
STATUTORY INSTRUMENTS

2008 No. 751 (C.32)

CHARITIES

**The Charities Act 2006 (Commencement No. 3,
Transitional Provisions and Savings) Order 2008**

Made - - - - 15th March 2008

The Minister for the Cabinet Office makes the following Order in exercise of the powers conferred by section 79(2) and (3) of the Charities Act 2006⁽¹⁾:

Citation and interpretation

1.—(1) This Order may be cited as the Charities Act 2006 (Commencement No. 3, Transitional Provisions and Savings) Order 2008.

(2) In this Order “the 2006 Act” means the Charities Act 2006.

Commencement

2. Subject to articles 3 to 12, the day appointed for the commencement of the provisions of the 2006 Act specified in Column 1 of the Schedule is 18th March 2008 except—

- (a) where a particular purpose is specified in Column 3 of that Schedule in relation to any such provision, the relevant provision comes into force on that date for that particular purpose only;
- (b) where any other limitation is specified in Column 3 of that Schedule in relation to any such provision, the relevant provision comes into force on that date subject to the specified limitation.

The Charity Tribunal

3. The Charity Tribunal has jurisdiction under section 2A(4)(a) of the 1993 Act only in respect of decisions, orders or directions of the Commission made on or after 18th March 2008.

4.—(1) The provisions specified in paragraph (2) do not affect the operation of the Coal Industry Act 1987, the Reverter of Sites Act 1987 or the 1993 Act in relation to any appeal brought in the High Court—

- (a) on or after 18th March 2008; and

- (b) in respect of a decision, order or direction of the Commission made before that date.
- (2) The specified provisions are—
 - (a) paragraphs 80(6) and (8), 83(3) and (4), 99(3), (4)(a) and (5)(a) and (c), 109(12), 111(7) and 171 of Schedule 8 to the 2006 Act; and
 - (b) the corresponding entries in Schedule 9 to the 2006 Act.

Other amendments to the Charities Act 1993 (c. 41)

5. The amendments made by section 15 of the 2006 Act (amendment of section 13 of the 1993 Act) apply to applications made to the High Court before 18th March 2008 and outstanding on that date as they apply to applications made on or after that date.

6.—(1) The amendments made by section 16 of the 2006 Act (amendment of section 14 of the 1993 Act) do not give the Commission the power to make an order in respect of restricted property.

(2) In this article “restricted property” means property in respect of which the court had declined to make an order under section 14(4) of the 1993 Act before 18th March 2008.

7. Section 14A of the 1993 Act has effect only in relation to property given in response to a solicitation—

- (a) to which subsection (2A) of that section applies; and
- (b) which is made on or after 18th March 2008.

8. Section 64 of the 1993 Act continues to apply to any alterations made in accordance with subsection (2) of that section before 18th March 2008 as if section 31 of the 2006 Act had not been brought into force by this Order.

9. Section 74 of the 1993 Act continues to apply to any resolutions passed under subsection (2) of that section before 18th March 2008 as if sections 40 and 41 of the 2006 Act had not been brought into force by this Order.

10. Section 75 of the 1993 Act continues to apply to any resolutions passed under subsection (2) of that section before 18th March 2008 as if section 43 of the 2006 Act had not been brought into force by this Order.

Amendments to the Redundant Churches and other Religious Buildings Act 1969 (c. 22)

11. The amendments made by paragraph 51(5) of Schedule 8 to the 2006 Act (amendment of section 4 of the Redundant Churches and other Religious Buildings Act 1969) do not apply to any order made by the Commission before 18th March 2008.

Amendments to the Reverter of Sites Act 1987 (c. 15)

12. The amendments made by paragraph 82(3) of Schedule 8 to the 2006 Act (amendment of section 2 of the Reverter of Sites Act 1987) apply to applications made to the Commission before 18th March 2008 and outstanding on that date in the same way as they apply to applications made to the Commission on or after that date.

15th March 2008

Phil Hope
Parliamentary Secretary
Cabinet Office

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

SCHEDULE

Article 2

PROVISIONS COMING INTO FORCE ON 18th MARCH 2008

| <i>Provision(s) of the 2006 Act</i> | <i>Subject matter of provisions</i> | <i>Particular purpose or other limitation</i> |
|-------------------------------------|---|---|
| section 7 | The Commission's objectives, general functions and duties | In so far as it inserts section 1E(3) into the 1993 Act. |
| section 8(1) | The Charity Tribunal | For all remaining purposes. |
| section 8(2) and (3) | The Charity Tribunal | |
| section 15 | Application cy-près by relevance to current circumstances | |
| section 16 | Application cy-près of gifts by donors unknown or disclaiming | |
| section 17 | Application cy-près of gifts made in response to certain solicitations | For all remaining purposes. |
| section 18 | Cy-près schemes | |
| section 19 | Power to suspend or remove trustees etc. from membership of charity | |
| section 20 | Power to give specific directions for protection of charity | |
| section 21 | Power to direct application of charity property | |
| section 31 | Relaxation of restriction on altering memorandum etc. of charitable company | |
| section 36 | Remuneration of trustees etc. providing services to charity | |
| section 37 | Disqualification of trustee receiving remuneration by virtue of section 36 | |
| section 40 | Power to transfer all property | |
| section 41 | Power to replace purposes | |
| section 43 | Power to spend capital | |
| section 75(1) to (3) | Amendments, repeals, revocations and transitional provisions | In so far as they relate to the provisions of Schedules 8, 9 and 10 commenced by article 2 of this Order. |
| Schedule 3 | The Charity Tribunal | |

