



# Charities Act 1960

1960 CHAPTER 58 8 and 9 Eliz 2

**E+W**

An Act to replace with new provisions the Charitable Trusts Acts, 1853 to 1939, and other enactments relating to charities, to repeal the mortmain Acts, to make further provision as to the powers exercisable by or with respect to charities or with respect to gifts to charity, and for purposes connected therewith. [29th July 1960]

## Extent Information

**E1** For the extent of this Act see [s. 49\(2\)](#)

## Textual Amendments

**F1** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by [1993 c. 10, ss. 98\(2\), 99\(1\), Sch. 7](#) (with savings (temp) in [s. 99\(3\), Sch. 8 Pt. I](#))

## Modifications etc. (not altering text)

**C1** Act extended by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#), [ss. 55\(1\), 94\(2\)](#)

**C2** Act amended by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 231\(7\), 235\(6\), 237\(1\), Sch. 12 paras. 10, 63, 64\(1\)\(2\)](#)

Act amended (30.9.1992) by [Further and Higher Education Act 1992 \(c. 13\), s. 93\(1\), Sch. 8 Pt. II para. 69\(1\)](#); [S.I. 1992/831, art. 2, Sch. 2](#)

**C3** Act: definition of "charity" applied (22.10.1991) by [Birmingham City Council Act 1991 \(c. xvii\), s. 2](#).

**F2** PART I **E+W+N.I.**

## Textual Amendments

**F2** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by [1993 c. 10, ss. 98\(2\), 99\(1\), Sch. 7](#) (with savings (temp) in [s. 99\(3\), Sch. 8 Pt. I](#))

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

**F3**<sup>1</sup> ..... **E+W+N.I.**

**Textual Amendments**  
**F3** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**2** ..... **F4** **E+W+N.I.**

**Textual Amendments**  
**F4** S. 2 repealed by Education Act 1973 (c. 16), **Sch. 2 Pt. II** & Pt. III

**F5**<sup>3</sup> ..... **E+W+N.I.**

**Textual Amendments**  
**F5** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F6**<sup>6</sup> **PART II** **E+W+N.I.**

**Textual Amendments**  
**F6** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7** (with savings (temp) in s. 99(3), **Sch. 8 Pt. I**)

**F7**<sup>7</sup> *Registration of charities*

**Textual Amendments**  
**F7** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7** (with savings (temp) in s. 99(3), **Sch. 8 Pt. I**)

**F8**<sup>4</sup> ..... **E+W+N.I.**

**Textual Amendments**  
**F8** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

**F<sup>9</sup>5**      **Effect of, and claims and objections to registration.** **E+W+N.I.**

.....

**Textual Amendments**

**F9**    Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

*F<sup>10</sup>Powers of Commissioners and Minister to obtain information, etc.*

**Textual Amendments**

**F10**    Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7** (with savings (temp) in s. 99(3), **Sch. 8 Pt. 1**)

**F<sup>11</sup>6**      ..... **E+W+N.I.**

**Textual Amendments**

**F11**    Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F<sup>12</sup>7**      ..... **E+W+N.I.**

**Textual Amendments**

**F12**    Act repealed (1.8.1993) so far as unrepealed except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**[<sup>F13</sup>8**      **Receipt and audit of accounts of charities.** **E+W+N.I.**

- (1) Statements of account giving the prescribed information about the affairs of a charity shall be transmitted to the Commissioners by the charity trustees on request; and, in the case of a charity having a permanent endowment, such a statement relating to the permanent endowment shall be transmitted yearly without any request, unless the charity is excepted by order or regulations.
- (2) Any statement of account transmitted to the Commissioners in pursuance of subsection (1) above shall be kept by them for such period as they think fit; and during that period it shall be open to public inspection at all reasonable times.
- (3) The Commissioners may by order require that the condition and accounts of a charity for such period as they think fit shall be investigated and audited by an auditor appointed by them, [<sup>F14</sup>being a person eligible for appointment as company auditor under section 25 of the Companies Act 1989].
- (4) An auditor acting under subsection (3) above—

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

- (a) shall have a right of access to all books, accounts and documents relating to the charity which are in the possession or control of the charity trustees or to which the charity trustees have access;
  - (b) shall be entitled to require from any charity trustee, past or present, and from any past or present officer or servant of the charity such information and explanation as he thinks necessary for the performance of his duties;
  - (c) shall at the conclusion or during the progress of the audit make such reports to the Commissioners about the audit or about the accounts or affairs of the charity as he thinks the case requires, and shall send a copy of any such report to the charity trustees.
- (5) The expenses of any audit under subsection (3) above, including the remuneration of the auditor, shall be paid by the Commissioners.
- (6) If any person—
- (a) fails to transmit to the Commissioners any statement of account required by subsection (1) above; or
  - (b) fails to afford an auditor any facility to which he is entitled under subsection (4) above;
- the Commissioners may by order give to that person or to the charity trustees for the time being such directions as the Commissioners think appropriate for securing that the default is made good.
- (7) This section shall not apply to an exempt charity.]

**Textual Amendments**

**F13** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but s. 8 continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch.7, **Sch. 8 Pt. I**

**F14** Words in s. 8(3) substituted (01.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 7** (with reg. 4).

<sup>F15</sup>9 ..... **E+W+N.I.**

**Textual Amendments**

**F15** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

<sup>F16</sup>*Powers of local authorities and of charity trustees*

**Textual Amendments**

**F16** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7** (with savings (temp) in s. 99(3), **Sch. 8 Pt. I**)

<sup>F17</sup>10 ..... **E+W+N.I.**

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

**Textual Amendments**

**F17** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

<sup>F18</sup>**11** ..... **E+W+N.I.**

**Textual Amendments**

**F18** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

<sup>F19</sup>**12** ..... **E+W+N.I.**

**Textual Amendments**

**F19** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

<sup>F20</sup>**PART III** **E+W+N.I.**

APPLICATION OF PROPERTY CY-PRES, AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND CENTRAL AUTHORITIES

**Textual Amendments**

**F20** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch. 7](#) (with savings (temp) in s. 99(3), [Sch. 8 Pt. I](#))

