

SCHEDULES

SCHEDULE 1

Section 24

AMENDMENTS OF THE UNIVERSITIES AND COLLEGE ESTATES ACT 1925: CONSEQUENTIAL AMENDMENTS

Law of Property (Amendment) Act 1926 (c. 11)

- 1 In the Schedule to the Law of Property (Amendment) Act 1926 (minor amendments), omit the entry relating to section 3 of the Universities and College Estates Act 1925.

Landlord and Tenant Act 1927 (c. 36)

- 2 In section 13 of the Landlord and Tenant Act 1927 (power to apply and raise capital money), in subsection (1), omit “, or under the University and College Estates Act, 1925.”.

Landlord and Tenant (War Damage) Act 1939 (c. 72)

- 3 In section 3 of the Landlord and Tenant (War Damage) Act 1939 (raising of money for making good war damage on settled land, etc)—
 - (a) omit paragraph (d) and the “or” preceding it;
 - (b) omit from “, or Part I of the First Schedule” to the end.

Universities and Colleges (Trusts) Act 1943 (c. 9)

- 4 (1) Section 2 of the Universities and Colleges (Trusts) Act 1943 (schemes for administering university and college trusts) is amended as follows.
 - (2) Omit subsection (2).
 - (3) In subsection (3)—
 - (a) omit from “, subject to the modification that” to “as aforesaid.”;
 - (b) omit “, subject to the modification aforesaid”.
 - (4) Omit subsection (5).

Coast Protection Act 1949 (c. 74)

- 5 In section 11 of the Coast Protection Act 1949 (incidence of coast protection charges, etc), in subsection (2)(a)—
 - (a) omit “and by section twenty-six of the Universities and College Estates Act 1925”;
 - (b) omit “and by section thirty of the Universities and College Estates Act 1925”.

Landlord and Tenant Act 1954 (c. 56)

- 6 In paragraph 6 of Schedule 2 to the Landlord and Tenant Act 1954 (provisions as to repair where tenant retains possession)—
- (a) omit “and by section twenty-six of the Universities and College Estates Act 1925”;
 - (b) omit “and by section thirty of the Universities and College Estates Act 1925”.

Universities and College Estates Act 1964 (c. 51)

- 7 (1) The Universities and College Estates Act 1964 is amended as follows.
- (2) Omit sections 2 and 3.
 - (3) Omit Schedules 1 and 2.

Forestry Act 1967 (c. 10)

- 8 In Schedule 2 to the Forestry Act 1967 (forestry dedication etc), omit paragraph 2.

Leasehold Reform Act 1967 (c. 88)

- 9 (1) The Leasehold Reform Act 1967 is amended as follows.
- (2) In section 24(1) (application of price or compensation received by landlord, etc), omit paragraph (b) and the “and” preceding it.
 - (3) In Schedule 2 (right to possession for purposes of redevelopment etc: supplementary provision), omit paragraph 9(2).

Mines and Quarries (Tips) Act 1969 (c. 10)

- 10 In section 32 of the Mines and Quarries (Tips) Act 1969 (raising of money in special cases), in subsection (2)—
- (a) in paragraph (a), omit “and by section 26 of the Universities and College Estates Act 1925”;
 - (b) in paragraph (b), omit “and by section 30 of the Universities and College Estates Act 1925”.

Agriculture Act 1970 (c. 40)

- 11 In section 61 of the Agriculture Act 1970 (special classes of land), in subsection (6), omit “, the Universities and College Estates Act 1925”.

Agriculture (Miscellaneous Provisions) Act 1976 (c. 55)

- 12 In Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1976 (enactments to which power to amend applies), omit the entry relating to the Universities and College Estates Act 1925.

Universities and College Estates Act 1925 (Amendment) Regulations 1978 (S.I. 1978/443)

- 13 The Universities and College Estates Act 1925 (Amendment) Regulations 1978 (S.I. 1978/443) are revoked.

Highways Act 1980 (c. 66)

- 14 (1) The Highways Act 1980 is amended as follows.
- (2) In section 87 (agreements for use of land for cattle-grids or by-passes), omit subsection (5).
- (3) In Schedule 24 (consequential amendments), omit paragraph 3 and the italic heading preceding it.

Agricultural Holdings Act 1986 (c. 5)

- 15 (1) The Agricultural Holdings Act 1986 is amended as follows.
- (2) In section 89 (power of limited owners to apply capital for improvements), omit subsection (2).
- (3) In Schedule 14 (consequential amendments), omit paragraph 13 and the italic heading preceding it.

Town and Country Planning Act 1990 (c. 8)

- 16 (1) Section 328 of the Town and Country Planning Act 1990 (settled land and land of universities and colleges) is amended as follows.
- (2) Omit subsection (1)(b) and the “and” preceding it.
- (3) Omit subsection (2)(b) and the “and” preceding it.
- (4) In the heading, omit “and land of universities and colleges”.

