
STATUTORY INSTRUMENTS

1995 No. 1092

CHARITIES

The Charities (Trustee Investments Act 1961) Order 1995

Made - - - - *11th April 1995*

Coming into force - - *25th April 1995*

Whereas a draft of this Order has been approved by both Houses of Parliament:

Now, therefore, the Secretary of State, in exercise of his powers under section 70 of the Charities Act 1993(1) and with the consent of the Treasury, hereby makes the following Order:

1. This Order may be cited as the Charities (Trustee Investments Act 1961) Order 1995 and shall come into force on the fourteenth day after the day on which it is made.

2. It is hereby directed that, in the case of a trust fund consisting of property held by or in trust for a charity(2), any division of the fund in pursuance of section 2(1) of the Trustee Investments Act 1961(3) shall be made so that the value of the wider-range part at the time of the division bears to the then value of the narrower-range part the proportion of three to one.

3.—(1) The Trustee Investments Act 1961 shall, in its application in relation to a trust fund consisting of property held by or in trust for a charity, have effect subject to the modifications specified in the following paragraphs of this article, being modifications which the Secretary of State considers appropriate in consequence of, or in connection with, the direction contained in article 2 of this Order.

(2) Paragraph (b) of section 2(3) and sub-paragraph (b) of paragraph 3 of the Second Schedule shall have effect as if for the words from “each” to the end there were substituted the words “the wider-range part of the fund is increased by an amount which bears the specified proportion to the amount by which the value of the narrower-range part of the fund is increased”.

(3) Section 4(3) shall have effect as if for the words “so as either to be equal, or to bear to each other” there were substituted the words “so as to bear to each other either the specified proportion or”.

(4) Section 17 shall have effect as if at the end there were added the following subsection—

“(6) In this Act, “the specified proportion” means the proportion specified in article 2 of the Charities (Trustee Investments Act 1961) Order 1995.”.

(1) 1993 c. 10.

(2) By virtue of subsection (5) of section 70 of the Charities Act 1993 and section 11 of the Interpretation Act 1978 (c. 30), the expression “charity”, in the application of this Order to Scotland, means a recognised body within the meaning of section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).

(3) 1961 c. 62; by virtue of subsection (4) of section 70 of the Charities Act 1993, expressions used in that section which are also used in the Trustee Investments Act 1961 have the same meaning as in that Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Home Office
7th April 1995

Michael Howard
One of Her Majesty's Principal Secretaries of
State,

We consent

11th April 1995

Andrew Mitchell
Kenneth Clarke
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to England and Wales and Scotland, contains a direction by the Secretary of State that, in the case of a trust fund consisting of property held by or in trust for a charity in England and Wales or a recognised body within the meaning of section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40) in Scotland, any division of the fund under section 2(1) of the Trustee Investments Act 1961 is to be made so that the value of the wider-range part of the fund, instead of being equal to the value of the narrower-range part as required by section 2, is three times that value. The Order also provides for the modification of sections 2, 4 and 17 of, and Schedule 2 to, the Trustee Investments Act 1961 in its application to such trust funds in consequence of that direction.