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STATUTORY INSTRUMENTS

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**1992 No. 1900 (C.64)**

**CHARITIES**

**The Charities Act 1992 (Commencement No. 1 and Transitional Provisions) Order 1992**

Made - - - - 28th July 1992

In exercise of the powers conferred upon me by sections 77(3) and 79(2) of the Charities Act 1992<sup>(1)</sup>, I hereby make the following Order:

**1.—(1)** This Order may be cited as the Charities Act 1992 (Commencement No. 1 and Transitional Provisions) Order 1992.

(2) In this Order—

“the 1992 Act ” means the Charities Act 1992, and

“the 1960 Act ” means the Charities Act 1960<sup>(2)</sup>.

**2.—(1)** Subject to paragraphs (2) to (5) below, the provisions of the 1992 Act which are specified in Schedule 1 to this Order shall come into force on 1st September 1992.

(2) Without prejudice to sections 16 and 17 of the Interpretation Act 1978<sup>(3)</sup>, nothing in the commencement of section 6(6) of the 1992 Act, which omits section 6(9) of the 1960 Act, or section 54(2) of the 1992 Act, or the commencement of the repeal of the said section 6(9) by Schedule 7 to the 1992 Act shall have effect for the purposes of offences committed or alleged to have been committed under the said section 6(9) before 1st September 1992.

(3) Until such time as the definition of “financial year ” in section 1(1) of the 1992 Act comes into force (together with the regulations which are to be made by virtue of section 20(2) of that Act and which are referred to in paragraph (b) of that definition), the expression “financial year ” in sections 43(1) and 44(1) of the 1992 Act means any period in respect of which an income and expenditure account is required to be prepared whether under section 32 of the 1960 Act or by or under the authority of any other Act, whether that period is a year or not.

(4) The commencement of paragraph 3 of Schedule 3 to the 1992 Act (which replaces section 9(1) to (3) of the 1960 Act with a new section 9) shall have effect as from 1st September 1992 to the extent that subsections (1) and (3) of section 9 of the 1960 Act<sup>(4)</sup> cease to have effect, but the replacement of section 9(2) by the section set out in that paragraph shall not have effect until 1st January 1993.

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(1) 1992 c. 41.

(2) 1960 c. 58.

(3) 1978 c. 30.

(4) Section 9(3) was added by section 33 of the Finance Act 1986 (c. 41). of the Companies Act 1989 (c. 40).

(5) The commencement of the repeal of the Charities Act 1985<sup>(5)</sup> by Schedule 7 to the 1992 Act shall not include section 1 of that Act of 1985 and, without prejudice to the generality of sections 16 and 17 of the Interpretation Act 1978, the commencement of the repeal of that Act of 1985 shall not have effect for the purposes of any resolution duly passed under sections 2, 3 or 4 of that Act.

3.—(1) to paragraph (2) below, the provisions of the 1992 Act which are specified in Schedule 2 to this Order shall come into force on 1st November 1992.

(2) Without prejudice to sections 16 and 17 of the Interpretation Act 1978, the amendment made by section 8(9) of the 1992 Act shall not have effect for the purposes of any offence committed or alleged to have been committed before 1st November 1992.

4.—(1) Subject to paragraphs (2) and (3) below, the provisions of the 1992 Act which are specified in Schedule 3 to this Order shall come into force on 1st January 1993.

(2) Until such time as the definition of “financial year ” in section 1(1) of the 1992 Act comes into force (together with the regulations which are to be made by virtue of section 20(2) of that Act and which are referred to in paragraph (b) of that definition), the expression “financial year ” in section 3(1) of the 1992 Act—

- (a) in relation to a charity which is a company, shall be construed in accordance with section 223 of the Companies Act 1985<sup>(6)</sup>; and
- (b) in relation to any other charity, means any period in respect of which an income and expenditure account is required to be prepared whether under section 32 of the 1960 Act or by or under the authority of any other Act, whether that period is a year or not.

(3) Without prejudice to section 16 of the Interpretation Act 1978, the repeal by section 37(5) of, and Schedule 7 to, the 1992 Act of subsections (2) to (8) of section 27 of the 1960 Act shall not affect any notice to treat given prior to 1st January 1993.