*Extended powers of court, and variation of charters*

<sup>F21</sup>**13** ..... **E+W+N.I.**

**Textual Amendments**

**F21** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

<sup>F22</sup>**14** ..... **E+W+N.I.**

Status: Point in time view as at 13/10/2003.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)

**Textual Amendments**

**F22** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

<sup>F23</sup> **15** ..... **E+W+N.I.**

**Textual Amendments**

**F23** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

*Property vested in official custodian*

<sup>F24</sup> **16** ..... **E+W+N.I.**

**Textual Amendments**

**F24** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

<sup>F25</sup> **17** ..... **E+W+N.I.**

**Textual Amendments**

**F25** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

*Powers of Commissioners and Minister to make schemes, etc.*

<sup>F26</sup> **18** ..... **E+W+N.I.**

**Textual Amendments**

**F26** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), [Sch.7](#)

<sup>F27</sup> **19** ..... **E+W+N.I.**

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

**Textual Amendments**

**F27** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F28** **20** ..... **E+W**

**Textual Amendments**

**F28** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7**

**F29** **20A** ..... **E+W+N.I.**

**Textual Amendments**

**F29** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F30** **21** ..... **E+W+N.I.**

**Textual Amendments**

**F30** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F31** **21A** ..... **E+W+N.I.**

**Textual Amendments**

**F31** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

*Establishment of common investment funds*

**F32** **22** ..... **E+W+N.I.**

Status: Point in time view as at 13/10/2003.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)

**Textual Amendments**

**F32** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7** (with **Sch. 8 Pt. I para. 1**) and subject to an amendment to s. 22 (6.2.2000) by 1999 c. 16, s. 122(4), **Sch. 19 Pt. VI para. 15(a)**

<sup>F33</sup>**22A** ..... **E+W+N.I.**

**Textual Amendments**

**F33** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7** (with **Sch. 8 Pt. I para. 1**) and subject to an amendment to s. 22A (6.2.2000) by 1999 c. 16, s. 122(4), **Sch. 19 Pt. IV para. 15(b)**

*Miscellaneous powers of Commissioners and Minister*

<sup>F34</sup>**23** ..... **E+W+N.I.**

**Textual Amendments**

**F34** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

<sup>F35</sup>**23A** ..... **E+W+N.I.**

**Textual Amendments**

**F35** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

<sup>F36</sup>**24** ..... **E+W+N.I.**

**Textual Amendments**

**F36** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

<sup>F37</sup>**25** ..... **E+W+N.I.**



*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

**Textual Amendments**

**F37** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

<sup>F38</sup>**26** ..... **E+W+N.I.**

**Textual Amendments**

**F38** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7**

<sup>F39</sup>**26A** ..... **E+W+N.I.**

**Textual Amendments**

**F39** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

<sup>F40</sup>**27** ..... **E+W+N.I.**

**Textual Amendments**

**F40** *S. 27* repealed (1.1.1993) by *Charities Act 1992 (c. 41)*, s. 37(5), **Sch.7**; S.I. 1992/1900, art. 4(1), **Sch. 3** (with art. 4(3))

<sup>F41</sup>*Miscellaneous*

**Textual Amendments**

**F41** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7** (with savings (temp) in s. 99(3), **Sch. 8 Pt. I**)

**28** **Taking of legal proceedings.** **E+W+N.I.**

- <sup>F42</sup>(1) .....
- <sup>F42</sup>(2) .....
- <sup>F42</sup>(3) .....
- <sup>F42</sup>(4) .....
- <sup>F42</sup>(5) .....
- <sup>F42</sup>(6) .....

Status: Point in time view as at 13/10/2003.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)

F42(7) .....

F42(8) .....

(9) The Charities Procedure Act 1812 and so much of any local or private Act establishing or regulating a charity as relates to the persons by whom or the manner or form in which any charity proceedings may be brought shall cease to have effect.

**Textual Amendments**

F42 Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), Sch.7

F43 28A ..... E+W+N.I.

**Textual Amendments**

F43 Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), Sch.7

F44 29 ..... E+W+N.I.

**Textual Amendments**

F44 S. 29 repealed (1.1.1993) by Charities Act 1992 (c. 41), s. 78(2), Sch.7; S.I. 1992/1900, art. 4(1), Sch. 3

F45 30 ..... E+W+N.I.

**Textual Amendments**

F45 Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), Sch.7

F49 30A ..... E+W+N.I.

**Textual Amendments**

F49 Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), Sch.7

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

**F50 30B** ..... **E+W+N.I.**

**Textual Amendments**

**F50** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F51 30BA** ..... **E+W+N.I.**

**Textual Amendments**

**F51** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F52 30BB** ..... **E+W+N.I.**

**Textual Amendments**

**F52** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F53 30C** ..... **E+W+N.I.**

**Textual Amendments**

**F53** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**F54 31** ..... **E+W+N.I.**

**Textual Amendments**

**F54** S. 31 repealed (1.9.1992) by Charities Act 1992 (c. 41), ss. 47, 78(2), Sch. 3 para. 12, **Sch.7**; S.I. 1992/1900, art. 2(1), **Sch. 1**

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

<sup>F55</sup>**PART IV E+W+N.I.**

MISCELLANEOUS PROVISIONS AS TO CHARITIES AND THEIR AFFAIRS

**Textual Amendments**

**F55** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch. 7** (with savings (temp) in s. 99(3), **Sch. 8 Pt. 1**)

[<sup>F56</sup>**32** **General obligation to keep accounts.** **E+W+N.I.**

- (1) Charity trustees shall keep proper books of account with respect to the affairs of the charity, and charity trustees not required by or under the authority of any other Act to prepare periodical statements of account shall prepare consecutive statements of account consisting on each occasion of an income and expenditure account relating to a period of not more than fifteen months and a balance sheet relating to the end of that period.
- (2) The books of account and statements of account relating to any charity shall be preserved for a period of seven years at least, unless the charity ceases to exist and the Commissioners permit them to be destroyed or otherwise disposed of.
- (3) The statements of account relating to a parochial charity in a rural parish, other than an ecclesiastical charity, shall be sent annually to the parish council or, if there is no parish council, to the chairman of the parish meeting, and shall be presented by the council or chairman at the next parish meeting.

