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## SCHEDULES

### SCHEDULE 1

Section 13

#### THE CHARITY COMMISSION

##### *Membership*

- 1 (1) The Commission is to consist of—
- (a) a person appointed by the Minister to chair the Commission, and
  - (b) at least 4, but not more than 8, other members appointed by the Minister.
- (2) The Minister must exercise the power in sub-paragraph (1) so as to secure that—
- (a) the knowledge and experience of the members of the Commission (taken together) includes knowledge and experience of the matters mentioned in sub-paragraph (3),
  - (b) at least two members have a 7 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, and
  - (c) at least one member—
    - (i) knows about conditions in Wales, and
    - (ii) has been appointed following consultation with the Welsh Ministers.
- (3) The matters are—
- (a) the law relating to charities,
  - (b) charity accounts and the financing of charities, and
  - (c) the operation and regulation of charities of different sizes and descriptions.
- (4) In sub-paragraph (2)(c) “member” does not include the person appointed to chair the Commission.

##### *Terms of appointment and remuneration*

- 2 The members of the Commission hold and vacate office as such in accordance with the terms of their respective appointments.
- 3 (1) An appointment of a person to hold office as a member of the Commission must be for a term of no more than 3 years.
- (2) A person holding office as a member of the Commission—
- (a) may resign that office by giving notice in writing to the Minister, and
  - (b) may be removed from office by the Minister on the ground of incapacity or misbehaviour.
- (3) Before removing a member of the Commission the Minister must consult—
- (a) the Commission, and
  - (b) if the member was appointed following consultation with the Welsh Ministers, the Welsh Ministers.

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- (4) No person may hold office as a member of the Commission for more than 10 years in total.
  - (5) For the purposes of sub-paragraph (4), time spent holding office as a Charity Commissioner for England and Wales counts as time spent holding office as a member of the Commission.
- 4
- (1) The Commission must pay to its members such remuneration, and such other allowances, as may be determined by the Minister.
  - (2) The Commission must, if required to do so by the Minister—
    - (a) pay such pension, allowances or gratuities as may be determined by the Minister to or in respect of a person who is or has been a member of the Commission, or
    - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
  - (3) Sub-paragraph (4) applies if the Minister determines that there are special circumstances which make it right for a person ceasing to hold office as a member of the Commission to receive compensation.
  - (4) The Commission must pay to the person a sum by way of compensation of such amount as may be determined by the Minister.

#### *Staff*

- 5
- (1) The Commission—
    - (a) must appoint a chief executive, and
    - (b) may appoint such other staff as it may determine.
  - (2) The terms and conditions of service of persons appointed under sub-paragraph (1) are to be such as the Commission may determine with the approval of the Minister for the Civil Service.

#### *Committees*

- 6
- (1) The Commission may establish committees and any committee of the Commission may establish sub-committees.
  - (2) The members of a committee of the Commission may include persons who are not members of the Commission (and the members of a sub-committee may include persons who are not members of the committee or of the Commission).

#### *Procedure etc.*

- 7
- (1) The Commission may regulate its own procedure (including quorum).
  - (2) The validity of anything done by the Commission is not affected by—
    - (a) a vacancy among its members, or
    - (b) a defect in the appointment of a member.

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### *Performance of functions*

- 8 Anything authorised or required to be done by the Commission may be done by—
- (a) any member or member of staff of the Commission who is authorised for that purpose by the Commission, whether generally or specially;
  - (b) any committee of the Commission which has been so authorised.

### *Evidence*

- 9 The Documentary Evidence Act 1868 has effect as if—
- (a) the Commission were mentioned in the first column of the Schedule to that Act,
  - (b) any member or member of staff of the Commission authorised to act on behalf of the Commission were specified in the second column of that Schedule in connection with the Commission, and
  - (c) the regulations referred to in that Act included any document issued by or under the authority of the Commission.

### *Execution of documents*

- 10 (1) A document is executed by the Commission by the fixing of its common seal to the document.
- (2) But the fixing of that seal to a document must be authenticated by the signature of—
- (a) any member of the Commission, or
  - (b) any member of its staff,
- who is authorised for the purpose by the Commission.
- (3) A document which is expressed (in whatever form of words) to be executed by the Commission and is signed by—
- (a) any member of the Commission, or
  - (b) any member of its staff,
- who is authorised for the purpose by the Commission has the same effect as if executed in accordance with sub-paragraphs (1) and (2).
- (4) A document executed by the Commission which makes it clear on its face that it is intended to be a deed has effect, upon delivery, as a deed; and it is to be presumed (unless a contrary intention is proved) to be delivered upon its being executed.
- (5) In favour of a purchaser a document is to be treated as having been duly executed by the Commission if it purports to be signed on its behalf by—
- (a) any member of the Commission, or
  - (b) any member of its staff;
- and, if it makes it clear on its face that it is intended to be a deed, it is to be treated as having been delivered upon its being executed.
- (6) For the purposes of this paragraph—
- “authorised” means authorised whether generally or specially, and
- “purchaser”—
- (a) means a purchaser in good faith for valuable consideration, and
  - (b) includes a lessee, mortgagee or other person who for valuable consideration acquired an interest in property.

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*Annual report*

- 11 (1) As soon as practicable after the end of each financial year the Commission must publish a report on—
- (a) the discharge of its functions,
  - (b) the extent to which, in its opinion, its objectives (see section 14) have been met,
  - (c) the performance of its general duties (see section 16), and
  - (d) the management of its affairs,
- during that year.
- (2) The Commission must lay a copy of each such report before Parliament.
- (3) “Financial year” means the 12 months ending with 31 March in any year.

*Annual public meeting*

- 12 (1) The Commission must hold a public meeting (“the annual meeting”) for the purpose of enabling a report under paragraph 11 to be considered.
- (2) The annual meeting must be held within the period of 3 months beginning with the day on which the report is published.
- (3) The Commission must organise the annual meeting so as to allow—
- (a) a general discussion of the contents of the report which is being considered, and
  - (b) a reasonable opportunity for those attending the meeting to put questions to the Commission about matters to which the report relates.
- (4) But subject to sub-paragraph (3) the annual meeting is to be organised and conducted in such a way as the Commission considers appropriate.
- (5) The Commission must—
- (a) take such steps as are reasonable in the circumstances to ensure that notice of the annual meeting is given to every registered charity, and
  - (b) publish notice of the annual meeting in the way appearing to it to be best calculated to bring it to the attention of members of the public.
- (6) Each such notice must—
- (a) give details of the time and place at which the meeting is to be held,
  - (b) set out the proposed agenda for the meeting,
  - (c) indicate the proposed duration of the meeting, and
  - (d) give details of the Commission's arrangements for enabling persons to attend.
- (7) If the Commission proposes to alter any of the arrangements which have been included in notices given or published under sub-paragraph (5) it must—
- (a) give reasonable notice of the alteration, and
  - (b) publish the notice in the way appearing to it to be best calculated to bring it to the attention of registered charities and members of the public.

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## SCHEDULE 2

Section 21

### THE OFFICIAL CUSTODIAN

#### *Status and official seal*

- 1 The official custodian is a corporation sole whose official seal is to be officially and judicially noticed.

#### *Expenses*

- 2 The expenses of the official custodian (except those reimbursed to, or recovered by, the official custodian as trustee for any charity) are to be defrayed by the Commission.

#### *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.

#### *Accounts*

- 5 The official custodian must—
- (a) keep such books of account and such records in relation to them as may be directed by the Treasury, and
  - (b) prepare accounts, in such form, in such manner and at such times as may be directed by the Treasury.
- 6 The Comptroller and Auditor General must—
- (a) examine, certify and report on the accounts so prepared, and
  - (b) send a copy of the certified accounts and the report to the Commission.
- 7 The Commission must publish and lay before Parliament a copy of the documents sent to it under paragraph 6(b).

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## SCHEDULE 3

Section 22

## EXEMPT CHARITIES

*Institutions with an exemption from the Charitable Trusts Acts 1853 to 1939*

- 1 (1) Any institution which, if the Charities Act 1960 had not been passed, would be exempted from the powers and jurisdiction, under the Charitable Trusts Acts 1853 to 1939, of—
- (a) the Charity Commissioners for England and Wales, or
  - (b) the Minister of Education,
- (apart from any power of the Commissioners or Minister to apply those Acts in whole or in part to charities otherwise exempt) by the terms of any enactment not contained in the Charitable Trusts Acts 1853 to 1939 other than section 9 of the Places of Worship Registration Act 1855.
- (2) Sub-paragraph (1) does not include—
- (a) any Investment Fund or Deposit Fund within the meaning of the Church Funds Investment Measure 1958,
  - (b) any investment fund or deposit fund within the meaning of the Methodist Church Funds Act 1960, or
  - (c) the representative body of the Welsh Church or property administered by it.

*Educational institutions*

- 2 The universities of Oxford, Cambridge, London, Durham, Newcastle and Manchester.
- 3 King's College London and Queen Mary and Westfield College in the University of London.
- 4 (1) Any of the following, if Her Majesty declares it by Order in Council to be an exempt charity for the purposes of this Act—
- (a) a university in England,
  - (b) a university college in England, or
  - (c) an institution which is connected with a university in England or a university college in England.
- (2) Sub-paragraph (1) does not include—
- (a) any college in the university of Oxford;
  - (b) any college or hall in the university of Cambridge or Durham;
  - (c) any students' union.
- (3) For the purposes of this paragraph—
- (a) a university or university college is in England if its activities are carried on, or principally carried on, in England;
  - (b) the Open University is to be treated as a university in England.
- 5 (1) An English higher education corporation.
- (2) For the purposes of this paragraph a higher education corporation is an English higher education corporation if the activities of the institution conducted by that corporation are carried on, or principally carried on, in England.

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- 6 (1) A successor company to a higher education corporation at a time when the institution conducted by the company is eligible, by virtue of an order made under section 129 of the 1988 Act, to receive support from funds administered by the Higher Education Funding Council for England.
- (2) In this paragraph “the 1988 Act” means the Education Reform Act 1988 and “successor company to a higher education corporation” has the meaning given by section 129(5) of the 1988 Act.
- 7 A further education corporation.
- 8 A qualifying Academy proprietor (as defined in section 12(2) of the Academies Act 2010).
- 9 The governing body of any foundation, voluntary or foundation special school.
- 10 Any foundation body established under section 21 of the School Standards and Framework Act 1998.
- 11 A sixth form college corporation (within the meaning of the Further and Higher Education Act 1992).

*Museums, galleries etc.*

- 12 The Board of Trustees of the Victoria and Albert Museum.
- 13 The Board of Trustees of the Science Museum.
- 14 The Board of Trustees of the Armouries.
- 15 The Board of Trustees of the Royal Botanic Gardens, Kew.
- 16 The Board of Trustees of the National Museums and Galleries on Merseyside.
- 17 The trustees of the British Museum.
- 18 The trustees of the Natural History Museum.
- 19 The Board of Trustees of the National Gallery.
- 20 The Board of Trustees of the Tate Gallery.
- 21 The Board of Trustees of the National Portrait Gallery.
- 22 The Board of Trustees of the Wallace Collection.
- 23 The Trustees of the Imperial War Museum.
- 24 The Trustees of the National Maritime Museum.
- 25 The British Library Board.

