
Changes to legislation: Charities Act 2011, Cross Heading: Performance of functions and liability for loss or misapplication of property is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2 **E+W**

THE OFFICIAL CUSTODIAN

Performance of functions and liability for loss or misapplication of property

- 3 Anything which is required to or may be done by, to or before the official custodian may be done by, to or before any member of the staff of the Commission generally or specially authorised by it to act for the official custodian during a vacancy in the official custodian's office or otherwise.
- 4 (1) The official custodian is not liable as trustee for any charity in respect of any loss or of the misapplication of any property unless it is occasioned by or through the wilful neglect or default of—
- (a) the official custodian, or
 - (b) any person acting for the official custodian.
- (2) But the Consolidated Fund is liable to make good to a charity any sums for which the official custodian may be liable because of any such neglect or default.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)