... <sup>F57</sup>]

**Textual Amendments**

**F56** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but s. 32 continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch.7, **Sch. 8 Pt. 1**

**F57** Words repealed by **Local Government Act 1972 (c. 70)**, **Sch. 30**

**Modifications etc. (not altering text)**

**C4** S. 32(3) excluded by **Charities Act 1985 (c. 20, SIF 19)**, **s. 1(2)**

<sup>F58</sup>**33** ..... **E+W+N.I.**

**Textual Amendments**

**F58** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

<sup>F59</sup>**34** ..... **E+W+N.I.**

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

**Textual Amendments**

**F59** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**35 Transfer and evidence of title to property vested in trustees. E+W+N.I.**

<sup>F60</sup>(1) .....

<sup>F60</sup>(2) .....

<sup>F60</sup>(3) .....

<sup>F60</sup>(4) .....

<sup>F60</sup>(5) .....

(6) The <sup>M2</sup>Trustee Appointment Act 1850, the <sup>M3</sup>Trustee Appointment Act 1869, the <sup>M4</sup>Trustees Appointment Act 1890, and in so far as it applies any of those Acts the <sup>M5</sup>School Sites Act 1852 shall cease to have effect; but where, at the commencement of this Act, the provisions of those Acts providing for the appointment of trustees apply in relation to any land, those provisions shall have effect as if contained in the conveyance or other instrument declaring the trusts on which the land is then held.

**Textual Amendments**

**F60** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

**Marginal Citations**

**M2** 1850 c. 28.

**M3** 1869 c. 26.

**M4** 1890 c. 19.

**M5** 1852 c. 49.

<sup>F61</sup>**36** ..... E+W+N.I.

**Textual Amendments**

**F61** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

<sup>F62</sup>**37** ..... E+W+N.I.

**Textual Amendments**

**F62** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

### 38 Repeal of law of mortmain. **E+W+N.I.**

- (1) ..... <sup>F63</sup>
- (2) ..... <sup>F63</sup>
- (3) The repeal by this Act of the <sup>M6</sup>Mortmain and Charitable Uses Act 1891 shall have effect in relation to the wills of persons dying before the passing of this Act so as to abrogate any requirement to sell land then unsold, but not so as to enable effect to be given to a direction to lay out personal estate in land without an order under section eight of that Act or so as to affect the power to make such an order.
- (4) Any reference in any enactment or document to a charity within the meaning, purview and interpretation of the <sup>M7</sup>Charitable Uses Act 1601, or of the preamble to it, shall be construed as a reference to a charity within the meaning which the word bears as a legal term according to the law of England and Wales.
- (5) No repeal made by this Act shall affect any power to hold land in Northern Ireland without licence in mortmain; . . . <sup>F64</sup>

#### Textual Amendments

**F63** S. 38(1)(2), 39(1) repealed by [Education Act 1973 \(c. 16\)](#), [Sch. 2 Pt. I](#)

**F64** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

#### Marginal Citations

**M6** 1891 c. 73.

**M7** 1601 c. 4.

### 39 Repeal of obsolete enactments. **E+W+N.I.**

- (1) ..... <sup>F65</sup>
- (2) Where the trusts of a charity are at the commencement of this Act wholly or partly comprised in an enactment specified in the Fifth Schedule to this Act, or in an instrument having effect under such an enactment, the operation of those trusts shall not be affected by the repeal of that enactment by this Act.

#### Textual Amendments

**F65** S. 38(1)(2), 39(1) repealed by [Education Act 1973 \(c. 16\)](#), [Sch. 2 Pt. I](#)

## <sup>F66</sup>PART V **E+W+N.I.**

### SUPPLEMENTARY

#### Textual Amendments

**F66** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by [1993 c. 10](#), ss. 98(2), 99(1), [Sch. 7](#) (with savings (temp) in s. 99(3), [Sch. 8 Pt. I](#))

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

[<sup>F67</sup>40] **Miscellaneous provisions as to orders of Commissioners or Minister.** **E+W**  
**+N.I.**

- (1) Any order made by the Commissioners under this Act may include such incidental or supplementary provisions as the Commissioners think expedient for carrying into effect the objects of the order, and where the Commissioners exercise any jurisdiction to make such an order on an application or reference to them, they may insert any such provisions in the order notwithstanding that the application or reference does not propose their insertion.
- (2) Where the Commissioners make an order under this Act, then (without prejudice to the requirements of this Act where the order is subject to appeal) they may themselves give such public notice as they think fit of the making or contents of the order, or may require it to be given by any person on whose application the order is made or by any charity affected by the order.
- (3) The Commissioners at any time within twelve months after they have made an order under this Act, if they are satisfied that the order was made by mistake or on misrepresentation or otherwise than in conformity with this Act, may with or without any application or reference to them discharge the order in whole or in part, and subject or not to any savings or other transitional provisions.
- (4) Except for the purposes of subsection (3) above or of an appeal under this Act, an order made by the Commissioners under this Act shall be deemed to have been duly and formally made and not be called in question on the ground only of irregularity or informality, but (subject to any further order) have effect according to its tenor.
- (5) This section shall apply to orders made under any Act amended by this Act, if made by virtue of that amendment, as it applies to orders made under this Act.]

**Textual Amendments**

**F67** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), **Sch.7 Sch. 8 Pt. I**

**Modifications etc. (not altering text)**

**C5** Ss. 40, 42 extended by [Reverter of Sites Act 1987 \(c. 15, SIF 98:1\)](#), s. 4(4)

**C6** S. 40 extended (with modifications) (1.9.1992) by [Charities Act 1992 \(c. 41\)](#), s. 56(4)–(6); S.I. 1992/1900, art. 2(1), **Sch. 1**

**C7** Ss. 40(1)–(4), 42 applied by [Coal Industry Act 1987 \(c. 3, SIF 86\)](#), s. 5(3)(8)(9)

**C8** S. 40(1)(2)(4) applied (1.9.1992) by [Charities Act 1992 \(c. 41\)](#), s. 57(2)(a)(4); S.I. 1992/1900, art. 2(1), **Sch. 1**

[<sup>F68</sup>  
<sup>F69</sup>40A] **Service of orders and directions under this Act.** **E+W+N.I.**

- (1) This section applies to any order or direction made or given by the Commissioners under this Act.
- (2) An order or direction to which this section applies may be served on a person (other than a body corporate)—
  - (a) by delivering it to that person;
  - (b) by leaving it at his last known address in the United Kingdom; or
  - (c) by sending it by post to him at that address.