Solicitors’ Recognised Bodies Order 1991 (S.I. 1991/2684)

- 17 In Schedule 1 to the Solicitors’ Recognised Bodies Order 1991 (S.I. 1991/2684) (statutes which apply to recognised bodies), omit the entry relating to the Universities and College Estates Act 1925.

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 18 (1) The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.
- (2) In Schedule 2 (special categories of landlords), omit paragraph 7 and the italic heading preceding it.
- (3) In Schedule 14 (right to terminate new lease on grounds of redevelopment: supplementary provision), omit paragraph 10.

Status: This is the original version (as it was originally enacted).

Agricultural Tenancies Act 1995 (c. 8)

- 19 In section 33 of the Agricultural Tenancies Act 1995 (power to apply and raise capital money), in subsection (1), omit “or section 26 of the Universities and College Estates Act 1925”.

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- 20 In section 55 of the Housing Grants, Construction and Regeneration Act 1996 (cessation of conditions on repayment of grant, etc), omit subsection (4)(c) and the “and” preceding it.

Cathedrals Measure 1999 (No. 1)

- 21 In section 36 of the Cathedrals Measure 1999 (construction of references to dean and chapter, etc), in subsection (2), omit the entry relating to the Universities and College Estates Act 1925.

Trustee Act 2000 (c. 29)

- 22 In Schedule 2 to the Trustee Act 2000 (minor and consequential amendments), omit paragraph 29 and the italic heading preceding it.

Constitutional Reform Act 2005 (c. 4)

- 23 In paragraph 4(3) of Schedule 11 to the Constitutional Reform Act 2005 (miscellaneous amendments: Supreme Court of England and Wales), omit “the Universities and College Estates Act 1925 (c. 24)”.

Cathedrals Measure 2021 (No. 2)

- 24 In Schedule 4 to the Cathedrals Measure 2021 (consequential amendments), omit paragraph 4 and the italic heading preceding it.

SCHEDULE 2

Section 40

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO PART 1

- 1 The Charities Act 2011 is amended in accordance with paragraphs 2 to 11, 13 to 19 and 21 to 27.

Amendment relating to section 2 of this Act

- 2 In Schedule 6 (appeals and applications to Tribunal), for the entry relating to a decision of the Commission under section 227 to refuse to register an amendment to the constitution of a CIO substitute—

Status: This is the original version (as it was originally enacted).

“Decision of the Commission to give, or withhold, consent under section 226 in relation to an amendment of the constitution of a CIO.	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.”
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Amendments relating to section 3 of this Act

- 3 In section 285 (power to alter sums specified in Part 13), in subsection (2), omit—
(a) the entry relating to section 267(1);
(b) the entry relating to section 275(1).
- 4 In section 328 (suspension of time limits while reference is in progress), omit subsection (3).
- 5 In section 350 (connected person: child, spouse and civil partner)—
(a) in subsection (1), for “and 249(2)(a)” substitute “, 249(2)(a) and 280B(3)(a)”;
(b) in subsection (2), for “and 249(2)(b)” substitute “, 249(2)(b) and 280B(3)(b)”.
- 6 In section 351 (connected person: controlled institution), for “and 249(2)(d)” substitute “, 249(2)(d) and 280B(3)(d)”.
- 7 In section 352 (connected person: substantial interest in body corporate), in subsection (1), for “and 249(2)(e)” substitute “, 249(2)(e) and 280B(3)(e)”.
- 8 In Schedule 6 (appeals and applications to Tribunal)—
(a) omit the entry relating to a decision of the Commission to notify charity trustees under section 271(1);
(b) omit the entry relating to a decision of the Commission to notify charity trustees under section 278(1);
(c) after that entry insert—

“Decision of the Commission to withhold consent under section 280A(7) in relation to an amendment of the trusts of an unincorporated charity.	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.”
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- 9 In Schedule 9 (transitory modifications), in the table in paragraph 26(3), omit the entry relating to “section 69O”.
- 10 In Schedule 11 (index of defined expressions)—
(a) in the entry relating to “child”, for “and 249(2)(a)” substitute “, 249(2)(a) and 280B(3)(a)”;

Status: This is the original version (as it was originally enacted).

- (b) in the entry relating to “civil partner”, for “and 249(2)(b)” substitute “, 249(2)(b) and 280B(3)(b)”;
- (c) in the entry relating to “control of institution”, for “and 249(2)(d)” substitute “, 249(2)(d) and 280B(3)(d)”;
- (d) in the entry relating to “substantial interest in a body corporate”, for “and 249(2)(e)” substitute “, 249(2)(e) and 280B(3)(e)”;
- (e) omit the entry relating to “transfer of property (in sections 268 to 274)”.