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| <i>Provision(s) of the 2006 Act</i> | <i>Subject matter of provisions</i> | <i>Particular purpose or other limitation</i> |
|---|--|---|
| Schedule 4 | Appeals and applications to Charity Tribunal | In so far as it inserts paragraph 1 of Schedule 1C to the 1993 Act in relation to all decisions, directions and orders mentioned in column 1 of the Table other than the decisions of the Commission under sections 3A, 69E, 69H, 69K, 69M of or paragraph 15 of Schedule 5B to the 1993 Act mentioned in that column of the Table. |
| Schedule 4 | Appeals and applications to Charity Tribunal | In so far as it inserts paragraphs 2 to 5 of Schedule 1C and Schedule 1D to the 1993 Act. |
| Schedule 4 | Appeals and applications to Charity Tribunal | In so far as it inserts paragraph 6 of Schedule 1C of the 1993 Act for all remaining purposes. |
| Schedule 8, paragraphs 51(5), 80(6)(a) and (e) and (8), 82(3), 83(3) and (4), 99(3), (4)(a) and (5)(a) and (c), 109(12), 111(7), 163(4), 165(2)(b), 167(2), 171 and 208 | Minor and consequential amendments | |
| Schedule 8, paragraphs 113 and 162 | Minor and consequential amendments | For all remaining purposes. |
| Schedule 9 | Repeals and revocations | Only those entries relating to section 4(4) of the Reverter of Sites Act 1987; and sections 4, 16(11) to (14), 18(8) to (10) and 92 of the 1993 Act. |
| Schedule 10, paragraphs 3 to 5, 12 and 18 | Transitional provisions and savings | |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Charities Act 2006. The provisions specified in the Schedule to this order are brought into force (in certain cases only for specific purposes) on 18th March 2008, subject (in some cases) to transitional and savings provisions.

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NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2006 Act have been brought into force by two commencement orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------|-----------------------------|-----------------|
| s.2 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.3 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.4 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.6 | 27.02.2007 | S.I. 2007/309 |
| s.7 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.8 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.9 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.10 | 27.02.2007 | S.I. 2007/309 |
| s.11 (partially) | 27.02.2007 | S.I. 2007/309 |
| s. 13 (partially) | 27.02.2007 | S.I. 2007/309 |
| s. 17 (partially) | 27.02.2007 | S.I. 2007/309 |
| ss. 22 to 28 | 27.02.2007 | S.I. 2007/309 |
| s.30 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.32 | 27.02.2007 | S.I. 2007/309 |
| s.34 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.35 | 27.02.2007 | S.I. 2007/309 |
| s.38 (partially) | 27.02.2007 | S.I. 2007/309 |
| s.39 | 27.02.2007 | S.I. 2007/309 |
| s.42 | 27.02.2007 | S.I. 2007/309 |
| s.44 (partially) | 28.11.2007 | S.I. 2007/3286 |
| s.45 (partially) | 01.04.2008 | S.I. 2007/3286 |
| s.46 (partially) | 01.04.2008 | S.I. 2007/3286 |
| s. 47 (partially) | 01.04.2008 | S.I. 2007/3286 |
| s.67 | 01.04.2008 | S.I. 2007/3286 |
| s.68 (partially) | 27.02.2007 | S.I. 2007/3286 |
| s.69 | 27.02.2007 | S.I. 2007/309 |
| s.70 | 01.04.2007 | S.I. 2007/309 |
| s.71 | 27.02.2007 | S.I. 2007/309 |
| s.72 | 27.02.2007 | S.I. 2007/309 |
| s.75 (partially) | 27.02.2007 | S.I. 2007/309 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------|-----------------------------|-----------------|
| s.75 (partially) | 28.11.2007 | S.I. 2007/3286 |
| s.75 (partially) | 01.04.2008 | S.I. 2007/3286 |
| s.76 | 27.02.2007 | S.I. 2007/309 |
| Schedules 1 and 2 | 27.02.2007 | S.I. 2007/309 |
| Schedule 4 (partially) | 27.02.2007 | S.I. 2007/309 |
| Schedule 6 (partially) | 27.02.2007 | S.I. 2007/309 |
| Schedule 7 (partially) | 27.02.2007 | S.I. 2007/309 |
| Schedule 8 (partially) | 27.02.2007 | S.I. 2007/309 |
| Schedule 8 (partially) | 01.04.2008 | S.I. 2007/3286 |
| Schedule 9 (partially) | 27.02.2007 | S.I. 2007/309 |
| Schedule 9 (partially) | 28.11.2007 | S.I. 2007/3286 |
| Schedule 10 (partially) | 27.02.2007 | S.I. 2007/309 |
| Schedule 10 (partially) | 28.11.2007 | S.I. 2007/3286 |
| Schedule 10 (partially) | 01.04.2008 | S.I. 2007/3286 |