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

- (3) An order or direction to which this section applies may be served on a body corporate by delivering it or sending it by post—
- (a) to the registered or principal office of the body in the United Kingdom, or
  - (b) if it has no such office in the United Kingdom, to any place in the United Kingdom where it carries on business or conducts its activities (as the case may be).
- (4) Any such order or direction may also be served on a person (including a body corporate) by sending it by post to that person at an address notified by that person to the Commissioners for the purposes of this subsection.
- (5) In this section any reference to the Commissioners includes, in relation to a direction given under section 6(3) of this Act, a reference to any person conducting an inquiry under that section.]]

#### Textual Amendments

- F68** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch. 7, **Sch. 8 Pt. I**
- F69** S. 40A inserted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 15**; S.I. 1992/1900, art. 2(1), **Sch. 1**

#### [<sup>F70</sup>41 Enforcement of orders of Commissioners or Minister. **E+W+N.I.**

A person guilty of disobedience—

- [ to an order of the Commissioners under section 7(1) of this Act; or]
- <sup>F71</sup>(a) to an order of the Commissioners under section eighteen or twenty of this Act requiring a transfer of property or payment to be called for or made; or
  - (c) to an order of the Commissioners requiring a default under this Act to be made good;

may on the application of the Commissioners to the High Court be dealt with as for disobedience to an order of the High Court.]

#### Textual Amendments

- F70** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch. 7, **Sch. 8 Pt. I**
- F71** S. 41(a) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 16**; S.I. 1992/1900, art. 2(1), **Sch. 1**

#### Modifications etc. (not altering text)

- C9** S. 41 extended (1.9.1992) by Charities Act 1992 (c. 41), s. 56(3); S.I. 1992/1900, art. 2(1), **Sch. 1**
- C10** S. 41 applied (1.9.1992) by Charities Act 1992 (c. 41), s. 57(2)(b); S.I. 1992/1900, art. 2(1), **Sch. 1**

#### [<sup>F72</sup>42 Appeals from Commissioners or Minister. **E+W+N.I.**

- (1) Provision shall be made by rules of court for regulating appeals to the High Court under this Act against orders or decisions of the Commissioners.



*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

(2) On such an appeal the Attorney General shall be entitled to appear and be heard, and such other persons as the rules allow or as the court may direct.

(3) .....<sup>F73</sup>]

**Textual Amendments**

**F72** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch. 7, **Sch. 8 Pt. I**

**F73** S. 42(3) repealed by Administration of Justice Act 1977 (c. 38), **Sch. 5 Pt. IV**

**Modifications etc. (not altering text)**

**C11** Ss. 40, 42 extended by Reverter of Sites Act 1987 (c. 15, SIF 98:1), **s. 4(4)**

**C12** Ss. 40(1)-(4), 42 applied by Coal Industry Act 1987 (c. 3, SIF 86), **s. 5(3)(8)(9)**

[<sup>F74</sup>**43** **Regulations.** **E+W+N.I.**

[ Save as otherwise provided by this Act, any power to make regulations which is<sup>F75</sup>(1) conferred by this Act shall be exercisable by the Secretary of State].

(2) Regulations may be made for prescribing anything which is required or authorised by this Act to be prescribed.

[ Any regulations under this Act may make—

<sup>F76</sup>(2A) (a) different provision for different cases;  
(b) such supplemental, incidental, consequential or transitional provision or savings as the person or persons making them considers or consider appropriate.]

(3) Any power of the Treasury, [<sup>F77</sup>or the Secretary of State] to make regulations under this Act shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F74** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch. 7, **Sch. 8 Pt. I**

**F75** S. 43(1) substituted by Education Act 1973 (c. 16), **Sch. 1 para. 1(1)**

**F76** S. 43(2A) inserted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 17**; S.I. 1992/1900, art. 2(1), **Sch. 1**

**F77** Words substituted by Education Act 1973 (c. 16), **Sch. 1 para. 1(1)**

**Modifications etc. (not altering text)**

**C13** S. 43 extended by Charities Act 1985 (c. 20, SIF 19), **s. 1(1)**

<sup>F78</sup>**44** **Expenses.** **E+W+N.I.**

.....

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

### Textual Amendments

**F78** S. 44 repealed (1.1.1993) by Charities Act 1992 (c. 41), s. 78(2), Sch.7; S.I. 1992/1900, art 4(1), Sch. 3

## [<sup>F79</sup> 45 Construction of references to a “charity” or to particular classes of charity. **E** **+W+N.I.**

- (1) In this Act, except in so far as the context otherwise requires,—
- “charity” means any institution, corporate or not, which is established for charitable purposes and is subject to the control of the High Court in the exercise of the court’s jurisdiction with respect to charities;
- “ecclesiastical charity” has the same meaning as in the <sup>M8</sup>Local Government Act 1894;
- “exempt charity” means (subject to subsection (9) of section twenty-two of this Act) a charity comprised in the Second Schedule to this Act;
- “local charity” means, in relation to any area, a charity established for purposes which are by their nature or by the trusts of the charity directed wholly or mainly to the benefit of that area or of part of it;
- “parochial charity” means, in relation to any parish, a charity the benefits of which are, or the separate distribution of the benefits of which is, confined to inhabitants of the parish, or of a single ancient ecclesiastical parish which included that parish or part of it, or of an area consisting of that parish with not more than four neighbouring parishes.
- (2) The expression “charity” is not in this Act applicable—
- (a) to any ecclesiastical corporation (that is to say, any corporation in the Church of England, whether sole or aggregate, which is established for spiritual purposes) in respect of the corporate property of the corporation, except to a corporation aggregate having some purposes which are not ecclesiastical in respect of its corporate property held for those purposes; or
- [<sup>F80</sup>(aa) to any Diocesan Board of Finance within the meaning of the Endowments and Glebe Measure 1976 for any diocese in respect of the diocesan glebe land of that diocese within the meaning of that Measure; or]
- (b) to any trust of property for purposes for which the property has been consecrated.
- (3) <sup>F81</sup> . . . a charity shall be deemed for the purposes of this Act to have a permanent endowment unless all property held for the purposes of the charity may be expended for those purposes without distinction between capital and income, and in this Act “permanent endowment” means, in relation to any charity, property held subject to a restriction on its being [<sup>F82</sup>expended for the purposes of the charity].
- (4) References in this Act to a charity [<sup>F83</sup>whose income from all sources does not in aggregate amount to more than a specified amount shall be construed—
- (i) by reference to the gross revenues of the charity, or
- (ii) if the Commissioners so determine, by reference to the amount which they estimate to be the likely amount of those revenues, but without (in either case)] bringing into account anything for the yearly value of land occupied by the charity apart from the pecuniary income (if any) received from that land; and