*Housing*

- 26 Any registered society within the meaning of the Co-operative and Community Benefit Societies and Credit Unions Act 1965, if the society is also a non-profit registered provider of social housing.
- 27 Any registered society within the meaning of the Co-operative and Community Benefit Societies and Credit Unions Act 1965, if the society is also registered in the register of social landlords under Part 1 of the Housing Act 1996.

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### *Connected institutions*

- 28 (1) Any institution which—
- (a) is administered by or on behalf of an institution included in any of paragraphs 1 to 8 and 11 to 25, and
  - (b) is established for the general purposes of, or for any special purpose of or in connection with, the institution mentioned in paragraph (a).
- (2) Sub-paragraph (1) does not include—
- (a) any college in the university of Oxford which is administered by or on behalf of that university;
  - (b) any college or hall in the university of Cambridge or Durham which is administered by or on behalf of that university;
  - (c) any student's union.
- (3) Any institution which—
- (a) is administered by or on behalf of a body included in paragraph 9 or 10, and
  - (b) is established for the general purposes of, or for any special purpose of or in connection with, that body or any foundation, voluntary or foundation special school or schools.

## SCHEDULE 4

Section 62

### ENLARGEMENT OF AREAS OF LOCAL CHARITIES

<b><i>1 Existing area</i></b>	<b><i>2 Permitted enlargement</i></b>
1. Greater London.	Any area which includes Greater London.
2. Any area in Greater London and not in, or partly in, the City of London.	<ul style="list-style-type: none"> <li>(i) Any area in Greater London and not in, or partly in, the City of London;</li> <li>(ii) the area of Greater London exclusive of the City of London;</li> <li>(iii) any area which includes the area of Greater London, exclusive of the City of London;</li> <li>(iv) any area partly in Greater London and partly in any adjacent parish or parishes (civil or ecclesiastical), and not partly in the City of London.</li> </ul>
3. A district.	Any area which includes the district.
4. A Welsh county or county borough.	Any area which includes the county or county borough.
5. Any area in a district.	<ul style="list-style-type: none"> <li>(i) Any area in the district;</li> <li>(ii) the district;</li> <li>(iii) any area which includes the district;</li> <li>(iv) any area partly in the district and partly in any adjacent district or in any adjacent Welsh county or county borough.</li> </ul>



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6. Any area in a Welsh county or county borough.
- (i) Any area in the county or county borough;
  - (ii) the county or county borough;
  - (iii) any area which includes the county or county borough;
  - (iv) any area partly in the county or county borough and partly in any adjacent Welsh county or county borough or in any adjacent district.
7. A parish (civil or ecclesiastical), or two or more parishes, or an area in a parish, or partly in each of two or more parishes.
- Any area not extending beyond the parish or parishes which—
- (i) includes, or include, the area in column 1, or
  - (ii) is, or are, adjacent to the area in column 1.
8. In Wales, a community, or two or more communities, or an area in a community, or partly in each of two or more communities.
- Any area not extending beyond the community or communities which—
- (i) includes, or include, the area in column 1, or
  - (ii) is, or are, adjacent to the area in column 1.

## SCHEDULE 5

Section 68

### COURT'S JURISDICTION OVER CERTAIN CHARITIES GOVERNED BY OR UNDER STATUTE

- 1 The court may by virtue of section 68(5) and (6) exercise its jurisdiction with respect to charities in relation to—
- (a) charities established or regulated by any provision of the Seamen's Fund Winding-up Act 1851 repealed by the Charities Act 1960;
  - (b) charities established or regulated by schemes under the Endowed Schools Act 1869 to 1948, or section 75 of the Elementary Education Act 1870 or by schemes given effect under section 2 of the Education Act 1973 or section 554 of the Education Act 1996;
  - (c) fuel allotments, that is, land which, by any enactment relating to inclosure or any instrument having effect under such an enactment, is vested in trustees upon trust that the land or the rents and profits of the land are to be used for the purpose of providing poor persons with fuel;
  - (d) charities established or regulated by any provision of the Municipal Corporations Act 1883 repealed by the Charities Act 1960 or by any scheme having effect under any such provision;
  - (e) charities regulated by schemes under the London Government Act 1899;
  - (f) charities established or regulated by orders or regulations under section 2 of the Regimental Charitable Funds Act 1935;
  - (g) charities regulated by sections 298 to 302 or by any such order as is mentioned in section 303.
- 2 Regardless of anything in section 19 of the Commons Act 1876 a scheme for the administration of a fuel allotment (within the meaning of paragraph 1(c)) may provide—
- (a) for the sale or letting of the allotment or any part of it, for the discharge of the land sold or let from any restrictions as to the use of it imposed by

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- or under any enactment relating to inclosure and for the application of the sums payable to the trustees of the allotment in respect of the sale or lease,
- (b) for the exchange of the allotment or any part of it for other land, for the discharge from any such restrictions of the land given in exchange by the trustees of the allotment, and for the application of any money payable to those trustees for equality of exchange, or
- (c) for the use of the allotment or any part of it for any purposes specified in the scheme.

## SCHEDULE 6

Sections 319, 321, 323 and 324

## APPEALS AND APPLICATIONS TO TRIBUNAL

**Modifications etc. (not altering text)**

- C1** Sch. 6 applied by 1987 c. 15, s. 4(2) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 48 (with s. 20(2), Sch. 8))
- C2** Sch. 6 applied by 1969 c. 22, s. 4(8A) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 17(1) (with s. 20(2), Sch. 8))
- C3** Sch. 6 applied by 1987 c. 3, s. 5(8B) (as substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 47(2) (with s. 20(2), Sch. 8))

<b>1 Decision, direction or order</b>	<b>2 Appellants/applicants (see sections 319(2)(b) and 321(2)(b))</b>	<b>3 Tribunal powers if appeal or application allowed</b>
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Decision of the Commission not to give a direction under section 12(1) or (2) in relation to an institution or a charity.	The persons are the trustees of the institution or charity concerned.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
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Decision of the Commission under section 30 or 34— (a) to enter or not to enter an institution in the register of charities, or (b) to remove or not to remove an institution from the register.	The persons are— (a) the persons who are or claim to be the charity trustees of the institution, (b) (if a body corporate) the institution itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission; (b) direct the Commission to rectify the register.
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Decision of the Commission not to make a determination under section 38(3) in relation to particular information contained in the register.	The persons are— (a) the charity trustees of the charity to which the information relates, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
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Direction given by the Commission under section 42 requiring the name of a charity to be changed.	The persons are— (a) the charity trustees of the charity to which the direction relates, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the direction.	Power to— (a) quash the direction and (if appropriate) remit the matter to the Commission; (b) substitute for the direction any other direction which could have been given by the Commission.
Decision of the Commission to institute an inquiry under section 46 with regard to a particular institution.	The persons are— (a) the persons who have control or management of the institution, and (b) (if a body corporate) the institution itself.	Power to direct the Commission to end the inquiry.
Decision of the Commission to institute an inquiry under section 46 with regard to a class of institutions.	The persons are— (a) the persons who have control or management of any institution which is a member of the class of institutions, and (b) (if a body corporate) any such institution.	Power to— (a) direct the Commission that the inquiry should not consider a particular institution; (b) direct the Commission to end the inquiry.
Order made by the Commission under section 52 requiring a person to supply information or a document.	The persons are any person who is required to supply the information or document.	Power to— (a) quash the order; (b) substitute for all or part of the order any other order which could have been made by the Commission.
Order made by the Commission under section 69(1) (including such an order made by virtue of section 92(2)).	The persons are— (a) in a section 69(1)(a) case, the charity trustees of the charity to which the order relates or (if a body corporate) the charity itself, (b) in a section 69(1)(b) case, any person discharged or removed by the order, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission; (b) substitute for all or part of the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under	The persons are— (a) the charity trustees of the charity,	Power to— (a) quash the order in whole or in part and

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section 76(3) in relation to a charity.	<ul style="list-style-type: none"> <li>(b) (if a body corporate) the charity itself,</li> <li>(c) in a section 76(3)             <ul style="list-style-type: none"> <li>(a) case, any person suspended by the order, and</li> </ul> </li> <li>(d) any other person who is or may be affected by the order.</li> </ul>	<ul style="list-style-type: none"> <li>(if appropriate) remit the matter to the Commission;</li> <li>(b) substitute for all or part of the order any other order which could have been made by the Commission;</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
<p>Decision of the Commission—</p> <ul style="list-style-type: none"> <li>(a) to discharge an order following a review under section 76(6), or</li> <li>(b) not to discharge an order following such a review.</li> </ul>	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustees of the charity to which the order relates,</li> <li>(b) (if a body corporate) the charity itself,</li> <li>(c) if the order in question was made under section 76(3)(a), any person suspended by it, and</li> <li>(d) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the decision and (if appropriate) remit the matter to the Commission;</li> <li>(b) make the discharge of the order subject to savings or other transitional provisions;</li> <li>(c) remove any savings or other transitional provisions to which the discharge of the order was subject;</li> <li>(d) discharge the order in whole or in part (whether subject to any savings or other transitional provisions or not).</li> </ul>
Order made by the Commission under section 79(2) in relation to a charity.	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustees of the charity,</li> <li>(b) (if a body corporate) the charity itself,</li> <li>(c) in a section 79(2)             <ul style="list-style-type: none"> <li>(a) case, any person removed by the order, and</li> </ul> </li> <li>(d) any other person who is or may be affected by the order.</li> </ul>	<p>Power to—</p> <ul style="list-style-type: none"> <li>(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission;</li> <li>(b) substitute for all or part of the order any other order which could have been made by the Commission;</li> <li>(c) add to the order anything which could have been contained in an order made by the Commission.</li> </ul>
Order made by the Commission	<p>The persons are—</p> <ul style="list-style-type: none"> <li>(a) the charity trustee,</li> </ul>	<p>Power to—</p>

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section 80(1) removing a charity trustee.	a (b) the remaining charity trustees of the charity of which that trustee was a charity trustee, (c) (if a body corporate) the charity itself, and (d) any other person who is or may be affected by the order.	(a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission; (b) substitute for all or part of the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 80(2) appointing a charity trustee.	The persons are— (a) the other charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order in whole or in part and (if appropriate) remit the matter to the Commission; (b) substitute for all or part of the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 83(2) which suspends a person's membership of a charity.	The persons are— (a) the person whose membership is suspended by the order, and (b) any other person who is or may be affected by the order.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 84(2) which directs a person to take action specified in the order.	The persons are any person who is directed by the order to take the specified action.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 85(2) which directs a person to apply property in a specified manner.	The persons are any person who is directed by the order to apply the property in the specified manner.	Power to quash the order and (if appropriate) remit the matter to the Commission.

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Order made by the Commission under section 87(3) in relation to a person holding property on behalf of a body entered in the Scottish Charity Register or of any person concerned in its management or control.	The persons are— (a) the person holding the property in question, and (b) any other person who is or may be affected by the order.	Power to quash the order and (if appropriate) remit the matter to the Commission.
Order made by the Commission under section 93(2) in relation to any land vested in the official custodian in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission not to make a common investment scheme under section 96.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make a common deposit scheme under section 100.	The persons are— (a) the charity trustees of a charity which applied to the Commission for the scheme, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision by the Commission not to make an order under section 105 in relation to a charity.	The persons are— (a) the charity trustees of the charity, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Direction given by the Commission under section 107 in relation to an	The persons are— (a) the charity trustees of the charity,	Power to— (a) quash the direction and (if appropriate)

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account held in the name of or on behalf of a charity.	(b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	remit the matter to the Commission; (b) substitute for the direction any other direction which could have been given by the Commission; (c) add to the direction anything which could have been contained in a direction given by the Commission.
Order made by the Commission under section 112 for the assessment of a solicitor's bill.	The persons are— (a) the solicitor, (b) any person for whom the work was done by the solicitor, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission not to make an order under section 117 in relation to land held by or in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to make an order under section 124 in relation to a mortgage of land held by or in trust for a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission
Order made by the Commission under section 146(1) requiring the accounts of a charity to be audited.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.