Home Office  
28th July 1992

*Kenneth Clarke*  
One of Her Majesty’s Principal Secretaries of  
State

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(5) 1985 c. 20.

(6) 1985 c. 6; section 223 was substituted by section 3 of the Companies Act 1989 (c. 40).

## SCHEDULE 1

Article 2

## PROVISIONS OF THE 1992 ACT COMING INTO FORCE ON 1ST SEPTEMBER 1992

Provisions of the Act	Subject matter of provisions
Section 1 except the definitions of “financial year”, “independent examiner” and “special trust” in subsection (1) and subsection (3)	Interpretation of Part I, etc.
Section 2	The register of charities
Section 4	Power of Commissioners to require charity’s name to be changed
Section 5	Effect of a direction under s.4 where charity is a company
Section 6	General power to institute inquiries
Section 7	Power of Commissioners to obtain information and documents
Section 11	Report of inquiry held by Commissioners to be evidence in certain proceedings
Section 13	Commissioners' concurrent jurisdiction with High Court for certain purposes
Section 14	Trust corporations appointed by Commissioners under 1960 Act
Section 16	Common deposit funds
Section 17	Power of Commissioners to authorise certain ex gratia payments etc. by charities
Section 29	Divestment of charity property held by official custodian for charities
Section 30	Provisions supplementary to s.29
Section 31	Divestment in the case of land subject to Reverter of Sites Act 1987
Section 38	Relaxation of restrictions on wider-range investments
Section 39	Extension of powers of investment
Section 43	Small charities: power to transfer all property, modify objects etc.
Section 44	Small charities: power to spend capital
Section 47	Minor and consequential amendments of 1960 Act
Section 49	Amendment of Redundant Churches and Other Religious Buildings Act 1969
Section 50	Contributions towards maintenance etc. of almshouses

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Provisions of the Act	Subject matter of provisions
Section 51	Fees and other amounts payable to Commissioners
Section 52	Disclosure of information to and by Commissioners
Section 53	Data protection
Section 54	Supply of false or misleading information to Commissioners etc.
Section 55	Restriction on institution of proceedings for certain offences
Section 56	Enforcement of requirements by order of Commissioners, and other provisions as to orders made by them
Section 57	Directions of the Commissioners
Section 75	Offences by bodies corporate
Section 76	Service of documents
Section 77	Regulations and orders
Section 78	Minor and consequential amendments and repeals
Section 79	Short title, commencement and extent
So much of Schedule 1 as relates to section 4 of the 1960 Act	Sections 4 and 20 of the Charities Act 1960, as amended
In Schedule 3, paragraphs 1, 3, 4, 5, 6, 7, 8(b), 9, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 21	Minor and consequential amendments of Charities Act 1960
Schedule 5	Amendments of Redundant Churches and Other Religious Buildings Act 1969
In Schedule 6, paragraphs 2, 10(a), 11, 12, 14, 15, 16 and 17	Minor and consequential amendments
So much of Schedule 7 as is specified in the Appendix to this Schedule	Repeals

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## APPENDIX TO SCHEDULE 1

### REPEALS TAKING EFFECT ON 1ST SEPTEMBER 1992

Chapter	Short title	Extent of repeal
1940 c. 31	War Charities Act 1940	The whole Act.
1948 c. 29	National Assistance Act 1948	Section 41.
1958 c. 49	Trading Representations (Disabled Persons) Act 1958	Section 1(2)(b).
1959 c. 72	Mental Health Act 1959	Section 8(3).
1960 c. 58	Charities Act 1960	In section 4(6), the words from “and any person ” onwards.  Section 6(6) and (9).  Section 7(4).  Section 16(2).  In section 19(6), the words “or the like reference from the Secretary of State ”.  In section 22, subsection (6) and, in subsection (9), the words from “, and the ” to “endowment ” (where last occurring).  In section 30C(1)(c), the words “by or ”.  Section 31.  In section 45(3), the words “Subject to subsection (9) of section twenty-two of this Act, ”.  In section 46, the words “, subject to subsection (9) of section twenty-two of this Act, ”.  In Schedule 1, in paragraph 1(3), the words “Subject to sub-paragraph (6) below, ”.

