



Charities Act 1960 (repealed)

1960 CHAPTER 58 8 and 9 Eliz 2

PART III

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

Property vested in official custodian

16 Entrusting charity property to official custodian, and termination of trust.

[^{F1}(1) The court may by order—

- (a) vest in the official custodian for charities any land or interest in land held by or in trust for a charity;
- (b) authorise or require the persons in whom any such land or interest is vested to transfer it to him; or
- (c) appoint any person to transfer any such land or interest to him;

and for this purpose “interest in land” means any interest in land other than such an interest by way of mortgage or other security.]

^{F2}(2)

- (3) Where property is vested in the official custodian for charities in trust for a charity, the court may make an order discharging him from the trusteeship as respects all or any of that property.
- (4) Where the official custodian for charities is discharged from his trusteeship of any property, or the trusts on which he holds any property come to an end, the court may make such vesting orders and give such directions as may seem to the court to be necessary or expedient in consequence.
- (5) No person shall be liable for any loss occasioned by his acting in conformity with an order under this section or by his giving effect to anything done in pursuance of such an order, or be excused from so doing by reason of the order having been in any respect improperly obtained; and no vesting or transfer of any property in pursuance

Status: Point in time view as at 01/09/1992.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed), Cross Heading: Property vested in official custodian. (See end of Document for details)

of this section shall operate as a breach of a covenant or condition against alienation or give rise to a forfeiture.

Textual Amendments

- F1** S. 16(1) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 4(a)**; S.I.1992/1900, art. 2(1), **Sch.1**
- F2** S. 16(2) repealed (1.9.1992) by Charities Act 1992 (c. 41), s. 47, **Sch. 3** para (4)(b), Sch. 7; S.I. 1992/1900, art. 2(1), **Sch. 1**

17 Supplementary provisions as to property vested in official custodian.

- (1) Subject to the provisions of this Act, where property is vested in the official custodian for charities in trust for a charity, he shall not exercise any powers of management, but he shall as trustee of any property have all the same powers, duties and liabilities, and be entitled to the same rights and immunities, and be subject to the control and orders of the court, as a corporation appointed custodian trustee under section four of the ^{M1}Public Trustee Act 1906 except that he shall have no power to charge fees.
- (2) [^{F3}Subject to subsection (2A) below,]where any land or interest in land is vested in the official custodian for charities in trust for a charity, the charity trustees shall have power in his name and on his behalf to execute and do all assurances and things which they could properly [^{F4}execute or do in their own name and on their own behalf if the land or interest were vested in them.]
- [^{F5}(2A) If any land or interest in land is so vested in the official custodian for charities by virtue of an order under section 20 of this Act, the power conferred on the charity trustees by subsection (2) above shall not be exercisable by them in relation to any transaction affecting the land or interest, unless the transaction is authorised by order of the court or of the Commissioners.]
- (3) Where any land or interest in land is vested in the official custodian for charities in trust for a charity, the charity trustees shall have the like power to make obligations entered into by them binding on the land or interest as if it were vested in them; and any covenant, agreement or condition which is enforceable by or against the custodian by reason of the land or interest being vested in him shall be enforceable by or against the charity trustees as if the land or interest were vested in them.
- (4) In relation to a corporate charity, subsections (2) [^{F6}, (2A)] and (3) above shall apply with the substitution of references to the charity for references to the charity trustees.
- (5) Subsections (2) [^{F6}, (2A)] and (3) above shall not authorise any charity trustees or charity to impose any personal liability on the official custodian for charities.
- (6) Where the official custodian for charities is entitled as trustee for a charity to the custody of securities or documents of title relating to the trust property, he may permit them to be in the possession or under the control of the charity trustees, without thereby incurring any liability.

Textual Amendments

- F3** Words in s. 17(2) inserted (1.1.1993) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 5(a)(i)**; S.I. 1992/1900, art. 4(1), **Sch.3**

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- F4** Words in s. 17(2) substituted (1.1.1993) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 5(a)(ii)**; S.I. 1992/1900, art. 4(1), **Sch.3**
- F5** S. 17(2A) inserted (1.1.1993) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 5(b)**; S.I. 1992/1900, art. 4(1), **Sch.3**
- F6** Words in s. 17(4)(5) inserted (1.1.1993) by Charities Act 1992 (c. 41), s. 47, **Sch. 3 para. 5(c)**; S.I. 1992/1900, art. 4(1), **Sch.3**

Modifications etc. (not altering text)

- C1** S. 17(1) excluded (1.9.1992) by Charities Act 1992 (c. 41), **s. 30(1)**; S.I. 1992/1900, art. 2(1), **Sch. 1**

Marginal Citations

- M1** 1906 c. 55.

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