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

any question as to the application of any such reference to a charity shall be determined by the Commissioners, whose decision shall be final.

- (5) The Commissioners may direct that for all or any of the purposes of this Act an institution established for any special purposes of or in connection with a charity (being charitable purposes) shall be treated as forming part of that charity or as forming a distinct charity.
- (6) Any reference in this Act to a charity which is excepted by order or regulations shall be construed as referring to a charity which is for the time being permanently or temporarily excepted by order of the Commissioners, or is of a description permanently or temporarily excepted by regulations, and which complies with any conditions of the exception; and any order or regulation made for this purpose may limit any exception so that a charity may be excepted in respect of some matters and not in respect of others.]

#### Textual Amendments

- F79** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(3), Sch. 7, **Sch. 8 Pt. I**
- F80** S. 45(2)(aa) added by Endowments and Glebe Measure 1976 (No. 4), s. 44
- F81** Words in s. 45(3) repealed by Charities Act 1992 (c. 41), ss. 47, 78(2), Sch. 3 para. 18(a)(i), **Sch. 7**; S.I. 1992/1900, art. 2(1), **Sch. 1**
- F82** Words in s. 45(3) substituted (1.9.1992) by Charities Act 1992, s. 47, Sch. 3 para. 18(a)(ii); S.I. 1992/1900, art. 2(1), **Sch. 1**
- F83** Words in s. 45(4) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 18(b)**; S.I. 1992/1900, art. 2(1), **Sch. 1**

#### Modifications etc. (not altering text)

- C14** S. 45 applied (1.9.1992) by Charities Act 1992 (c. 41), s. 1(2); S.I. 1992/1900, art. 2(1), **Sch. 1**
- C15** S. 45(2)(b) excluded by Pastoral Measure 1983 (No. 1, SIF 21:4), ss. 55(1), 94(2)

#### Marginal Citations

- M8** 1894 c. 73 (56 & 57 Vict.).

[<sup>F84</sup>  
<sup>F85</sup>46].

#### Other definitions. **E+W+N.I.**

(1)

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

<sup>F86</sup>  
...

“charitable purposes” means purposes which are exclusively charitable according to the law of England and Wales;

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

“the Commissioners” means the Charity Commissioners for England and Wales;

[<sup>F87</sup>“company” means a company formed and registered under the <sup>M9</sup> Companies Act 1985, or to which the provisions of that Act apply as they apply to such a company;]

“the county of London” means [<sup>F88</sup>Greater London other than the outer London boroughs];

“the court” means the High Court and, within the limits of its jurisdiction, any other court in England or Wales having a jurisdiction in respect of charities

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

concurrent (within any limit of area or amount) with that of the High Court, and includes any judge or officer of the court exercising the jurisdiction of the court; “institution” includes any trust or undertaking; “permanent endowment” shall <sup>F89</sup> . . . be construed in accordance with subsection (3) of the last foregoing section; “trusts,” in relation to a charity, means the provisions establishing it as a charity and regulating its purposes and administration, whether those provisions take effect by way of trust or not, and in relation to other institutions has a corresponding meaning. but without (in either case)

[ In this Act, except in so far as the context otherwise requires, “document” includes <sup>F90</sup>(2) information recorded in any form, and, in relation to information recorded otherwise than in legible form—

- (a) any reference to its production shall be construed as a reference to the furnishing of a copy of it in legible form, and
- (b) any reference to the furnishing of a copy of, or extract from, it shall accordingly be construed as a reference to the furnishing of a copy of, or extract from, it in legible form.]]

#### Textual Amendments

- F84** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(3), Sch. 7, **Sch. 8 Pt. I**
- F85** S. 46 renumbered as s. 46(1) (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 19(b)**; S.I. 1992/1900, art. 2(1), **Sch. 1**
- F86** Definition of “Attorney General” repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. II**
- F87** Words inserted (4.2.1991) by Companies Act 1989 (c. 40, SIF 27), **ss. 111(2)**, 215
- F88** Words substituted by virtue of London Government Act 1963 (c. 33), **s. 4(4)**
- F89** Words in s. 46 repealed (1.9.1992) by Charities Act 1992 (c. 41), ss. 47, 78(2), Sch. 3 para. 19(a), **Sch. 7**; S.I. 1992/1900, art. 2(1), **Sch. 1**
- F90** S. 46(2) added (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 19(b)**; S.I. 1992/1900, art. 2(1), **Sch. 1**

#### Modifications etc. (not altering text)

- C16** S. 46 applied (1.9.1992) by Charities Act 1992 (c. 41), **s. 1(2)**; S.I. 1992/1900, art. 2(1), **Sch. 1**
- C17** S. 46 applied (*prosp.*) by Charities Act 1992 (c. 41), **ss. 58(1)**, 79(2).

#### Marginal Citations

- M9** 1985 c.6 (27).