Amendments relating to section 5 of this Act

- 11 In section 349 (orders subject to affirmative procedure), in subsection (1), omit paragraph (b).
- 12 In section 5 of the Coal Industry Act 1987 (coal industry trusts), in subsection (8), for “73(1) to (6)” substitute “73(1), (2) and (5)”.

Amendments relating to section 6 of this Act

- 13 In section 66 (unknown and disclaiming donors: supplementary)—
 - (a) for the heading, substitute “Section 63A: supplementary”;
 - (b) in subsection (1), for “sections 63 and 65” substitute “section 63A”;
 - (c) after subsection (1) insert—
 - “(1A) Where property is applied cy-près by virtue of section 63A, all the donor’s interest in it is treated as having been relinquished when the gift was made.”;
 - (d) in subsection (2), for “sections 63 to 65” substitute “section 63A”;
 - (e) omit subsections (4) to (6).
- 14 In Schedule 8 (transitionals and savings), in paragraph 17 (application of sections 63, 64 and 67 to property given for charitable purposes), for “Sections 63, 64 and 67 apply” substitute “Section 67 applies”.
- 15 In Schedule 11 (index of defined expressions)—
 - (a) in the entry relating to “charitable purposes, failure of”, in column 1, for “sections 63 and 65” substitute “section 63A”;
 - (b) in the entry relating to “donor”, in column 1, for “63 to 66” substitute “63A and 66”;
 - (c) omit the entry relating to “prescribed (in sections 63 and 65)”.

Amendments relating to sections 10 and 11 of this Act

- 16 (1) In section 281 (power of unincorporated charities to spend capital: general)—
 - (a) in subsection (2), omit “given for particular purpose”;
 - (b) in the heading, omit “unincorporated”.
 (2) In the italic heading preceding that section, omit “unincorporated”.
- 17 (1) Section 284 (taking effect of resolution under section 282) is amended as follows.
 - (2) In subsection (1), after “282(2)” insert “or (3A)”.
 - (3) In subsection (1)(a)—
 - (a) after “evidence” insert “made”;

Status: This is the original version (as it was originally enacted).

- (b) for “the donor or donors mentioned in section 282(1)(a)” substitute “any donor or donors to the available endowment fund”.
- (4) In subsection (1), for paragraph (b) substitute—
- “(b) any changes in circumstances relating to the available endowment fund since it was established (including, in particular, the financial position of the fund, the needs of those who can benefit from the fund, and the social, economic and legal environment).”
- (5) In subsection (2)(a), for “the gift or gifts mentioned in section 282(1)(a)” substitute “any gift or gifts to the available endowment fund”.
- (6) In subsection (5)(b), for “period of 3 months mentioned in subsection (3)” substitute “relevant period”.
- 18 (1) Section 285 (power to alter sums specified in certain provisions) is amended as follows.
- (2) In subsection (1), omit paragraph (b) and the “or” preceding it.
- (3) In subsection (2), in the words in brackets after “section 282(1)”—
- (a) for “income level” substitute “adjusted market value”;
- (b) omit “given for particular purpose”.
- 19 For the heading of Part 13 substitute “Powers to amend trusts and use capital”.

Amendment relating to sections 10 and 12 of this Act

- 20 In section 24 of the Cathedrals Measure 2021 (No. 2) (investment powers, etc), after subsection (7) insert—
- “(7A) The members of the Chapter of a cathedral may not pass a resolution under—
- (a) section 282 of the Charities Act 2011 (resolution to spend larger fund), or
- (b) section 284A of that Act (power to borrow from permanent endowment),
- unless the Chapter has obtained the consent of the Church Commissioners.”

Amendments relating to section 12 of this Act

- 21 In the heading of section 285 (power to alter sums specified in Part 13), after “sums” insert “etc”.
- 22 In Schedule 11 (index of defined expressions), in the entry relating to available endowment fund, for “section 281(7)” substitute “sections 281(7) and 284A(9)”.

Amendment relating to section 13 of this Act

- 23 In section 292B (general power to make social investments), in subsection (2), after “question” insert “(but see section 104AA, which confers on charity trustees a power to use permanent endowment to make social investments in certain circumstances)”.

Status: This is the original version (as it was originally enacted).

Amendments relating to section 14 of this Act

- 24 In Schedule 6 (appeals and applications to Tribunal), omit the entry relating to a decision of the Commission not to concur under section 291 with a resolution of charity trustees under section 289(2).
- 25 In Schedule 11 (index of defined expressions)—
- (a) in the entry relating to “available endowment fund”—
 - (i) for “Parts 13 and 14” substitute “Part 13”;
 - (ii) for “sections 282(5) and 288(7)” substitute “section 282(5)”;
 - (b) omit the entry relating to “the relevant charity, in relation to power to spend capital subject to special trust (in Part 14)”;
 - (c) in the entry relating to “special trust”, for “section 287” substitute “section 353(4)”.