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Order made by the Commission under section 147(2) in relation to a charitable company.	The persons are— (a) the directors of the company, (b) the company itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 147(5) in relation to a charitable company, or a decision of the Commission not to make such an order in relation to a charitable company.	The persons are— (a) the charity trustees of the company, (b) the company itself, (c) in the case of a decision not to make an order, the auditor, and (d) any other person who is or may be affected by the order or the decision.	Power to— (a) quash the order or decision and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order of a kind the Commission could have made; (c) make any order which the Commission could have made.
Order made by the Commission under section 153(1) requiring the group accounts of a parent charity to be audited.	The persons are— (a) the charity trustees of the parent charity, (b) (if a body corporate) the parent charity itself, and (c) any other person who is or may be affected by the order.	Power to— (a) quash the order; (b) substitute for the order any other order which could have been made by the Commission; (c) add to the order anything which could have been contained in an order made by the Commission.
Order made by the Commission under section 155 in relation to a charity, or a decision of the Commission not to make such an order in relation to a charity.	The persons are— (a) the charity trustees of the charity, (b) (if a body corporate) the charity itself, (c) in the case of a decision not to make an order, the auditor, independent examiner or examiner, and (d) any other person who is or may be affected	Power to— (a) quash the order or decision and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order of a kind the Commission could have made; (c) make any order which the Commission could have made.



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	by the order or the decision.	
Order made by the Commission under section 155 in relation to a member of a group, or a decision of the Commission not to make such an order in relation to a member of a group.	The persons are— (a) the charity trustees of the member of the group, (b) (if a body corporate) the member of the group itself, (c) in the case of a decision not to make an order, the auditor, independent examiner or examiner, and (d) any other person who is or may be affected by the order or the decision.	Power to— (a) quash the order or decision and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order of a kind the Commission could have made; (c) make any order which the Commission could have made.
Decision of the Commission under section 168(3) to request charity trustees to prepare an annual report for a charity.	The persons are— (a) the charity trustees, and (b) (if a body corporate) the charity itself.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to dispense with the requirements of section 169(1) in relation to a charity or class of charities.	The persons are the charity trustees of any charity affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 181(2) to waive, or not to waive, a person's disqualification.	The persons are— (a) the person who applied for the waiver, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) substitute for the decision any other decision of a kind which could have been made by the Commission.
Order made by the Commission under section 184(3) in relation to a person who has acted as charity trustee or trustee for a charity.	The persons are— (a) the person subject to the order, and (b) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission; (b) substitute for the order any other order which could have been made by the Commission.
Order made by the Commission under section 186(5) or (6) requiring	The persons are— (a) the trustee or connected person,	Power to— (a) quash the order and (if appropriate) remit

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a trustee or connected person to repay, or not to receive, remuneration.	(b) the other charity trustees of the charity concerned, and (c) any other person who is or may be affected by the order.	the matter to the Commission; (b) substitute for the order any other order which could have been made by the Commission.
Decision of the Commission to give, or withhold, consent under section 198(1) or 201(1) in relation to a charitable company.	The persons are— (a) the charity trustees of the company, (b) the company itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission to grant an application under section 207 for the constitution of a CIO and its registration as a charity.	The persons are any person (other than the persons who made the application) who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission; (b) direct the Commission to rectify the register of charities.
Decision of the Commission under section 208 to refuse an application for the constitution of a CIO and its registration as a charity.	The persons are— (a) the persons who made the application, and (b) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to grant the application.
Decision of the Commission under section 227 to refuse to register an amendment to the constitution of a CIO.	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate)— (a) remit the matter to the Commission; (b) direct the Commission to register the amendment.
Decision of the Commission under section 231 to refuse an application for the conversion of a charitable company or a registered society into a CIO and the CIO's registration as a charity.	The persons are— (a) the charity which made the application, (b) the charity trustees of the charity, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to grant the application.
Decision of the Commission to grant an application under section 235 for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are any creditor of any of the CIOs being amalgamated.	Power to quash the decision and (if appropriate) remit the matter to the Commission.

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Decision of the Commission under section 237 to refuse an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	The persons are— (a) the CIOs which applied for the amalgamation, (b) the charity trustees of the CIOs, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to grant the application.
Decision of the Commission to confirm a resolution passed by a CIO under section 240(1).	The persons are any creditor of the CIO.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission under section 242 to refuse to confirm a resolution passed by a CIO.	The persons are— (a) the CIO, (b) the charity trustees of the CIO, and (c) any other person who is or may be affected by the decision.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to confirm the resolution.
Decision of the Commission— (a) to grant a certificate of incorporation under section 251(1) to the charity trustees of a charity, or (b) not to grant such a certificate.	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the decision.	Power to quash— (a) the decision; (b) any conditions or directions inserted in the certificate;
Decision of the Commission to amend a certificate of incorporation under section 262(5).	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the amended certificate of incorporation.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to amend a certificate of incorporation under section 262(5).	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the decision not to amend the certificate of incorporation.	Power to— (a) quash the decision and (if appropriate) remit the matter to the Commission; (b) make any order the Commission could have made under section 262(5).
Order of the Commission under section 263(1) or (2) which dissolves an incorporated body.	The persons are— (a) the charity trustees of the charity, and (b) any other person who is or may be affected by the order.	Power to— (a) quash the order and (if appropriate) remit the matter to the Commission;

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		(b) substitute for the order any other order which could have been made by the Commission;
		(c) add to the order anything which could have been contained in an order made by the Commission.
Decision of the Commission to notify charity trustees under section 271(1) that it objects to a resolution of the charity trustees under section 268(1).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision.
Decision of the Commission to notify charity trustees under section 278(1) that it objects to a resolution of the charity trustees under section 275(2).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision.
Decision of the Commission not to concur under section 284 with a resolution of charity trustees under section 282(2).	The persons are— (a) the charity trustees, and (b) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission not to concur under section 291 with a resolution of charity trustees under section 289(2).	The persons are— (a) the charity trustees, (b) (if a body corporate) the charity itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission to withhold approval for the transfer of property from trustees to a parish or community council under section 298(2).	The persons are— (a) the trustees, (b) the parish or community council, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.
Decision of the Commission to give or withhold consent under section 42(4) of the Companies Act 2006.	The persons are— (a) the charity trustees of the charitable company, (b) the company itself, and (c) any other person who is or may be affected by the decision.	Power to quash the decision and (if appropriate) remit the matter to the Commission.

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## SCHEDULE 7

Section 354

### CONSEQUENTIAL AMENDMENTS

#### PART 1

##### GENERAL AMENDMENTS

###### *References to the Charitable Uses Act 1601 (c. 4)*

- 1 A reference in any enactment or document to a charity within the meaning of the Charitable Uses Act 1601 or the preamble to it is to continue to be construed as a reference to a charity as defined by section 1(1).

###### *References to the Charity Commissioners for England and Wales*

- 2 (1) Any enactment or document is to continue to have effect, so far as necessary in consequence of the transfer effected by section 6(4) of the Charities Act 2006, as if any reference to—
- (a) the Charity Commissioners for England and Wales, or
  - (b) any Charity Commissioner for England and Wales,
- were a reference to the Charity Commission for England and Wales.
- (2) In sub-paragraph (1) “enactment” includes—
- (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978),
  - (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England, and
  - (c) any provision made by or under an Act of the Scottish Parliament or Northern Ireland legislation.

###### *Application of certain enactments to trust corporations*

- 3 (1) In the definition of “trust corporation” contained in the provisions listed in sub-paragraph (2) the reference to a corporation appointed by the court in any particular case to be a trustee includes a reference to a corporation appointed by the Commission under this Act to be a trustee.
- (2) The provisions are—
- (a) section 117(1)(xxx) of the Settled Land Act 1925,
  - (b) paragraph (18) of section 68(1) of the Trustee Act 1925,
  - (c) section 205(1)(xxviii) of the Law of Property Act 1925,
  - (d) section 55(1)(xxvi) of the Administration of Estates Act 1925, and
  - (e) section 128 of the Senior Courts Act 1981 (c. 54).
- (3) This paragraph is to be treated as always having had effect.
- (4) In sub-paragraph (2), the reference to section 128 of the Senior Courts Act 1981 is to be read—
- (a) in relation to any time before 1 January 1982, as a reference to section 175(1) of the Supreme Court of Judicature (Consolidation) Act 1925, and

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- (b) in relation to any time on or after that date but before the day on which paragraph 1(2) of Schedule 11 to the Constitutional Reform Act 2005 came into force, as a reference to section 128 of the Supreme Court Act 1981 (c. 54).

## PART 2

### PARTICULAR AMENDMENTS

#### *Literary and Scientific Institutions Act 1854 (c. 112)*

- 4 (1) In section 6, for “except with the consent of the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable” substitute “ except with the consent of the Charity Commission or in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable ”.
- (2) This paragraph does not extend to Northern Ireland.

#### *Places of Worship Registration Act 1855 (c. 81)*

- 5 (1) In section 9(1)—
- (a) for “shall, so far as it is a charity, be treated for the purposes of section 3A(4) (b) of the Charities Act 1993 (institutions to be excepted from registration under that Act) as if that provision applied to it” substitute “ is, so far as it is a charity, to be treated for the purposes of section 31(3) of the Charities Act 2011 (institutions required to be excepted from registration under that Act) as if that provision applied to it ”, and
- (b) paragraph (b) continues to have effect with the substitution, for “Charity Commissioners” of “Charity Commission”.
- (2) For section 9(2) substitute—
- “(2) Section 337 of the 2011 Act (provisions as to orders under that Act) applies to any order under subsection (1)(b) as it applies to orders under that Act.”

#### *Places of Worship Sites Amendment Act 1882 (c. 21)*

- 6 In section 1(d) for “except with the consent of the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable” substitute “ except with the consent of the Charity Commission or in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable ”.

#### *Technical and Industrial Institutions Act 1892 (c. 29)*

- 7 In section 9(1), for “with the consent of the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable” substitute “ with the consent of the Charity Commission or in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable ”.

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*Open Spaces Act 1906 (c. 25)*

- 8 (1) In section 4(1A)(b), for “section 36(2) to (8) of the Charities Act 1993” substitute “sections 117(2) and 119 to 121 of the Charities Act 2011 ”.
- (2) For section 4(4) substitute—
- “(4) Section 337 of the Charities Act 2011 (provisions as to orders under that Act) applies to any order of the Charity Commission under this section as it applies to orders made by it under that Act.”
- (3) This paragraph does not extend to Northern Ireland.