#### Textual Amendments

- F91** S. 47 repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

**48 Consequential amendments, general repeal and transitional provisions. E+W**  
**+N.I.**

- (1) The enactments mentioned in the first column of the Sixth Schedule to this Act shall be amended as provided in the second column of that Schedule.
- (2) ..... F92
- (3) The Commissioners may take the like action under this Act in consequence of any application or enquiry under the Charitable Trusts Acts, 1853 to 1939, as if the application or enquiry had been made for the corresponding purpose under this Act; and subsections (3) to (5) of section twenty-five of this Act shall extend (with any necessary adaptations) to documents enrolled by the Commissioners or deposited with them under those Acts.
- (4) The repeal by this Act of the Charitable Trusts Acts, 1853 to 1939, shall not invalidate any scheme, order, certificate or other document issued under or for the purposes of those Acts, so far as the document is capable after the commencement of this Act of having effect either for its original purpose or for any corresponding purpose of this Act; but any such documents shall continue to have effect for any such purpose (except in so far as they are modified or superseded under the powers of this Act), and shall in the case of an order be appealable, enforceable and liable to be discharged as if this Act had not been passed; and any such document, and any document under the seal of the official trustees of charitable funds, may be proved as if this Act had not been passed.
- (5) The repeal by this Act of any enactment which authorises the taking of legal proceedings, or regulates any legal proceedings, shall not affect the operation of that enactment in relation to proceedings begun before the commencement of this Act, nor shall section twenty-eight of this Act apply to any proceeding so begun.
- (6) The official custodian for charities shall be treated as the successor for all purposes both of the official trustee of charity lands and of the official trustees of charitable funds, as if the functions of the said trustee or trustees had been functions of the official custodian, and as if any such trustee or trustees had been, and had discharged his or their functions as, holder of the office of the official custodian; and accordingly (but without prejudice to the generality of the foregoing provision, and subject to any express amendment or repeal made by this Act) as from the commencement of this Act—
  - (a) all property vested in the said trustee or trustees shall vest in the official custodian, and shall be held by him as if vested in him under section sixteen of this Act for the purposes for which it was held by the said trustee or trustees; and
  - (b) any Act, scheme, deed or other document referring or relating to the said trustee or trustees shall, in so far as the context permits, have effect as if the official custodian had been mentioned instead.
- (7) The specific provisions of this Act as to the effect of any repeal shall not be taken to exclude the general provisions contained in section thirty-eight of the<sup>M10</sup> Interpretation Act 1889, except in so far as those general provisions are inconsistent with the specific provisions in this Act.

**Textual Amendments**

**F92** S. 48(2) repealed by [Education Act 1973 \(c. 16\)](#), [Sch. 2 Pt. I](#)

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

### Marginal Citations

**M10** 1889 c. 63.

## 49 Short title, extent and commencement. **E+W+N.I.**

- (1) This Act may be cited as the Charities Act 1960.
- (2) This Act shall extend—
- (a) ..... **F93**
- (b) ..... **F94**
- (c) to Northern Ireland in so far as it relates to the amendment of Royal Charters; but, subject to that, this Act shall not extend to Scotland or Northern Ireland.
- (3) ..... **F95**

### Textual Amendments

- F93** S. 49(2)(a) repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. II**
- F94** S. 49(2)(b) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. II**
- F95** S. 49(3) repealed by Education Act 1973 (c. 16), **Sch. 2 Pt. I**

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

## F<sup>9</sup> SCHEDULES

### F<sup>97</sup>FIRST SCHEDULE E +W+N.I.

Section 1.

#### Textual Amendments

**F97** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

### F<sup>105</sup>SECOND SCHEDULE E+W+N.I.

Sections 4 & 45.

#### EXEMPT CHARITIES

#### Textual Amendments

**F105** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 but Pt. V continued in force (temp) by 1993 c. 10, ss. 98(2), 99(1)(3), Sch.7, **Sch. 8 Pt. I**

The following institutions, so far as they are charities, are exempt charities within the meaning of this Act, that is to say—

- (a) any institution which, if this Act had not been passed, would be exempted from the powers and jurisdiction under the Charitable Trusts Acts 1853 to 1939, of the Commissioners or Minister of Education (apart from any power of the Commissioners or Minister to apply those Acts in whole or in part to charities otherwise exempt) by the terms of any enactment not contained in those Acts other than section nine of the <sup>M13</sup>Places of Worship Registration Act 1855;
- (b) the universities of Oxford, Cambridge, London and Durham, the colleges and halls in the universities of Oxford, Cambridge and Durham and the colleges of Winchester and Eton;
- (c) any university, university college, or institution connected with a university or university college, which Her Majesty declares by Order in Council to be an exempt charity for the purposes of this Act;
  - [<sup>F106</sup>(ca) the Board of Trustees of the Victoria and Albert Museum;
  - (cb) the Board of Trustees of the Science Museum;
  - (cc) the Board of Trustees of the Armouries;
  - (cd) the Board of Trustees of the Royal Botanic Gardens, Kew.]
  - [<sup>F107</sup>(ce) the Board of Trustees of the National Gallery;
  - (cf) the Board of Trustees of the Tate Gallery;

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

- (cg) the Board of Trustees of the National Portrait Gallery;
- (ch) the Board of Trustees of the Wallace Collection;]
- [<sup>F108</sup>(ce) the Board of Trustees of the National Museums and Galleries on Merseyside.]
- [<sup>F109</sup>(d) the Trustees of the British Museum and the Trustees of the Natural History Museum;]
- [<sup>F110</sup>(da) the National Gallery Trustees;
- [<sup>F111</sup>(da)
- (db) the Tate Gallery Trustees;
- (dc) the National Portrait Gallery;
- (dd) the Wallace Collection Trustees;]]
- (e) any institution which is administered by or on behalf of an institution included above and is established for the general purposes of, or for any special purpose of or in connection with, the last-mentioned institution;
- (f) the Church Commissioners and any institution which is administered by them;
- (g) any registered society within the meaning of the <sup>M14</sup>Industrial and Provident Societies Act 1893 and any registered society or branch within the meaning of the <sup>M15</sup>Friendly Societies Act 1896.
- [<sup>F112</sup>(h) the Board of Governors of the Museum of London]
- [<sup>F113</sup>(i) the British Library Board].
- [<sup>F114</sup>(j) ..... <sup>F114</sup>]