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Chapter	Short title	Extent of repeal
		In Schedule 6, the entry relating to the War Charities Act 1940.
1966 c. 42	Local Government Act 1966	In Schedule 3, in column 1 of Part II, paragraph 20.
1970 c. 42	Local Authority Social Services Act 1970	In Schedule 1, the entry relating to section 41 of the National Assistance Act 1948.
1972 c. 70	Local Government Act 1972	Section 210(8).
1983 c. 41	Health and Social Services and Social Security Adjudications Act 1983	Section 30(3).
1983 c. 47	National Heritage Act 1983	In Schedule 4, paragraphs 13 and 14.
1985 c. 9	Companies Consolidation (Consequential Provisions) Act 1985	In Schedule 2, the entry relating to section 30(1) of the Charities Act 1960.
1985 c. 20	Charities Act 1985	The whole Act (except section 1).
1986 c. 41	Finance Act 1986	Section 33.

## SCHEDULE 2

Article 3

## PROVISIONS OF THE 1992 ACT COMING INTO FORCE ON 1ST NOVEMBER 1992

Provisions of the Act	Subject matter of provisions
Section 8	Power to act for protection of charities
Section 9	Supplementary provisions relating to receiver and manager appointed for a charity
Section 10	Additional powers exercisable by Commissioners in relation to charitable companies
Section 12	Supervision by Commissioners of certain Scottish charities
So much of Schedule 1 as relates to section 20 of the 1960 Act	Sections 4 and 20 of the Charities Act 1960, as amended
In Schedule 3, paragraph 8(a)	Minor and consequential amendments of Charities Act 1960

## SCHEDULE 3

Article 4

## PROVISIONS OF THE 1992 ACT COMING INTO FORCE ON 1ST JANUARY 1993

Provisions of the Act	Subject matter of provisions
Section 3	Status of registered charity (other than small charity) to appear on official publications etc.
Section 15	Application of property cy-pre`s
Section 18	Dormant bank accounts of charities
Section 28	Power of Commissioners to bring proceedings with respect to charities
Section 32	Restrictions on dispositions of charity land
Section 33	Supplementary provisions relating to dispositions of charity land
Section 34	Restrictions on mortgaging charity land
Section 35	Supplementary provisions relating to mortgaging of charity land
Section 36	Removal of requirements under statutory provisions for consent to dealings with charity land
Section 37	Release of charity rentcharges
Section 40	Charitable companies: alteration of objects clause etc.
Section 41	Charitable companies: requirement of consent of Commissioners to certain acts
Section 42	Charitable companies: name to appear on correspondence etc.
Section 45	Persons disqualified for being trustees of a charity
Section 46	Person acting as charity trustee while disqualified
Section 48	Amendment of Charitable Trustees Incorporation Act 1872
Schedule 2	Meaning of “connected person” for purposes of section 32(2)
In Schedule 3, paragraph 10	Minor and consequential amendments to the Charities Act 1960
Schedule 4	Amendments of Charitable Trustees Incorporation Act 1872
In Schedule 6, paragraphs 1, 3, 4, 5, 6, 7, 8 and 13(1) and (3)	Minor and consequential amendments

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Provisions of the Act	Subject matter of provisions
So much of Schedule 7 as is specified in the Appendix to this Schedule	Repeals



### APPENDIX TO SCHEDULE 3

#### REPEALS TAKING EFFECT ON 1ST JANUARY 1993

Chapter	Short title	Extent of repeal
1872 c. 24	Charitable Trustees Incorporation Act 1872	In Section 2, the words from “; and all” onwards.  In section 4, the words from “; and the appointment” onwards.  In section 5, the words from “; and nothing” onwards.  In section 7, the words from “; and there” onwards.
1960 c. 58	Charities Act 1960	The Schedule. Section 27. Section 29. Section 44.

#### EXPLANATORY NOTE

*(This note is not part of the Order)*

Articles 2, 3 and 4 of this Order bring into force on 1st September 1992, 1st November 1992 and 1st January 1993 the provisions of the Charities Act 1992 which are listed in Schedules 1, 2 and 3 to this Order, respectively. The commencement of these provisions is subject to the transitional provisions and savings made in those articles.