*New Parishes Measure 1943 (No. 1)*

- 9 (1) For section 14(1)(b) substitute—
- “(b) any trustees for charitable purposes but (except in the case of an exempt charity within the meaning of the Charities Act 2011) only—
- (i) with the sanction of an order of the Charity Commission, or
- (ii) in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable;”
- (2) For section 14(4) substitute—
- “(4) Section 337 of the Charities Act 2011 (provisions as to orders under that Act) applies to any order under subsection (1)(b) as it applies to orders under that Act.”
- 10 In section 31, for “the Charities Act 1993” substitute “ section 10 of the Charities Act 2011 ”.

*London County Council (General Powers) Act 1947 (c. xlvi)*

- 11 For section 6(3) substitute—
- “(3) In relation to any disposition of land falling within section 117(1) of the Charities Act 2011, the Council or the borough council may, instead of acting with the sanction of an order of the court or of the Charity Commission, make the disposition in accordance with such provisions of sections 117(2) and 119 to 121 of that Act as are applicable.”

*London County Council (General Powers) Act 1955 (c. xxix)*

- 12 For section 34(3) substitute—
- “(3) In relation to any disposition of land falling within section 117(1) of the Charities Act 2011, the Council may, instead of acting with the sanction of an order of the court or of the Charity Commission, make the disposition in accordance with such provisions of sections 117(2) and 119 to 121 of that Act as are applicable.”

*Incumbents and Churchwardens (Trusts) Measure 1964 (No. 2)*

- 13 In section 1, in the definition of “permanent trusts” for “section 96(3) of the Charities Act 1993” substitute “ section 353(3) of the Charities Act 2011 ”.

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*Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c. 12)*

- 14 In sections 5A(7)(a) and 7D(5)(a), for “as it has under section 1(1) of the Charities Act 2006” substitute “ as it has under section 1(1) of the Charities Act 2011 ”.

*Leasehold Reform Act 1967 (c. 88)*

- 15 In section 23(4), for “section 36 of the Charities Act 1993” substitute “ sections 117 to 121 of the Charities Act 2011 ”.

*Co-operative and Community Benefit Societies and Credit Unions Act 1968 (c. 55)*

- 16 In section 4A(6), for “as defined by section 1(1) of the Charities Act 2006,” substitute “ as defined by section 1(1) of the Charities Act 2011, ”.

*Redundant Churches and other Religious Buildings Act 1969 (c. 22)*

- 17 (1) In section 4, for subsections (6) to (8A) substitute—
- “(6) The Charity Commission may, on the application of the acquirer of the relevant premises, by order establish a scheme under section 69 of the Charities Act 2011 (Commission's concurrent jurisdiction with the High Court for certain purposes) making provision for the restoration of the relevant premises, or part of them, to use as a place of public worship.
- (7) The Charity Commission may so establish any such scheme notwithstanding—
- (a) anything in section 70(2) of that Act, or
- (b) that the relevant charity has ceased to exist;
- and if the relevant charity has ceased to exist, any such scheme may provide for the constitution of a charity by or in trust for which the relevant premises are to be held on the restoration of those premises, or part of them, to use as a place of public worship.
- (8) The Charity Commission has the same jurisdiction and powers in relation to the establishment of a scheme under subsection (2) above as it has under the provisions of sections 69 to 71 of the Charities Act 2011 (except section 70(4) and (5)) in relation to the establishment of a scheme for the administration of a charity; and section 88 of that Act (publicity relating to schemes) accordingly has effect in relation to the establishment of a scheme under subsection (2) above as it has effect in relation to the establishment of a scheme for the administration of a charity.
- (8A) Chapter 2 of Part 17 of, and Schedule 6 to, the Charities Act 2011 (appeals and applications to Tribunal) apply in relation to an order made by virtue of subsection (8) above as they apply in relation to an order made under section 69(1) of that Act.”
- (2) In section 4(13), for the definition of “charity” substitute—
- ““charity” has the meaning given by section 10 of the Charities Act 2011”.
- (3) In section 4(13), for the definition of “the court” substitute—
- ““the court” has the same meaning as in the Charities Act 2011;”.



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- 18 In section 7, for subsection (2) substitute—
- “(2) Nothing in this Act affects—
- (a) any power of the court (within the meaning of the Charities Act 2011) or the Charity Commission to establish a scheme for the administration of a charity, or
  - (b) the power of the Charity Commission under section 105 of that Act to authorise dealings with trust property.”

*Sharing of Church Buildings Act 1969 (c. 38)*

- 19 In section 2(4), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- 20 (1) In section 8(1), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- (2) In section 8(2), for “section 96(2) of the Charities Act 1993” substitute “ section 10(2) to (4) of the Charities Act 2011 ”.
- (3) In section 8(3), for “Section 36 of the Charities Act 1993 (restrictions on dispositions of charity land)” substitute “ Sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land) ”.

*Synodical Government Measure 1969 (No. 2)*

- 21 (1) Amend Schedule 3 as follows.
- (2) In Rule 46A(a), for “section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under subsection (4) of that section or to a waiver by it under that subsection” substitute “ section 178 of the Charities Act 2011 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section ”.
- (3) In Rule 54(1)—
- (a) in the definition of “auditor”, for “section 43(2) of the Charities Act 1993” substitute “ section 144(2) of the Charities Act 2011 ”, and
  - (b) in the definition of “independent examiner”, for “Section 43(3)(a) of the Charities Act 1993” substitute “ section 145(1)(a) of the Charities Act 2011 ”.
- (4) In Section 4 of Appendix I, in Note 3, for “section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under subsection (4) of that section or to a waiver by it under that subsection” substitute “ section 178 of the Charities Act 2011 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section ”.
- (5) In Section 6 of Appendix I, in the Note, for “section 72(1) of the Charities Act 1993 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under subsection (4) of that section or to a waiver by it under that subsection” substitute “ section 178 of the Charities Act 2011 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section ”.

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- (6) In Appendix II, in paragraph 16, “the Charity Commission for an order for directions pursuant to section 44(2) of the Charities Act 1993” substitute “ the Charity Commission for an order for directions pursuant to section 155 of the Charities Act 2011 ”.

*Local Government Act 1972 (c. 70)*

- 22 In section 11(3)(c), for “section 79 of the Charities Act 1993 (parochial charities)” substitute “ sections 298 to 303 of the Charities Act 2011 (parochial charities) ”.
- 23 In section 27F(6), for “section 79 of the Charities Act 1993 (parochial charities)” substitute “ sections 298 to 303 of the Charities Act 2011 (parochial charities) ”.
- 24 In section 27H(6), for “section 79 of the Charities Act 1993 (parochial charities)” substitute “ sections 298 to 303 of the Charities Act 2011 (parochial charities) ”.
- 25 In section 29(6), for “section 79 of the Charities Act 1993 (parochial charities)” substitute “ sections 298 to 303 of the Charities Act 2011 (parochial charities) ”.
- 26 In section 127(4) for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- 27 In section 131(3)—
- (a) for “section 36 of the Charities Act 1993 (restrictions on disposition of charity land)” substitute “ sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land) ”, and
  - (b) for “section 36(9)(a) of that Act (certain statutorily authorised transactions not to require the sanction of the Charity Commission)” substitute “ section 117(3)(a) (certain statutorily authorised dispositions not to require the sanction of the Charity Commission) ”.
- 28 In Schedule 12A, for paragraphs 8(f) and 19(f) substitute—
- “(f) the Charities Act 2011.”

*Consumer Credit Act 1974 (c. 39)*

- 29 In section 189(1), in the definition of “charity”, for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

*Friendly Societies Act 1974 (c. 46)*

- 30 In section 32A(6), for “as defined by section 1(1) of the Charities Act 2006,” substitute “ as defined by section 1(1) of the Charities Act 2011, ”.

*House of Commons Disqualification Act 1975 (c. 24)*

- 31 Part 2 of Schedule 1 continues to include, at the appropriate place— “ The Charity Commission. ”

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 32 Part 2 of Schedule 1 continues to include, at the appropriate place— “ The Charity Commission. ”

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*Theatres Trust Act 1976 (c. 27)*

- 33 In section 2(2)(d), for “sections 36 and 38 of the Charities Act 1993” substitute “sections 117 to 121 and 124 of the Charities Act 2011”.

*Endowments and Glebe Measure 1976 (No. 4)*

- 34 In section 11(2), for “the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable” substitute “the Charity Commission or in accordance with such provisions of sections 117(2) and 119 to 121 of the Charities Act 2011 as are applicable”.

*Interpretation Act 1978 (c. 30)*

- 35 In Schedule 1, for the definition of “Charity Commission” substitute—  
““Charity Commission” means the Charity Commission for England and Wales (see section 13 of the Charities Act 2011).”

*Ancient Monuments and Archaeological Areas Act 1979 (c. 46)*

- 36 In section 49(3), for “the Charities Act 1993” substitute “the Charities Act 2011”.

*Disused Burial Grounds (Amendment) Act 1981 (c. 18)*

- 37 For section 6 substitute—

**“6 Saving for Charity Commission**

Nothing in this Act affects the charitable jurisdiction of the High Court or the Charity Commission and in particular, in the absence of appropriate provisions in the governing instrument of the charity concerning—

- (a) the future use of the said land, or
- (b) the application of the proceeds of sale of the whole or any part of it, it is under section 61 of the Charities Act 2011 the duty of the church or religious body owning the land or other trustees of the said land to make an application for the appropriate relief by way of a scheme.”

*Pastoral Measure 1983 (No. 1)*

- 38 For section 55(1) substitute—  
“(1) The power of the court (as defined by the Charities Act 2011) to make schemes under its jurisdiction with respect to charities, and the power of the Charity Commission to make schemes under that Act, extend to the making of schemes with respect to consecrated chapels belonging to charities which are no longer needed for the purposes of the charity, and section 10(2)(c) of that Act shall not be taken as preventing the making of any such scheme.”
- 39 In section 63(3), for “the Charities Act 1993” substitute “the Charities Act 2011”.
- 40 In section 87(1), in the definition of “charity”, for “section 96 of the Charities Act 1993” substitute “section 10 of the Charities Act 2011”.
- 41 (1) Amend Schedule 3 as follows.

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- (2) In paragraph 11(6)—
- (a) for “section 16 of the Charities Act 1993” substitute “ section 69 of the Charities Act 2011 ”, and
  - (b) for “that section” substitute “ sections 69 to 71 of that Act ”.
- (3) In paragraph 16(1)(e) for “section 16 of the Charities Act 1993” substitute “ section 69 of the Charities Act 2011 ”.

*Greater London Council (General Powers) Act 1984 (c. xxvii)*

- 42 In section 10(2)(n), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

*Housing Act 1985 (c. 68)*

- 43 In section 6A(5), for “in accordance with section 3A of the Charities Act 1993” substitute “ in accordance with section 30 of the Charities Act 2011 ”.
- 44 In section 525, in the definition of “charity trustees”, for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

*Housing Associations Act 1985 (c. 69)*

- 45 In section 10(1), for “sections 36 and 38 of the Charities Act 1993” substitute “ sections 117 to 121 and 124 of the Charities Act 2011 ”.
- 46 In section 35(2)(c), for “section 36 of the Charities Act 1993 (restrictions on dispositions of charity land)” substitute “ sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land) ”.