#### Textual Amendments

- F106** Sch. 2 paras. (ca)–(cd) inserted by National Heritage Act 1983 (c. 47, SIF 3, 78), s. 40, **Sch. 5 para. 4**
- F107** Sch. 2 para. (ce)–(ch) inserted (1.9.1992) by Museums and Galleries Act 1992 (c. 44), s. 11(2), **Sch. 8 Pt. II para. 10(1)**; S.I. 1992/1874, **art.2**
- F108** Sch. 2 para. (ce) inserted by S.I. 1990/1765, **art. 3(1)(b)**
- F109** Sch. 2 para. (d) substituted (1.9.1992) by Museums and Galleries Act 1992 (c. 44), s. 11(2), **Sch. 8 Pt. I para.4**; S.I. 1992/1874, **art.2**
- F110** Sch. 2 para. (da)–(dd) inserted (*prosp.*) by Charities Act 1992 (c. 41), ss. 47, 79(2), **sch. 3 para.22**
- F111** Sch. 2 para. (da)–(dd) repealed (*prosp.*) by Museums and Galleries Act 1992 (c. 44), s. 11(2)(3)(4), Sch. 8 Pt. II para. 10(2), **Sch. 9**
- F112** Para. (h) added by Museum of London Act 1965 (c. 17), **s. 11**
- F113** Para. (i) added by British Library Act 1972 (c. 54), **s. 4(2)**
- F114** Sch. 2 para. (j) inserted after para. (i) by S.I. 1986/452, **art. 5(1)** and repealed by S.I. 1990/1765, **art. 3(1)(a)**

#### Modifications etc. (not altering text)

- C19** Sch. 2 para. (e) extended by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237(1), Sch. 12 paras. 10, 63, **64(3)**
- Sch. 2 para. (e) extended (30.9.1992) by the Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8, Pt. II, para.69(1)(2)**; S.I. 1992/831, **art. 2, Sch.2**

#### Marginal Citations

- M13** 1855 c. 81.
- M14** 1893 c. 39.
- M15** 1896 c. 25.



*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

#### Textual Amendments

- F106** Sch. 2 paras. (ca)–(cd) inserted by National Heritage Act 1983 (c. 47, SIF 3, 78), s. 40, **Sch. 5 para. 4**
- F107** Sch. 2 para. (ce)–(ch) inserted (1.9.1992) by Museums and Galleries Act 1992 (c. 44), s. 11(2), **Sch. 8 Pt. II para. 10(1)**; S.I. 1992/1874, **art.2**
- F108** Sch. 2 para. (ce) inserted by S.I. 1990/1765, **art. 3(1)(b)**
- F109** Sch. 2 para. (d) substituted (1.9.1992) by Museums and Galleries Act 1992 (c. 44), s. 11(2), **Sch. 8 Pt. I para.4**; S.I. 1992/1874, **art.2**
- F110** Sch. 2 para. (da)–(dd) inserted (*prosp.*) by Charities Act 1992 (c. 41), ss. 47, 79(2), **sch. 3 para.22**
- F111** Sch. 2 para. (da)–(dd) repealed (*prosp.*) by Museums and Galleries Act 1992 (c. 44), s. 11(2)(3)(4), Sch. 8 Pt. II para. 10(2), **Sch. 9**
- F112** Para. (h) added by Museum of London Act 1965 (c. 17), **s. 11**
- F113** Para. (i) added by British Library Act 1972 (c. 54), **s. 4(2)**
- F114** Sch. 2 para. (j) inserted after para. (i) by S.I. 1986/452, **art. 5(1)** and repealed by S.I. 1990/1765, **art. 3(1)(a)**

#### Modifications etc. (not altering text)

- C19** Sch. 2 para. (e) extended by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237(1), Sch. 12 paras. 10, 63, **64(3)**
- Sch. 2 para. (e) extended (30.9.1992) by the Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8, Pt. II, para.69(1)(2)**; S.I. 1992/831, **art. 2, Sch.2**

#### Marginal Citations

- M13** 1855 c. 81.
- M14** 1893 c. 39.
- M15** 1896 c. 25.

<sup>F115</sup>THIRD  
SCHEDULE **E+W+N.I.**

Section 13.

### ENLARGEMENT OF AREAS OF LOCAL CHARITIES

#### Textual Amendments

- F115** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)–(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), **Sch.7**

Existing area	Permissible enlargement
1.	<sup>F116</sup> Greater London] Any area comprising <sup>F116</sup> Greater London]
2.	Any area in <sup>F116</sup> Greater London] and not in, or partly in, the city of London. (i) Any area in <sup>F116</sup> Greater London] and not in, or partly in, the city of London; (ii) the area of <sup>F116</sup> Greater London] exclusive of the city of London;(iii) any area comprising the area

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

3.	A [ <sup>F117</sup> district]	of [ <sup>F116</sup> Greater London], exclusive of the city of London;(iv) any area partly in [ <sup>F116</sup> Greater London] and partly in any adjacent parish or parishes (civil or ecclesiastical), and not partly in the city of London.
4.	Any area in a [ <sup>F117</sup> district]	Any area comprising the [ <sup>F117</sup> district] (i) Any area in the [ <sup>F117</sup> district];(ii) the [ <sup>F117</sup> district];(iii) any area comprising the [ <sup>F117</sup> district]; (iv) any area partly in the [ <sup>F117</sup> district] and partly in any adjacent [ <sup>F117</sup> district].
5.	A parish (civil or ecclesiastical), or two or more parishes, or an area in a parish, or partly in each of two or more parishes.	Any area not extending beyond the parish or parishes comprising or adjacent to the area in column 1.

**Textual Amendments**

**F116** Words substituted by virtue of London Government Act 1963 (c. 33), s. 81(9)(c)

**F117** Words substituted by Local Government Act 1972 (c. 70), s. 210(9)(f)

<sup>F118</sup>FOURTH  
 SCHEDULE E+W+N.I.

Section 15.

**Textual Amendments**

**F118** Act repealed (1.8.1993) except ss. 28(9), 35(6), 38(3)-(5), 39(2), 48, 49, Sch. 6 by 1993 c. 10, ss. 98(2), 99(1), Sch.7

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

F120F120 FIFTH-  
SCHEDULE E+W+N.I.