Amendments relating to section 16 of this Act

- 26 In section 322(2) (reviewable decisions of the Commission), after paragraph (e) insert—
- “(ea) not to make an order under section 106 (power to authorise ex gratia payments etc) in relation to a charity;”.
- 27 In Schedule 6 (appeals and applications to Tribunal), after the entry relating to a decision by the Commission not to make an order under section 105 insert—

“Decision by the Commission not to make an order under section 106 in relation to a charity.	The persons are— (a) the charity trustees of the charity, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.”
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PART 2

AMENDMENTS RELATING TO PART 2

Amendment relating to section 22 of this Act

- 28 In section 118 of the Charities Act 2011 (meaning of “connected person” in section 117(2)), in subsection (2), in the words before paragraph (a), for “The” substitute “Subject to subsection (2A), the”.

Amendment relating to section 23 of this Act

- 29 In paragraph 4(2)(b) of Schedule 1 to the Trusts of Land and Appointment of Trustees Act 1996 (land held on charitable trusts etc), for the words from “if neither” to “conveyance” substitute “if section 122(2) or 125(1) of that Act applies to the conveyance but has not been complied with”.

PART 3

AMENDMENTS RELATING TO PART 3

30 The Charities Act 2011 is amended in accordance with paragraphs 31 to 37.

Amendments relating to section 25 of this Act

31 For the italic heading preceding section 42, substitute “Names and working names”.

32 In section 45 (change of name where charity is a company), in subsection (2), after “with respect to” insert “the name of”.

33 In section 208(2) (refusal of application for constitution and registration of CIO)—

(a) in the words after paragraph (a)(ii), after “the name” insert “or a working name”;

(b) in paragraph (b), after “charity’s name” insert “or working name”.

34 In section 231(2) (refusal of application for conversion to CIO)—

(a) in the words after paragraph (a)(ii), after “the name” insert “or a working name”;

(b) in paragraph (b), after “charity’s name” insert “or working name”.

35 In section 237(3) (refusal of application for amalgamation of CIOs)—

(a) in the words after paragraph (a)(ii), after “the name” insert “or a working name”;

(b) in paragraph (b), after “charity’s name” insert “or working name”.

36 In Schedule 6 (appeals and applications to Tribunal), in the entry relating to a direction of the Commission under section 42 requiring the name of a charity to be changed, in column 1, for the words from “requiring” to the end substitute “requiring—

(a) the name of a charity to be changed, or

(b) that a working name of a charity no longer be used as a working name.”

37 In Schedule 11 (index of defined expressions), after the entry relating to “vesting declaration” insert—

“working name | section 42(4)”.

PART 4

AMENDMENTS RELATING TO PART 4

38 The Charities Act 2011 is amended in accordance with paragraphs 39, 40 and 42.

Amendments relating to section 30 of this Act

39 In section 187 (meaning of “benefit” etc)—

(a) in the heading, omit “, “services””;

(b) omit the definition of “services”.

40 In Schedule 11 (index of defined expressions), omit the entry for “services”.

Status: This is the original version (as it was originally enacted).

- 41 In section 7A of the Parochial Church Councils (Powers) Measure 1956 (No. 3) (modification of section 185 of the Charities Act 2011 in its application to a parochial church council)—
- (a) after “providing” insert “goods or”;
 - (b) for “(3)(a),” substitute “(3),”.

Amendment relating to section 31 of this Act

- 42 In section 187 (meaning of “benefit” etc), for “and 186” substitute “to 186A”.

PART 5

OTHER MINOR AMENDMENTS

- 43 In section 199 of the Charities Act 2011 (meaning of “benefit” in section 198(2)), for the words from “include” to the end substitute “include—
- (a) any remuneration whose receipt may be authorised under section 185, or
 - (b) the purchase of any insurance which may be authorised under section 189.”
- 44 In section 248 of the Charities Act 2011 (meaning of “benefit”), in subsection (2), for the words from “include” to the end substitute “include—
- (a) any remuneration whose receipt may be authorised under section 185, or
 - (b) the purchase of any insurance which may be authorised under section 189.”
- 45 In section 292B of the Charities Act 2011 (general power to make social investments), in subsection (4), for paragraph (b) substitute—
- “(b) charities established or regulated by Royal charter;”.
- 46 In section 77 of the Companies Act 2006 (change of name), in subsection (2), after paragraph (d) insert—
- “(e) by resolution of the directors acting under section 45(3) of the Charities Act 2011 (change of name to comply with direction of Charity Commission).”