*Coal Industry Act 1987 (c. 3)*

- 47 (1) In section 5(7), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- (2) For section 5(8) to (8B) substitute—
- “(8) Sections 70(1), 71, 73(1) to (6), 74, 88 and 89 of the Charities Act 2011 apply in relation to the powers of the Commission and the making of schemes under this section as they apply in relation to its powers and the making of schemes under that Act and sections 337 and 339 of that Act apply to orders and decisions under this section as they apply to orders and decisions under that Act.
- (8A) The Commission must not proceed under section 73 of that Act (as applied by subsection (8)) without the same application and notice to the trustees of the trust in question, as would be required if the Commission was proceeding under subsection (1); but on any application made with a view to a scheme under subsection (1) the Commission may proceed under that subsection or under section 73 of that Act (as so applied) as appears to it appropriate.
- (8B) Chapter 2 of Part 17 of, and Schedule 6 to, the Charities Act 2011 (appeals and applications to Tribunal) apply in relation to an order made under this section as they apply in relation to an order made under section 69(1) of that Act.”

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*Reverter of Sites Act 1987 (c. 15)*

48 For section 4(2) and (4) substitute—

“(2) Chapter 2 of Part 17 of, and Schedule 6 to, the Charities Act 2011 (appeals and applications to Tribunal) apply in relation to an order made under section 2 above as they apply in relation to an order made under section 69(1) of that Act, except that the persons who may bring an appeal against an order made under section 2 above are—

- (a) the Attorney General;
- (b) the trustees of the trust established under the order;
- (c) a beneficiary of, or the trustees of, the trust in respect of which the application for the order had been made;
- (d) any person interested in the purposes for which the last-mentioned trustees or any of their predecessors held the relevant land before the cesser of use in consequence of which the trust arose under section 1 above;
- (e) any two or more inhabitants of the locality where that land is situated;
- (f) any other person who is or may be affected by the order.

(4) Sections 337 and 339 of the Charities Act 2011 (supplemental provisions with respect to orders) apply in relation to orders under section 2 above as they apply in relation to orders under that Act.”

*Education Reform Act 1988 (c. 40)*

49 In section 124(2)(fa), for “(within the meaning of section 69A of the Charities Act 1993)” substitute “(within the meaning of Part 11 of the Charities Act 2011) ”.

50 For section 125A substitute—

**“125A Charitable status of a higher education corporation**

A higher education corporation shall be a charity and—

- (a) an English higher education corporation is, in accordance with Schedule 3 to the Charities Act 2011, an exempt charity for the purposes of that Act, and
- (b) a Welsh higher education corporation is, in accordance with regulations made in compliance with section 31(3) of that Act, excepted from registration under that Act.”

51 In section 128(5), for “ “charitable purposes” has the same meaning as in the Charities Act 1993” substitute “charitable purposes” has the meaning given by section 11 of the Charities Act 2011 ”.

*Copyright, Designs and Patents Act 1988 (c. 48)*

52 In Schedule 6, in paragraph 7(3), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

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*Imperial College Act 1988 (c. xxiv)*

- 53 In section 10, for “ “the Commissioners” and “the court” have the same meanings as in the Charities Act 1993” substitute “ “the Commission” and “the court” have the same meanings as in the Charities Act 2011”.
- 54 (1) In section 17(1), for “section 22 of the Charities Act 1960” substitute “ section 96 of the Charities Act 2011 ”.
- (2) In section 17(2)—
- (a) for “the Commissioners” substitute “ the Commission ”, and
- (b) for “the said section 22” substitute “ section 96 of the 2011 Act ”.

*Courts and Legal Services Act 1990 (c. 41)*

- 55 In Schedule 11, for the entry beginning “Member of the Charity Commission” substitute— “ Member of the Charity Commission appointed as provided in Schedule 1 to the Charities Act 2011. ”

*London Local Authorities Act 1991 (c. xiii)*

- 56 In section 4, in paragraph (d) of the definition of “establishment for special treatment” for “in accordance with section 3A of the Charities Act 1993 or is not required to be registered (by virtue of subsection (2) of that section)” substitute “ in accordance with section 30 of the Charities Act 2011 or is not required to be registered (by virtue of subsection (2) of that section) ”.

*Further and Higher Education Act 1992 (c. 13)*

- 57 In section 19(4)(bc), for “(within the meaning of section 69A of the Charities Act 1993)” substitute “ (within the meaning of Part 11 of the Charities Act 2011) ”.
- 58 For section 22A substitute—

**“22A Charitable status of a further education corporation**

A further education corporation shall be a charity (and, in accordance with Schedule 3 to the Charities Act 2011, is an exempt charity for the purposes of that Act).”

- 59 In section 27(5), for “ “charitable purposes” has the same meaning as in the Charities Act 1993” substitute “charitable purposes” has the meaning given by section 11 of the Charities Act 2011 ”.
- 60 In section 33F(6)(d), for “(within the meaning of section 69A of the Charities Act 1993)” substitute “ (within the meaning of Part 11 of the Charities Act 2011) ”.
- 61 In section 33M, for “(and, as a result of its inclusion in Schedule 2 to the Charities Act 1993, is an exempt charity for the purposes of that Act)” substitute “ (and, as a result of its inclusion in Schedule 3 to the Charities Act 2011, is an exempt charity for the purposes of that Act) ”.
- 62 In section 33N(10), for “ “charitable purposes” has the same meaning as in the Charities Act 1993” substitute “charitable purposes” has the meaning given by section 11 of the Charities Act 2011 ”.
- 63 In section 69—

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- (a) in subsection (1A), for “section 13 of the Charities Act 2006” substitute “section 25 of the Charities Act 2011 ”, and
- (b) in subsection (1B), for “section 10A of the Charities Act 1993” substitute “section 56 or 57 of that Act ”.

64 In section 79A—

- (a) for “section 13 of the Charities Act 2006” substitute “section 25 of the Charities Act 2011 ”, and
- (b) for “subsection (2) of that section” substitute “section 26(2) of that Act ”.

*Charities Act 1992 (c. 41)*

65 (1) In section 58(1), in the definition of “company” for “section 97 of the Charities Act 1993” substitute “section 353 of the Charities Act 2011 ”.

(2) In section 58(4), for “as defined by section 2(1) of the Charities Act 2006” substitute “as defined by section 2(1) of the Charities Act 2011 ”.

66 In section 63(2), for “section 3 of the Charities Act 1993” substitute “section 29 of the Charities Act 2011 ”.

*Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)*

67 In section 93(6)(a), for “section 36 of the Charities Act 1993” substitute “sections 117 to 121 of the Charities Act 2011 ”.

*Environment Act 1995 (c. 25)*

68 In Schedule 9, in paragraph 15, for “Sections 76 to 78 of the Charities Act 1993” substitute “Sections 294 to 297 of the Charities Act 2011 ”.

*Reserve Forces Act 1996 (c. 14)*

69 (1) In Schedule 5, in paragraph 2, in the definition of “charity”, for “as it has under section 1(1) of the Charities Act 2006” substitute “as it has under section 1(1) of the Charities Act 2011 ”.

(2) In paragraph 5 of that Schedule, for sub-paragraphs (2) and (3) substitute—

“(2) An application under this paragraph—

- (a) may be made at any time within the period of 6 months beginning with the day on which the warrant comes into force; and
- (b) is subject to subsections (2) to (5) of section 115 of the Charities Act 2011 (proceedings not to be begun without the consent of the Charity Commission or leave of a judge of the High Court),

and for the purposes of subsection (5) of that section an application for an order of the Commission authorising proceedings under this paragraph is deemed to be refused if it is not granted during the period of one month beginning with the day on which the application is received by the Commission.

(3) In this paragraph “the court” has the same meaning as in the Charities Act 2011.”

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(3) For paragraph 6 substitute—

“6 In any case where—

- (a) the Secretary of State requests the Charity Commission to make provision with respect to any charitable property which is held for the purposes of a unit of a reserve force that has been or is to be disbanded, or
- (b) an order is made under paragraph 4 or 5 excluding any charitable property so held from the operation of paragraph 3(1),

the Commission may, regardless of anything in section 70(2) of the Charities Act 2011 (limit on jurisdiction to make schemes etc. for the protection of charities), exercise its jurisdiction under section 69 with respect to the property to which the request or order relates.”

*Trusts of Land and Appointment of Trustees Act 1996 (c. 47)*

70 In Schedule 1, in paragraph 4(2)—

- (a) in paragraph (a), for “section 37(1) nor section 39(1) of the Charities Act 1993” substitute “ section 122(2) nor section 125(1) of the Charities Act 2011 ”, and
- (b) in paragraph (b), for “section 37(2) nor section 39(2)” substitute “ section 122(3) nor section 125(2) ”.

*Housing Act 1996 (c. 52)*

71 In section 58, for subsection (1) substitute—

“(1) In this Part—

- (a) “trusts”, in relation to a charity, has the same meaning as in the Charities Act 2011 and “trustee” means a charitable trustee within the meaning of that Act, and
- (b) “registered charity” means a charity which is registered in accordance with section 30 of that Act.”

72 (1) Amend Schedule 1 as follows.

(2) In paragraph 4(2)(d), for “section 72 of the Charities Act 1993” substitute “ section 178 of the Charities Act 2011 ”.

(3) For paragraph 18(4) substitute—

“(4) The charity must appoint a qualified auditor (“the auditor”) to audit the accounts prepared in accordance with sub-paragraph (3) in respect of each period of account in which—

- (a) the charity's gross income arising in connection with its housing activities exceeds the sum for the time being specified in section 144(1)(a) of the Charities Act 2011, or
- (b) the charity's gross income arising in that connection exceeds the accounts threshold and at the end of that period the aggregate value of its assets (before deduction of liabilities) in respect of its housing activities exceeds the sum for the time being specified in section 144(1)(b) of that Act;



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and in this sub-paragraph “gross income” and “accounts threshold” have the same meanings as in section 144 of that Act.”

- (4) In paragraph 18A(2)(b), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

*Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

- 73 In section 95(6), for “but otherwise has the same meaning as in the Charities Act 1993” substitute “ but otherwise has the same meaning as it has under section 10 of the Charities Act 2011 ”.

*Education Act 1996 (c. 56)*

- 74 In section 537C—
- (a) in subsection (1)(a), for “section 13 of the Charities Act 2006)” substitute “ section 25 of the Charities Act 2011) ”, and
  - (b) in subsection (2), for “section 10A of the Charities Act 1993” substitute “ section 56 or 57 of the Charities Act 2011 ”.

*School Standards and Framework Act 1998 (c. 31)*

- 75 (1) In section 23, for subsection (1A) substitute—
- “(1A) Any body to which subsection (1)(a) or (b) applies is, as a result of its inclusion in Schedule 3 to the Charities Act 2011, an exempt charity for the purposes of that Act.”
- (2) In subsection (3), for “, and is an institution to which section 3A(4)(b) of the Charities Act 1993 applies” substitute “ and is an institution which is to be treated for the purposes of section 31(3) of the Charities Act 2011 as if that provision applied to it. ”
- (3) For subsection (4)(a) substitute—
- “(a) institution” has the same meaning as in the Charities Act 2011;”.

- 76 In section 23A(10), in the definitions of “charity trustee” and “institution”, for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.

- 77 In section 23B(2), for “section 18 of the Charities Act 1993” substitute “ section 76 or sections 79 to 81 of the Charities Act 2011 ”.

- 78 In Schedule 1, for paragraph 10 substitute—
- “10 An Education Action Forum shall be a charity and is an institution which is to be treated for the purposes of section 31(3) of the Charities Act 2011 (institutions required to be excepted from registration under that Act) as if that provision applied to it.”

