



Charities Act 2011

2011 CHAPTER 25

PART 7

CHARITY LAND

Restrictions on dispositions of land in England and Wales

122 Instruments concerning dispositions of land: required statements, etc.

(1) Subsection (2) applies to any of the following instruments—

- (a) a 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) a conveyance, transfer, lease or other instrument effecting a disposition of such land.

[^{F1}(2) An instrument to which this subsection applies must—

- (a) state that the land is held by or in trust for a charity,
- (b) state whether the charity is an exempt charity,
- (c) if the charity is not an exempt charity, state whether the disposition is one falling within section 117(3)(a), (aa), (c) or (d), and
- (d) if the charity is not an exempt charity and the disposition is not one falling within section 117(3)(a), (aa), (c) or (d), include the statement required by subsection (2A).

(2A) The statement is—

- (a) in a case where section 117(1) applies to the disposition to which the instrument relates, a statement that the disposition has been sanctioned by an order of the court or of the Charity Commission, or
- (b) in a case where section 117(2) applies to the disposition to which the instrument relates, a statement that there is power under the trusts of the charity to effect the disposition and that sections 117 to 121 have been complied with.]

Changes to legislation: Charities Act 2011, Section 122 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

^{F2}(3)

[^{F3}(4) Where subsection (2)(d) has been complied with in relation to a contract for the disposition of land it is conclusively presumed, for the purposes of enforcing the contract, that the statement is true.

(4A) Where subsection (2)(d) has been complied with in relation to an instrument effecting the disposition of land it is conclusively presumed, in favour of a person who (whether under the disposition or afterwards) acquires an interest in the land for money or money's worth, that the statement is true.]

[^{F4}(5) Where subsection (2)(d) applies in relation to a contract for the disposition of land but the statement required by subsection (2A) has not been included in it, then in favour of a person who has entered into the contract in good faith the contract is enforceable as if—

- (a) the disposition to which the contract relates had been sanctioned by an order of the court or of the Charity Commission, or
- (b) there is power under the trusts of the charity to effect such a disposition and sections 117 to 121 have been complied with.

(5A) Where subsection (2)(d) applies in relation to an instrument effecting the disposition of land but the statement required by subsection (2A) has not been included in it, 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 is valid even if—

- (a) the disposition has not been sanctioned by an order of the court or of the Charity Commission, or
- (b) there is no power under the trusts of the charity to effect the disposition or sections 117 to 121 have not been complied with in relation to it (or both).]

(7) Subsection (8) applies to any of the following instruments—

- (a) a 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) a conveyance, transfer, lease or other instrument effecting a disposition of such land.

(8) An instrument to which this subsection applies must state—

- (a) that the land will, as a result of the disposition, be held by or in trust for a charity,
- (b) whether the charity is an exempt charity, and
- (c) if it is not an exempt charity, that the restrictions on disposition imposed by sections 117 to 121 will apply to the land (subject to section 117(3)).

(9) In this section and section 123 references to a disposition of land do not include references to—

- (a) a disposition of land by way of mortgage or other security,
- (b) any disposition of an advowson, or
- (c) any release of a rentcharge falling within section 127(1).

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Textual Amendments

- F1** S. 122(2)(2A) substituted for s. 122(2) (7.3.2024) by [Charities Act 2022 \(c. 6\)](#), **ss. 23(2)(a)**, 41(4); S.I. 2024/265, [reg. 3](#), [Sch. 1 para. 5](#) (with [regs. 9, 10](#))
- F2** S. 122(3) omitted (7.3.2024) by virtue of [Charities Act 2022 \(c. 6\)](#), **ss. 23(2)(b)**, 41(4); S.I. 2024/265, [reg. 3](#), [Sch. 1 para. 5](#) (with [reg. 9](#))
- F3** S. 122(4)(4A) substituted for s. 122(4) (7.3.2024) by [Charities Act 2022 \(c. 6\)](#), **ss. 23(2)(c)**, 41(4); S.I. 2024/265, [reg. 3](#), [Sch. 1 para. 5](#) (with [reg. 9](#))
- F4** S. 122(5)(5A) substituted for s. 122(5)(6) (7.3.2024) by [Charities Act 2022 \(c. 6\)](#), **ss. 23(2)(d)**, 41(4); S.I. 2024/265, [reg. 3](#), [Sch. 1 para. 5](#) (with [reg. 9](#))

Changes to legislation:

Charities Act 2011, Section 122 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)