commissioners to” substitute “ the Commission to ”.
- (5) In the sidenote, for “Commissioners” substitute “ Commission ”.

VALID FROM 27/02/2007

- 168 (1) Section 89 (other provisions as to orders of Commissioners) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Commissioners” (in the first place) substitute “ the Commission ”,
- (b) for “the Commissioners think” substitute “ the Commission thinks ”,
- (c) for “the Commissioners exercise” substitute “ the Commission exercises ”, and
- (d) for “to them, they may” substitute “ to it, it may ”.
- (3) In subsection (2)—
- (a) for “the Commissioners make” substitute “ the Commission makes ”,
- (b) for “they may themselves” substitute “ the Commission may itself ”, and
- (c) for “they think fit” substitute “ it thinks fit ”.
- (4) In subsection (3)—
- (a) for “The Commissioners” substitute “ The Commission ”,
- (b) for “they have” substitute “ it has ”,
- (c) for “they are” substitute “ it is ”, and
- (d) for “to them” substitute “ to it ”.
- (5) In subsection (4) for “the Commissioners” substitute “ the Commission ”.
- (6) At the end add—
- “(5) Any order made by the Commission under any provision of this Act may be varied or revoked by a subsequent order so made.”
- (7) In the sidenote, for “Commissioners” substitute “ Commission ”.

VALID FROM 27/02/2007

- 169 In section 90 (directions of the Commissioners) for “the Commissioners” (in each place including the sidenote) substitute “ the Commission ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

VALID FROM 27/02/2007

170 In section 91 (service of orders and directions), in subsections (1), (4) and (5), for “the Commissioners” (in each place) substitute “ the Commission ”.

VALID FROM 27/02/2007

171 Omit section 92 (appeals from Commissioners).

#### Commencement Information

**16** Sch. 8 para. 171 in force at 18.3.2008 by S.I. 2008/751, art. 2, Sch. (with art. 4)

VALID FROM 27/02/2007

172 In section 93 (miscellaneous provisions as to evidence), for subsection (3) substitute—

“(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.”

VALID FROM 27/02/2007

173 (1) Section 96 (construction of references to a “charity” etc.) is amended as follows.

(2) In subsection (1) for the definition of “charity” substitute—

““charity” has the meaning given by section 1(1) of the Charities Act 2006;”.

(3) Omit—

(a) in the definition of “exempt charity” in subsection (1), the words “ (subject to section 24(8) above) ”, and

(b) subsection (4).

(4) In subsections (5) and (6) for “The Commissioners” substitute “ The Commission ”.

*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)*

- 174 In section 97(1) (interpretation)—
- (a) in the definition of “charitable purposes”, for “charitable according to the law of England and Wales;” substitute “charitable purposes as defined by section 2(1) of the Charities Act 2006;”;
  - (b) for the definition of “the Commissioners” substitute—
    - ““the Commission” means the Charity Commission;”;
  - (c) in the definition of “institution”, after ““institution”” insert “means an institution whether incorporated or not, and ”; and
  - (d) at the appropriate place insert—
    - ““members”, in relation to a charity with a body of members distinct from the charity trustees, means any of those members;”
    - ““the Minister” means the Minister for the Cabinet Office;”
    - ““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;”
    - ““the Tribunal” means the Charity Tribunal;”.

#### Commencement Information

**I7** Sch. 8 para. 174 partly in force; Sch. 8 para. 174(d) in force at Royal Assent, see s. 79(1)(g)

VALID FROM 27/02/2007

- 175 In section 97(3) (general interpretation) for “Part IV or IX” substitute “Part 4, 7, 8A or 9”.

VALID FROM 27/02/2007

- 176 In section 100(3) (extent) for “Section 10” substitute “Sections 10 to 10C”.

VALID FROM 27/02/2007

- 177 In paragraph (a) of Schedule 2 (exempt charities) for “the Commissioners” (in the first place) substitute “the Charity Commissioners for England and Wales”.

VALID FROM 27/02/2007

- 178 (1) Schedule 5 (meaning of “connected person” for the purposes of section 36(2)) is amended as follows.
- (2) In paragraph 1 for the words preceding paragraphs (a) to (g) substitute—
- “(1) In section 36(2) of this Act “connected person”, in relation to a charity, means any person who falls within sub-paragraph (2)—

---

*Status:* Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10). (See end of Document for details)

---

- (a) at the time of the disposition in question, or
- (b) at the time of any contract for the disposition in question.

(2) The persons falling within this sub-paragraph are—”.

(3) Paragraphs (a) to (g) of paragraph 1 become paragraphs (a) to (g) of sub-paragraph (2) (as inserted by sub-paragraph (2) above).

(4) After paragraph (e) of sub-paragraph (2) (as so inserted) insert—

“(ea) a person carrying on business in partnership with any person falling within any of sub-paragraphs (a) to (e) above;”;

and in paragraph (f)(i) of that sub-paragraph, for “(e)” substitute “(ea)”.

(5) In paragraph 2—

- (a) in sub-paragraph (1), for “1(c)” substitute “1(2)(c)”,
- (b) in sub-paragraph (2), for “1(e)” substitute “1(2)(e)”, and
- (c) after that sub-paragraph add—

“(3) Where two persons of the same sex are not civil partners but live together as if they were, each of them shall be treated for those purposes as the civil partner of the other.”

(6) In paragraph 3 for “1(f)” substitute “1(2)(f)”.

(7) In paragraph 4(1) for “1(g)” substitute “1(2)(g)”.

**Status:**

Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Charities Act 1993 (c. 10).