- 79 In Schedule 22, in paragraph 8A(2)(c), for “removed under subsection (4) of section 3 of the Charities Act 1993 from the register of charities kept under that section,” substitute “ removed under section 34 of the Charities Act 2011 from the register of charities kept under section 29 of that Act, ”.

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*National Institutions Measure 1998 (No. 1)*

- 80 (1) In section 3(1), for “Part VI of the Charities Act 1993” substitute “ Part 8 of the Charities Act 2011 ”.
- (2) In section 3(2), for “under subsection (2) of section 43 of that Act to carry out an audit under that subsection” substitute “ under subsection (2) of section 144 of that Act to carry out an audit under that subsection ”.
- (3) In section 3(3), for “Part VI, to have been appointed in pursuance of the said section 43” substitute “ Part 8, to have been appointed in pursuance of the said section 144 ”.

*Finance Act 1999 (c. 16)*

- 81 In Schedule 19, in paragraph 15—
- (a) in sub-paragraph (a), for “or section 24 of the Charities Act 1993,” substitute “ , section 24 of the Charities Act 1993 or section 96 of the Charities Act 2011, ” and
- (b) in sub-paragraph (b), for “or section 25 of the Charities Act 1993” substitute “ , section 25 of the Charities Act 1993 or section 100 of the Charities Act 2011 ”.

*Cathedrals Measure 1999 (No. 1)*

- 82 In section 4(4), for “section 72(1) of the Charities Act 1993” substitute “ section 178 of the Charities Act 2011 ”.
- 83 In section 15(1), in paragraph (iii) of the proviso, for “section 36 of the Charities Act 1993,” substitute “ sections 117 to 121 of the Charities Act 2011, ”.
- 84 In section 27(1), for “section 43 of the Charities Act 1993” substitute “ section 144 of the Charities Act 2011 ”.
- 85 In section 34, for “same meaning as in the Charities Act 1993” substitute “ meaning given by section 10 of the Charities Act 2011 ”.

*Financial Services and Markets Act 2000 (c. 8)*

- 86 In Schedule 11A, in paragraph 7(2)(a), for the words from “within the meaning of —” to “(ii)” substitute “—
- (i) as defined by section 1(1) of the Charities Act 2011, or
- (ii) within the meaning of”.
- 87 In Schedule 11B, in paragraph 12(4)(b), for “or section 24 or 25 of the Charities Act 1993 (c. 10)” substitute “ section 24 or 25 of the Charities Act 1993 or section 96 or 100 of the Charities Act 2011 ”.

*Learning and Skills Act 2000 (c. 21)*

- 88 In section 143(6)(d), for “the Charities Act 1993)” substitute “ the Charities Act 2011) ”.

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*Trustee Act 2000 (c. 29)*

- 89 In section 38—
- (a) in paragraph (a), for “section 24 of the Charities Act 1993” substitute “section 96 of the Charities Act 2011”, and
  - (b) in paragraph (b), for “section 25” substitute “section 100”.

- 90 In section 39(1)—
- (a) in the definition of “charitable purposes”, for “has the same meaning as in the Charities Act 1993” substitute “has the meaning given by section 11 of the Charities Act 2011”, and
  - (b) in the definition of “exempt charity” for “the Charities Act 1993” substitute “the Charities Act 2011”.

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 91 In section 42(1), for “charity trustee” has the same meaning as in the Charities Act 1993” substitute “charity trustee” has the same meaning as in the Charities Act 2011”.

*Criminal Justice and Police Act 2001 (c. 16)*

- 92 In Part 1 of Schedule 1, for paragraph 56A and its heading substitute—

*“Charities Act 2011*

- 56A The power of seizure conferred by section 48(3) of the Charities Act 2011 (seizure of material for the purposes of an inquiry under section 46 of that Act).”

*Churchwardens Measure 2001 (No. 1)*

- 93 In section 2(1), for “under section 72(1) of the Charities Act 1993 (c 10) and the disqualification is not for the time being subject to a general waiver by the Charity Commission under subsection (4) of that section or to a waiver by it under that subsection” substitute “under section 178 of the Charities Act 2011 and the disqualification is not for the time being subject to a general waiver by the Charity Commission under section 181 of that Act or to a waiver by it under that section”.

*Land Registration Act 2002 (c. 9)*

- 94 In section 4(1)(aa), for “section 83 of the Charities Act 1993” substitute “section 334 of the Charities Act 2011”.

*Licensing Act 2003 (c. 17)*

- 95 In section 16(3), omit the definition of “charity”.

- 96 In Schedule 2, for paragraph 5(4) substitute—

“(4) In sub-paragraph (1)(d) “registered charity” means--

- (a) a charity which is registered in accordance with section 30 of the Charities Act 2011, or

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- (b) a charity which by virtue of subsection (2) of that section is not required to be so registered.”

*Higher Education Act 2004 (c. 8)*

97 In section 40—

- (a) in subsection (1A), for “section 13 of the Charities Act 2006” substitute “section 25 of the Charities Act 2011” ,
- (b) in subsection (1B), for “section 10A of the Charities Act 1993” substitute “section 56 or 57 of the Charities Act 2011” , and
- (c) in subsection (3) for “section 13 of the Charities Act 2006” substitute “section 25 of the Charities Act 2011” .

*Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27)*

98 In section 54C(3), for “ “exempt charity” has the same meaning as in the Charities Act 1993 (see section 96 of that Act)” substitute “exempt charity” has the same meaning as in the Charities Act 2011 (see section 22 of that Act). ”

99 In section 63(1), in the definition of “English charity” for “as defined by section 1(1) of the Charities Act 2006” substitute “ “as defined by section 1(1) of the Charities Act 2011” .

100 In Schedule 3, for paragraph 4 substitute—

- “4 The person appointed to chair the Charity Commission may make available to the Regulator, to assist in the exercise of the Regulator's functions—
- (a) any other member of the Commission appointed under paragraph 1(1) of Schedule 1 to the Charities Act 2011, or
- (b) any member of staff of the Commission appointed under paragraph 5(1) of that Schedule.”

*Pensions Act 2004 (c. 35)*

101 In Schedule 3, for the entry relating to the Charity Commission substitute—

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“The Charity Commission	Functions under the Charities Act 2006 or the Charities Act 2011.”
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102 In Schedule 8, for the entry relating to the Charity Commission substitute—

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“The Charity Commission	Functions under the Charities Act 2006 or the Charities Act 2011.”
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*Serious Organised Crime and Police Act 2005 (c. 15)*

103 In section 146(3)(b), for “charity trustee (within the meaning of the Charities Act 1993 (c. 10))” substitute “charity trustee (within the meaning of the Charities Act 2011) ” .

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*Education Act 2005 (c. 18)*

- 104 In section 92(5), for “section 13 of the Charities Act 2006” substitute “ section 25 of the Charities Act 2011 )”.

*Gambling Act 2005 (c. 19)*

- 105 In section 19(2)(a), for “purposes which are exclusively charitable according to the law of England and Wales” substitute “ purposes which are exclusively charitable purposes (as defined by section 2 of the Charities Act 2011) ”.

*Charities and Trustee Investment (Scotland) Act 2005 (asp 10)*

- 106 In section 36(1), for paragraphs (a) and (b) substitute—  
    “(a) which is registered as a charity in England and Wales in accordance with section 30 of the Charities Act 2011, or  
    (b) which, by virtue of subsection (2) of that section, is not required to register as a charity under that section.”
- 107 In section 69(2)(d)(i), after “Wales under” insert “ section 79(2)(a) of the Charities Act 2011 or ” and for “18(2)(i) of that Act” substitute “ 18(2)(i) of the 1993 Act ”.
- 108 In section 96(3), for “sections 24 and 25 of the Charities Act 1993 (c. 10)” substitute “ sections 96 and 100 of the Charities Act 2011 ”.

*Natural Environment and Rural Communities Act 2006 (c. 16)*

- 109 In section 81(2)(h), for “section 13 of the Charities Act 2006” substitute “ section 25 of the Charities Act 2011 )”.

*Education and Inspections Act 2006 (c. 40)*

- 110 In Schedule 2, in paragraph 10(2)(b), for “charity trustee (within the meaning of the Charities Act 1993 (c. 10))” substitute “ charity trustee (within the meaning of the Charities Act 2011) ”.

*National Health Service Act 2006 (c. 41)*

- 111 In section 217(5), for “the court (as defined in the Charities Act 1993 (c. 10))” substitute “ the court (as defined in the Charities Act 2011) ”.

*National Health Service (Wales) Act 2006 (c. 42)*

- 112 In section 165(5), for “the court (as defined in the Charities Act 1993 (c. 10))” substitute “ the court (as defined in the Charities Act 2011) ”.

*Companies Act 2006 (c. 46)*

- 113 In section 21(2)(a), for “section 64 of the Charities Act 1993 (c. 10)” substitute “ sections 197 and 198 of the Charities Act 2011 ”.
- 114 In section 31(4)(a), for “section 64 of the Charities Act 1993 (c. 10)” substitute “ sections 197 and 198 of the Charities Act 2011 ”.
- 115 In—

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- (a) section 1140(2)(c)(ii), and
- (b) section 1154(1)(b) and (2)(b),

for “section 18 of the Charities Act 1993 (c. 10)” substitute “ section 76 of the Charities Act 2011 ”.

- 116 In Schedule 1, in paragraph 6(4)(b) for “or section 24 or 25 of the Charities Act 1993 (c. 10),” substitute “ , section 24 or 25 of the Charities Act 1993 or section 96 or 100 of the Charities Act 2011, ”.

*Safeguarding Vulnerable Groups Act 2006 (c. 47)*

- 117 In Schedule 4, in—

- (a) paragraph 4(7) and
- (b) paragraph 8(6),

for “ “charity trustee” has the same meaning as in the Charities Act 1993 (c. 10)” substitute “charity trustee” has the same meaning as in the Charities Act 2011 ”.

*Charities Act 2006 (c. 50)*

- 118 In section 54(2), for “section 9 of the 1993 Act” substitute “ section 52 of the Charities Act 2011 ”.

- 119 In section 72(3), for “section 10(2) to (4) of the 1993 Act” substitute “ section 55 of the Charities Act 2011 ”.

- 120 (1) In section 73(5)(b), for “the appointed day (within the meaning of section 10 of this Act)” substitute “ 31 January 2009 ”.

- (2) After section 73(5) insert—

“(6) This section has effect, in relation to any time occurring on or after the commencement of the Charities Act 2011 as if—

- (a) the reference in subsection (1) to the operation of this Act included (in relation to provisions of this Act repealed and re-enacted by the 2011 Act) a reference to the operation of the 2011 Act,
- (b) the reference in subsection (2)(a) to the effect of the Act included (in relation to provisions of this Act repealed and re-enacted by the 2011 Act) a reference to the effect of the 2011 Act, and
- (c) the reference in subsection (5)(a) to paragraph (b) or (c) of section 3A(2) of the 1993 Act (as amended by section 9 of this Act) were a reference to paragraph (b) or (c) of section 30(2) of the 2011 Act.”

- 121 (1) In section 74(4), omit—

- (a) paragraphs (a) and (b), and
- (b) in paragraph (e), “76 or”.

- (2) In section 74(5), omit “(a), (b),”.

- (3) Omit section 74(6).

- 122 Omit section 76.