**Textual Amendments**

**F120** Sch. 1 paras. 1(6), 2(3) & Sch. 5 repealed by [Education Act 1973 \(c. 16\)](#), **Sch. 2 Pt. I**

F120

SIXTH-SCHEDULE E  
+W+N.I.

Section 48.

CONSEQUENTIAL AMENDMENTS.

**Modifications etc. (not altering text)**

**C20** The text of Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Enactments amended, and subject matter Amendments**

The Places of Worship Registration Act,  
1855—

Section nine (exemption from Charitable  
Trusts Acts).

For the words from “wholly freed” onwards there shall be substituted the words “excepted under subsection (4) of section four of the Charities Act, 1960, from registration under that section; and where a building recorded and used as aforesaid is so excepted, there shall be excepted with it—

- (a) any forecourt, yard, garden, burial ground, vestry, or caretaker’s house, in respect of situation connected with, and held upon the same trusts as, the building so recorded; and
- (b) any Sunday-school house or other land or building which is certified by, an order of the Charity Commissioners, made upon the application of one or more of the charity trustees, to be held upon the same trusts as the building so recorded or upon the like trusts, and to be in respect of

---

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

---

situation so connected with or held or used in connection with that building that it cannot conveniently be separated from that building.

In this section “building” includes part of a building.”

The Charitable Trustees Incorporation Act, 1872—

Section two (estate to vest in body corporate).

For the words “except as hereinafter provided” there shall be substituted the words “except that the foregoing provisions shall not apply to property vested in the official custodian for charities”.

The Schedule (applications for incorporation).

The words “and registered” shall be omitted.

The National Debt (Conversion) Act, 1888—

...  
F121

...  
F121

The Public Libraries Act, 1892—

...  
F122

...  
F122

The Copyhold Act, 1894—

...  
F122

...  
F122

The Open Spaces Act, 1906—

Subsection (1) of section four (transfer by charity trustees of open space to local authority).

For the word “and where the open space is subject to the Charitable Trusts Act, 1853 to 1894, with such authority or approval as is required by those Acts for a sale of the open space and in other cases in pursuance of an order of the court” there shall be substituted the words “and with the sanction of an order of the Charity Commissioners or with that of an order of the court”.

F123

...

F123

...

F123

...

The Landlord and Tenant Act, 1927—

Section twenty-four (application to charity lands).

In subsection (4), for the words “official trustee of charity lands” there shall be substituted the words “official custodian for charities” and for the words “official

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

trustee” there shall be substituted the word  
“custodian”.

The Administration of Justice Act, 1928—

Subsection (1) of section fifteen (transfer of funds in court to official trustees of charitable the funds). The words “subject to the jurisdiction of the Charity Commissioners or of the the Board of Education” , shall be omitted, and for the words “official trustees of charitable funds” there shall in, both places be substituted the words “official custodian for charities”.

The Local Government Act, 1933—

Section one hundred and sixty-nine (power of parish council to let land). For the words from “with such consent or approval” to “charity estates” there shall be substituted the words “with the sanction of an order of the Charity Commissioners” and in the proviso for the words “no consent or approval” there shall be substituted in the first place the words “no order or consent” and in the second place the words “no order”.

Section one hundred and seventy (power of parish council to sell or exchange land). In subsection (1), for the words “without such consent or approval as is required under the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899” there shall be substituted the words “without the sanction of an order of the Charity Commissioners”; and in subsection (2), for the words “the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899” there shall be substituted the words “the Charities Act, 1960”.

F124

...

F124

...

F124  
...

“(ii) ...  
(iii) ...”;

F124  
...

The Income Tax Act, 1952—

...

F122

... F122

“8 ...”

The Housing Repairs and Rents Act, 1954—

...

F122

...  
F122

The Administration of Justice Act, 1956—

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

Subsection (1) of section fifty-two (transfer of funds in court to official trustees of charitable funds).	The words “subject to the jurisdiction in of the Charity Commissioners or of of the Minister of Education” shall be omitted, and for the words “official trustees of charitable funds” there shall be substituted the words “official custodian for charities”.
The Cathedrals Measure, 1931—	
Section twenty-six (exclusion of charities, except as determined by Charity Commissioners).	For the words from “any charity” to “1889” there shall be substituted the words “any charity within the meaning of the Charities Act, 1960, or endowment of such a charity”.
The New Parishes Measure, 1943—	
Section fourteen (power of corporations etc. to give or grant land for sites of churches etc.).	At the end of paragraph (b) of subsection (1) there shall be added the of words “but (except in the case of an exempt charity within the meaning of the Charities Act, 1960) only with the sanction of an order of the Charity Commissioners”.
Section thirty-one (saving for charities).	For the words from “to deal with any endowment” onwards there shall be substituted the words “to deal with any endowment belonging to a charity within the meaning of the Charities Act, 1960, except with the consent of the Charity Commissioners or Minister of Education”.
The Re-organisation Areas Measure, 1944—	
. . . F122	. . . F122

#### Textual Amendments

- F121** Sch. 6 the entry relating to the National Debt (Conversion) Act 1888 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. III**
- F122** Entries repealed by [Public Libraries and Museums Act 1964 \(c. 75\)](#), **Sch. 3**, [Rent Act 1968 \(c. 23\)](#), **Sch. 17**, [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), **Sch. Pt. III**, [Income and Corporation Taxes Act 1970 \(c. 10\)](#) Sch. 16, [Education Act 1973 \(c. 16\)](#), **Sch. 2 Pts. I, III** and [Administration of Justice Act 1977 \(c. 38\)](#), **Sch. 5 Pt. VI**
- F123** Sch. 6 entry repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 13** (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, art. 2(1)
- F124** Words in Sch. 6 repealed (1.9.1992) by [Charities Act 1992 \(c. 41\)](#), s. 78(2), **Sch.7**; S.I. 1992/1900, art. 2(1), **Sch.1**

---

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

---

F125F125 SEVENTH-  
SCHEDULE E+W+N.I.

**Textual Amendments**

**F125** Sch. 7 repealed by Education Act 1973 (c. 16), Sch. 2 Pt. I

.....  
F125

**Status:**

Point in time view as at 13/10/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the Charities Act 1960 (repealed).