



# Charities Act 1992

## 1992 CHAPTER 41

### PART IV

#### GENERAL

#### 75 Offences by bodies corporate.

Where any offence—

(a) under this Act or any regulations made under it,

<sup>F1</sup>(b) .....

is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In relation to a body corporate whose affairs are managed by its members, “director” means a member of the body corporate.

#### Textual Amendments

**F1** S. 75(b) repealed (1.8.1993) by 1993 c. 10, s. 98(1), Sch. 7

#### Commencement Information

**II** S. 75 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

#### 76 Service of documents.

(1) This section applies to—

<sup>F2</sup>(a) .....

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- (b) any notice or other document required or authorised to be given or served under Part II of this Act; <sup>F3</sup>...
- <sup>F3</sup>(c) .....
- (2) A document to which this section applies may be served on or given to 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.
- (3) A document to which this section applies may be served on or given to 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 document may also be served on or given to a person (including a body corporate) by sending it by post to that person at an address notified by that person for the purposes of this subsection to the person or persons by whom it is required or authorised to be served or given.

**Textual Amendments**

**F2** S. 76(1)(a) repealed (1.8.1993) by 1993 c. 10, s. 98(2), **Sch. 7**

**F3** S. 76(1)(c) and word repealed (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 92, **Sch. 9**; S.I. 2007/309, art. 2, Sch.

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**Commencement Information**

**I2** S. 76 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), **Sch. 1**.

**77 Regulations and orders.**

- (1) Any regulations or order of the [<sup>F4</sup>Secretary of State] under this Act—
  - (a) shall be made by statutory instrument; and
  - (b) (subject to [<sup>F5</sup>subsections (2) and (2A)]) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1)(b) does not apply—
  - <sup>F6</sup>(a) .....
  - <sup>F6</sup>(b) .....
  - <sup>F6</sup>(c) .....
  - (d) to an order under section 79(2).
- [<sup>F7</sup>(2A) Subsection (1)(b) does not apply to regulations under section 64A, and no such regulations may be made unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]
- (3) Any regulations or order of the [<sup>F8</sup>Secretary of State] under this Act may make—
  - (a) different provision for different cases; and

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- (b) such supplemental, incidental, consequential or transitional provision or savings as the [<sup>F8</sup>Secretary of State] considers appropriate.
- (4) Before making any regulations under section <sup>F9</sup> . . . 64 [<sup>F10</sup>or 64A]<sup>F11</sup> . . . the [<sup>F12</sup>Secretary of State] shall consult such persons or bodies of persons as he considers appropriate [<sup>F13</sup>and, in the case of regulations made by virtue of section 64B or 64C, shall in particular consult the Charity Commission.]

#### Subordinate Legislation Made

- P1** S. 77(3) power partly exercised (27.11.1994): different dates appointed for specified provisions by S.I. 1994/3023, **art. 2**

#### Textual Amendments

- F4** Words in s. 77(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(g)** (with art. 12)
- F5** Words in s. 77(1)(b) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 93(2)**; S.I. 2007/309, art. 2, [Sch.](#)
- F6** S. 77(2)(a)-(c) repealed (1.8.1993) by [1993 c. 10](#), s. 98(2), **Sch. 7**
- F7** S. 77(2A) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 93(3)**; S.I. 2007/309, art. 2, [Sch.](#)
- F8** Words in s. 77(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(g)** (with art. 12)
- F9** In s. 77(4) the figures 20, 22, and 23 repealed (1.8.1993) by [1993 c. 10](#), s. 98(2), **Sch. 7**
- F10** Words in s. 77(4) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 93(4)(a)**; S.I. 2007/309, art. 2, [Sch.](#)
- F11** Words in s. 77(4) repealed (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 93\(4\)\(b\)](#), **9**; S.I. 2007/309, art. 2, [Sch.](#)
- F12** Words in s. 77(4) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(g)** (with art. 12)
- F13** Words in s. 77(4) inserted (E.W.) (31.7.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\)](#), **ss. 14(5), 17(4)**; S.I. 2016/815, reg. 2(j)

#### Commencement Information

- I3** S. 77 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), **Sch. 1**.

## 78 Minor and consequential amendments and repeals.

- (1) The enactments mentioned in Schedule 6 to this Act shall have effect subject to the amendments there specified (which are either minor amendments or amendments consequential on the provisions of this Act).
- (2) The enactments mentioned in Schedule 7 to this Act (which include some that are already spent or are no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

- I4** S. 78 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), **Sch. 1**.

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## 79 Short title, commencement and extent.

- (1) This Act may be cited as the Charities Act 1992.
- (2) This Act shall come into force on such day as the <sup>F14</sup>Secretary of State] may by order appoint; and different days may be so appointed for different provisions or for different purposes.
- (3) Subject to subsections (4) to (6) below, this Act extends only to England and Wales.
- <sup>F15</sup>(4) .....
- <sup>F15</sup>(5) .....
- (6) The amendments in Schedule 6, and (subject to subsection (7)) the repeals in Schedule 7, have the same extent as the enactments to which they refer, and section 78 extends accordingly.
- (7) The repeal in Schedule 7 of the <sup>M1</sup>Police, Factories, &c. (Miscellaneous Provisions) Act 1916 does not extend to Northern Ireland.

### Subordinate Legislation Made

- P2** S. 79(2) power partly exercised (28.7.1992): different dates appointed for specified provisions see S.I. 1992/1900 art. 2.  
S. 79(2) power partly exercised (27.11.1994): different dates appointed for specified provisions see S.I. 1994/3023, art. 3

### Textual Amendments

- F14** Words in s. 79(2) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(h)** (with art. 12)
- F15** S. 79(4)(5) repealed (1.8.1993) by [1993 c. 10](#), s. 98(2), **Sch.7**

### Commencement Information

- I5** S. 79 in force at 1.9.1992 by S.I 1992/1900 art 2(1) Sch 1.

### Marginal Citations

- M1** [1916 c.31](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Charities Act 1992, Part IV.