- 123 (1) In section 78(2)—

- (a) omit paragraph (a);

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- (b) in paragraph (b), for “(in accordance with section 2(6)) the meaning given by section 2(1)” substitute “(in accordance with section 2(2) of the Charities Act 2011) the meaning given by section 2(1) of that Act”;
  - (c) in paragraph (c), for “the 1993 Act” substitute “that Act”;
  - (d) omit the words following paragraph (c).
- (2) Omit section 78(3).
- (3) In section 78(4)(c), omit “6(5) or”.
- 124 In section 79(1), omit—
- (a) paragraph (a), and
  - (b) in paragraph (g), the words from “paragraph 104” to “paragraph 174(d)”.
- 125 In section 80—
- (a) omit subsections (3)(a), (b) and (d) (but not the “and” following it), (4), (5) (a) to (c) and (e) (but not the “and” following it), (6) and (8),
  - (b) in subsections (3)(e) and (5)(f), for “76” substitute “77”, and
  - (c) in subsection (9)—
    - (i) omit “also” and paragraph (a) (together with the “or” following it), and
    - (ii) in paragraph (b), for “those” substitute “the amendments”.

*Income Tax Act 2007 (c. 3)*

- 126 (1) Amend section 558 as follows.
- (2) Under the heading “Type 2”, for “or” preceding paragraph (c) substitute—  
“(bb) section 96 of the Charities Act 2011, or”.
- (3) Under the heading “Type 3”, omit “or” preceding paragraph (b) and at the end of paragraph (b) insert “or  
(c) section 100 of the Charities Act 2011.”

*Legal Services Act 2007 (c. 29)*

- 127 In section 194(9)(a), for “in accordance with section 3A of the Charities Act 1993 (c. 10),” substitute “in accordance with section 30 of the Charities Act 2011, ”.

*Dioceses, Pastoral and Mission Measure 2007 (No. 1)*

- 128 In section 62(1), in the definition of “charity”, for “section 78(2) of the Charities Act 2006 (c. 50)” substitute “section 10 of the Charities Act 2011 ”.
- 129 In Schedule 2, in paragraph 13(2), for “charity trustee within the meaning of the Charities Act 1993 (1993 c. 10)” substitute “charity trustee within the meaning of the Charities Act 2011 ”.

*Regulatory Enforcement and Sanctions Act 2008 (c. 13)*

- 130 In Schedule 3, omit “Charities Act 1993 (c. 10), sections 76 to 78” and after the entry relating to the Charities Act 2006 insert “Charities Act 2011, sections 294 to 297 ”.

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*Housing and Regeneration Act 2008 (c. 17)*

- 131 In section 135(6), for “sections 41 to 45 of the Charities Act 1993 (c. 10) (charity accounts)” substitute “ Part 8 of the Charities Act 2011 ”.
- 132 In section 136—
- (a) in subsection (4), for “section 43(1)(a) of the Charities Act 1993” substitute “ section 144(1)(a) of the Charities Act 2011 ”,
  - (b) in subsection (5)(a), for “section 43(1) of the Charities Act 1993,” substitute “ section 144(1) of the Charities Act 2011, ”,
  - (c) in subsection (5)(b), for “section 43(1)(b)”, substitute “ section 144(1)(b) ”, and
  - (d) in subsection (6), for “section 43 of the Charities Act 1993 (c. 10)” substitute “ section 144 of the Charities Act 2011 ”.
- 133 In section 138(3)(a), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- 134 In section 266(6), for “section 72 of the Charities Act 1993 (c. 10)” substitute “ section 178 of the Charities Act 2011 ”.
- 135 In section 275—
- (a) in the definition of “non-registrable charity”, for “section 3A of the Charities Act 1993 (c. 10),” substitute “ section 30 of the Charities Act 2011, ”, and
  - (b) in the definition of “registered charity”, for “the Charities Act 1993 (c. 10),” substitute “ the Charities Act 2011, ”.

*Planning Act 2008 (c. 29)*

- 136 (1) Amend section 210 as follows.
- (2) In subsection (1)(b), for “section 2 of the Charities Act 2006 (c. 50)” substitute “ section 2 of the Charities Act 2011 ”.
  - (3) In subsection (4)—
    - (a) in paragraph (a), for “section 3 of the Charities Act 1993 (c. 10),” substitute “ section 29 of the Charities Act 2011, ”, and
    - (b) in paragraph (b), for “section 1(1) of the Charities Act 2006 but is not required to be registered in the register kept under section 3 of the Charities Act 1993” substitute “ section 1(1) of the Charities Act 2011 but is not required to be registered in the register kept under section 29 of that Act ”.
  - (4) In subsection (5), for “section 2(2) of the Charities Act 2006;” substitute “ section 3(1) of the Charities Act 2011; ”.

*Charities Act (Northern Ireland) 2008 (c. 12 (N.I.))*

- 137 In section 56(1)(a), for “under section 3 of the Charities Act 1993 (c. 10), or which, by virtue of section 3A(2) of that Act, is not required to register as a charity under that section” substitute “ in the register kept under section 29 of the Charities Act 2011, or which, by virtue of section 30(2) of that Act, is not required to be registered in that register ”.
- 138 In section 86(1)(e)—



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- (a) in sub-paragraph (i), after “under” insert “ section 79(2)(a) of the Charities Act 2011 or ”, and
- (b) in sub-paragraph (ii), for “that provision” substitute “ section 18(2)(i) of the 1993 Act ”.

*Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)*

- 139 In section 71A(1), for “section 13 of the Charities Act 2006” substitute “ section 25 of the Charities Act 2011 )”.
- 140 In Schedule 3, in paragraph 19(4)(c), for “(within the meaning of section 69A of the Charities Act 1993 (c. 10))” substitute “ (within the meaning of Part 11 of the Charities Act 2011) ”.
- 141 In Schedule 4, in paragraph 9(4)(c), for “(within the meaning of section 69A of the Charities Act 1993 (c. 10))” substitute “ (within the meaning of Part 11 of the Charities Act 2011) ”.

*Corporation Tax Act 2010 (c. 4)*

- 142 (1) Amend section 511 as follows.
- (2) Under the heading “Type 2”, for “or” preceding paragraph (c) substitute—  
“(bb) section 96 of the Charities Act 2011, or”.
- (3) Under the heading “Type 3”, omit “or” preceding paragraph (b) and at the end of paragraph (b) insert “or  
(c) section 100 of the Charities Act 2011.”

*Finance Act 2010 (c. 13)*

- 143 (1) Amend Schedule 6 as follows.
- (2) In paragraph 1(4)—
- (a) for “see section 2 of the Charities Act 2006” substitute “ see section 2 of the Charities Act 2011 ”, and
  - (b) in paragraph (b), for “(see section 80(3) to (6) of that Act)” substitute “ (see sections 7 and 8 of that Act) ”.
- (3) In paragraph 3(1)(a), for “within the meaning of the Charities Act 1993” substitute “ within the meaning of section 10 of the Charities Act 2011 ”.
- (4) In paragraph 3(2), for “section 3 of the Charities Act 1993” substitute “ section 29 of the Charities Act 2011 ”.

*Equality Act 2010 (c. 15)*

- 144 In section 194(3)(a), for “section 1(1) of the Charities Act 2006” substitute “ section 1(1) of the Charities Act 2011 ”.

*Church of England (Miscellaneous Provisions) Measure 2010 (No. 1)*

- 145 In section 10(1), for “section 96(2) of the Charities Act 1993 (c. 10)” substitute “ section 10 of the Charities Act 2011 ”.

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*Mission and Pastoral Measure 2011 (No. 3)*

- 146 For section 67(1) substitute—
- “(1) The power of the court (as defined by the Charities Act 2011) to make schemes under its jurisdiction with respect to charities, and the power of the Charity Commission to make schemes under that Act, shall extend to the making of schemes with respect to consecrated chapels belonging to charities which are no longer needed for the purposes of the charity, and section 10(2)(c) of that Act shall not be taken as preventing the making of any such scheme.”
- 147 In section 77(3), for “the Charities Act 1993” substitute “ the Charities Act 2011 ”.
- 148 In section 106(1), in the definition of “charity”, for “section 78(2) of the Charities Act 2006 (c. 50)” substitute “ section 10 of the Charities Act 2011 ”.
- 149 (1) Amend Schedule 3 as follows.
- (2) In paragraph 9(6)—
- (a) for “section 16 of the Charities Act 1993” substitute “ section 69 of the Charities Act 2011 ”, and
- (b) for “that section” substitute “ sections 69 to 71 of that Act ”.
- (3) In paragraph 14(1)(e) for “section 16 of the Charities Act 1993” substitute “ section 69 of the Charities Act 2011 ”.

SCHEDULE 8

Section 354

TRANSITIONALS AND SAVINGS

**PART 1**

GENERAL

*Continuity of the law*

- 1 The repeal and re-enactment of provisions by this Act does not affect the continuity of the law.
- 2 A reference, express or implied, in this Act, another enactment or an instrument or document, to a provision of this Act is, subject to its context, to be read as being or including a reference to the corresponding provision repealed by this Act, in relation to times, circumstances or purposes in relation to which the repealed provision had effect.
- 3 (1) A reference, express or implied, in any enactment, instrument or document to a provision repealed by this Act is, subject to its context, to be read as being or including a reference to the corresponding provision of this Act, in relation to times, circumstances or purposes in relation to which that provision has effect.
- (2) Where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act

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conferring the power, the power is also exercisable in relation to provisions of this Act that reproduce such enactments.

- (3) The powers in—
- (a) section 75(4) and (5) of the Charities Act 2006 (to make supplementary and consequential provision etc.), and
  - (b) section 77 of that Act (to make amendments in consequence of, or in connection with, changes to the provisions of company law relating to the accounts of charitable companies etc.),

are, so far as they were exercisable in relation to any provision repealed and re-enacted by this Act, exercisable in relation to the corresponding provision of this Act.

- (4) Sub-paragraphs (2) and (3) do not affect the generality of sub-paragraph (1).

4 Anything done, or having effect as if done, under (or for the purposes of or in reliance on) a provision repealed by this Act, and in force or effective immediately before the commencement of this Act, has effect after that commencement as if done under (or for the purposes of or in reliance on) the corresponding provision of this Act.

5 Paragraphs 1 to 4 have effect in place of section 17(2) of the Interpretation Act 1978; but nothing in this Schedule affects any other provision of that Act.

#### *Effect of old transitionals and savings*

6 The repeals made by this Act do not affect the operation of any transitional provision or saving relating to the coming into force of a provision reproduced in this Act in so far as the transitional provision or saving is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act or otherwise.

7 (1) The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.

- (2) The repeal by this Act of a saving on the previous repeal of an enactment does not affect the operation of the saving in so far as it is not specifically reproduced in this Act but remains capable of having effect.

#### *Use of existing forms etc.*

8 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued after the commencement of the repeal is, subject to its context, to be read as being or including a reference to the corresponding provision of this Act.

## **PART 2**

### RECREATIONAL ETC. PURPOSES

#### *General*

9 In this Part of this Schedule “the 1958 Act” means the Recreational Charities Act 1958.

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- 10 (1) Where section 2 of the 1958 Act applied to any trusts immediately before the day on which section 5(3) of the Charities Act 2006 came into force, the repeal by this Act of paragraph 2 of Schedule 10 to the 2006 Act does not prevent the trusts from continuing to be charitable if they constitute a charity in accordance with section 1(1) of this Act.
- (2) Sub-paragraph (1)—
- (a) affects the law of Scotland only so far as it affects the construction of references to charities or charitable purposes in enactments which relate to matters falling within Section A1 of Part 2 of Schedule 5 to the Scotland Act 1998 (reserved matters: fiscal policy etc.);
  - (b) affects the law of Northern Ireland only so far as it affects the construction of references to charities or charitable purposes in enactments which relate to matters falling within paragraph 9 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters: taxes and duties).
- 11 The repeal by this Act of subsections (2) and (3) of section 3 of the 1958 Act does not affect any saving in either of those subsections which is capable of having continuing effect.

#### *Scotland*

- 12 Sections 1 and 2 of the 1958 Act as in force before the commencement of section 5 of the Charities Act 2006 continue to have effect in relation to the law of Scotland so far as they affect the construction of any references to charities or charitable purposes which—
- (a) are to be construed in accordance with the law of England and Wales, but
  - (b) are not contained in enactments relating to matters falling within Section A1 of Part 2 of Schedule 5 to the Scotland Act 1998 (reserved matters: fiscal policy etc.).

#### *Northern Ireland*

- 13 Sections 1 and 2 of the 1958 Act as in force before the commencement of section 5 of the Charities Act 2006 continue to have effect in relation to the law of Northern Ireland so far as they affect the construction of any references to charities or charitable purposes which—
- (a) are to be construed in accordance with the law of England and Wales, but
  - (b) are not contained in enactments relating to matters falling within paragraph 9 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters: taxes and duties).

### PART 3

#### MISCELLANEOUS

##### *Regulations relating to fees*

- 14 Despite the revocation by this Act of the Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), regulations having effect as if made under section 19 continue to have effect as if any reference to the furnishing of a document were a reference to the provision of the document.

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*Exempt charities*

- 15 (1) Despite the repeal by this Act of section 11(13) of the Charities Act 2006 (power to make amendments or modifications of enactments in connection with changes in exempt charities), the Minister may by order make such amendments or other modifications of any enactment as the Minister considers appropriate in connection with—
- (a) charities of a particular description becoming, or ceasing to be, exempt charities, or
  - (b) a particular charity becoming, or ceasing to be, an exempt charity, as a result of provision made by or under section 11 of the 2006 Act.
- (2) In sub-paragraph (1) “enactment” includes—
- (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978), and
  - (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England;
- and references to enactments include enactments whenever passed or made.
- 16 The repeal and re-enactment by this Act of—
- (a) section 11(13) of the Charities Act 2006 (power to make amendments or modifications of enactments in connection with changes in exempt charities), and
  - (b) section 13(5) of that Act (power to make amendments or modifications of enactments in connection with principal regulator regulations),
- is not to be treated as preventing any amendment or modification being made of an enactment contained in this Act which re-enacts an enactment of which an amendment or modification could have been made under section 11(13) or 13(5).

*Application cy-prs: donors unknown or disclaiming or treated as disclaiming*

- 17 Sections 63, 64 and 67 apply to property given for charitable purposes whether before or on or after the commencement of this Act.

*Official custodian as successor to official trustee of charity lands and official trustees of charity funds*

- 18 (1) Despite the repeal by this Act of paragraph 26 of Schedule 10 to the Charities Act 2006, the official custodian for charities is to continue to be treated as the successor for all purposes both of the official trustee of charity lands and of the official trustees of charitable funds as if—
- (a) the functions of the official trustee or trustees had been functions of the official custodian, and
  - (b) the official trustee or trustees had been, and had discharged the functions of the official trustee or trustees as, holder of the office of the official custodian.
- (2) Despite the repeal of paragraph 26 of that Schedule (and without affecting the generality of sub-paragraph (1))—
- (a) any property which immediately before the commencement of that repeal was, by virtue of paragraph 26(2) of that Schedule, held by the official custodian continues to be so held, as if vested in the official custodian under section 90, and

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- (b) any enactment or document referring to the official trustee or trustees mentioned above continues to have effect, so far as the context permits, as if the official custodian had been mentioned instead.

*Savings for consequential amendments*

- 19 (1) The repeal by this Act of paragraph 23(a) of Schedule 10 to the Charities Act 2006 (saving for consequential amendment made by the Charities Act 1960) does not affect the amendment made by Schedule 6 to the Charities Act 1960 in section 9 of the Places of Worship Registration Act 1855.
- (2) The repeal by this Act of paragraph 23(d) of Schedule 10 to the Charities Act 2006 (saving for consequential amendment made by the Charities Act 1960) does not affect the amendment made by Schedule 6 to the Charities Act 1960 in section 31 of the New Parishes Measure 1943.
- (3) The repeal by this Act of paragraph 30 of Schedule 6 to the Charities Act 1993 does not affect the amendments made by that paragraph in—
- (a) section 90(4) of the Local Government Act 1985, or
  - (b) section 192(11) of the Education Reform Act 1988.

*Universities of Durham and Newcastle-upon-Tyne Act 1963*

- 20 Despite the revocation by this Act of the Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), the Universities of Durham and Newcastle-upon-Tyne Act 1963 continues to have effect as if Schedule 7 to the Charities Act 1993 (repeals) had never referred to section 10 of the 1963 Act.

SCHEDULE 9

Section 354

TRANSITORY MODIFICATIONS

*Commission's general functions—public charitable collections*

- 1 (1) Sub-paragraph (2) applies if Chapter 1 of Part 3 of the 2006 Act (public charitable collections) has not been brought into force before the commencement of this Act.
- (2) Section 15 (the Commission's general functions) has effect until the appointed day as if—
- (a) paragraph 4 of section 15(1), and
  - (b) section 15(6),
- were omitted.
- (3) “The appointed day” means the day on which Chapter 1 of Part 3 of the 2006 Act is brought into force by virtue of an order made under section 79 of that Act.

*“Exempt charity” and common investment and deposit funds*

- 2 (1) Sub-paragraph (2) applies if—
- (a) section 11(10) of the 2006 Act (amendment of section 24(8) of the 1993 Act), and

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(b) paragraph 173(3)(a) of Schedule 8 to the 2006 Act (amendment of definition of “exempt charity” in section 96(1) of the 1993 Act),  
have not been brought into force before the commencement of this Act.

(2) Subsection (3) of—

- (a) section 99 (further provisions relating to common investment schemes and funds), and
- (b) section 103 (further provisions relating to common deposit schemes and funds),

has effect until the relevant commencement date as if at the end of the subsection there were inserted “; and if the scheme admits only exempt charities, the fund is an exempt charity for the purposes of this Act”.

*“Exempt charity” and church funds*

3 (1) Sub-paragraph (2) applies if section 11(9) of the 2006 Act (removing certain exempt charities from Schedule 2 to the 1993 Act), so far as relating to—

- (a) an Investment Fund or Deposit Fund within the meaning of the Church Funds Investment Measure 1958, or
- (b) an investment fund or deposit fund within the meaning of the Methodist Church Funds Act 1960,

has not been brought into force before the commencement of this Act.

(2) Schedule 3 (exempt charities) has effect until the relevant commencement date as if paragraphs (a) and (b) of paragraph 1(2) were omitted.

*“Exempt charity” and registered societies etc.*

4 (1) Sub-paragraph (2) applies if section 11(8) of the 2006 Act (changing the exemption under paragraph (y) of Schedule 2 to the 1993 Act) has not been brought into force before the commencement of this Act.

(2) Schedule 3 (exempt charities) has effect until the relevant commencement date as if, in paragraph 27, for “if the society is also registered in the register of social landlords under Part 1 of the Housing Act 1996” there were substituted “ and any registered society or branch within the meaning of the Friendly Societies Act 1974 ”.

5 (1) Sub-paragraph (2) applies if section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (re-naming the Industrial and Provident Societies Acts) has not been brought into force before the commencement of this Act.

(2) In the application of paragraph 26 or 27 of Schedule 3 (exempt charities) before the commencement of section 2 of the 2010 Act the reference to the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c. 12) is to be read as a reference to the Industrial and Provident Societies Act 1965 (c. 12).

*Power to amend enactments in connection with changes in exempt charities*

6 (1) Sub-paragraph (2) applies if paragraph 2, 3 or 4 applies in relation to charities of a particular description or to a particular charity.

(2) In relation to those charities or that charity, section 23 has effect as if for subsection (3) there were substituted—

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- “(3) The Minister may by order make such amendments or other modifications of any enactment as the Minister considers appropriate in connection with—
- (a) charities of a particular description ceasing to be exempt charities on the relevant commencement date, or
  - (b) a particular charity ceasing to be an exempt charity on the relevant commencement date.”

*Exempt charities and the principal regulator*

- 7 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity—
- (a) section 13(1) to (3) of the 2006 Act (general duty of principal regulator), and
  - (b) section 86A of the 1993 Act (duty of Commission to consult principal regulator),
- have not been brought into before the commencement of this Act.
- (2) In relation to those charities or that charity, Part 3 has effect until the relevant commencement date as if—
- (a) section 26 (general duty of principal regulator), and
  - (b) section 28 (duty of Commission to consult principal regulator),
- were omitted.

*Voluntary registration*

- 8 (1) Sub-paragraph (2) applies if section 3A(6) of the 1993 Act (voluntary registration) has not been brought into force before the commencement of this Act.
- (2) Part 4 (registration and names of charities) has effect until the relevant commencement date with the omission of section 30(3) (but subject to the modifications specified in the Charities Act 2006 (Commencement No. 5, Transitional and Transitory Provisions and Savings) Order 2008 (S.I. 2008/3267) as it has effect in accordance with Part 1 of Schedule 8).

*Regulations to secure that any institution ceasing to be an exempt charity on the relevant commencement date is excepted*

- 9 (1) Sub-paragraph (2) applies if paragraph 2, 3 or 4 applies and, on the date which is the relevant commencement date in relation to that paragraph, an institution ceases to be an exempt charity.
- (2) In relation to that institution, section 31 has effect as if for subsection (3) there were substituted—
- “(3) Such regulations must be made under section 30(2)(c) as are necessary to secure that the institution is excepted under section 30(2)(c) (subject to compliance with any conditions of the exception and the financial limit mentioned in section 30(2)(c)).”

*Change of name and exempt charities*

- 10 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 1 of Schedule 5 to the 2006 Act (removal of exception



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for exempt charities from power to require charity's name to be changed) has not been brought into before the commencement of this Act.

- (2) In relation to those charities or that charity, section 42 (power to require name to be changed) has effect until the relevant commencement date as if at the end there were inserted—

“(6) Nothing in this section applies to an exempt charity.”

*Power to institute inquiries and exempt charities*

- 11 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 2 of Schedule 5 to the 2006 Act (restriction of exclusion of exempt charities from power to institute inquiries) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, section 46 (general power to institute inquiries) has effect until the relevant commencement date as if, in subsection (2), “except where this has been requested by its principal regulator” were omitted.

*Maximum term of imprisonment for offence under section 49(8)*

- 12 In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference to 51 weeks in section 49(9) is to be read as a reference to 3 months.

*Power to call for documents etc. and exempt charities*

- 13 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 3 of Schedule 5 to the 2006 Act (removal of exclusion of exempt charities from power to call for documents etc.) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, section 52 (power to call for documents) has effect until the relevant commencement date with the insertion after subsection (1) of—
- “(1A) No person properly having the custody of documents relating only to an exempt charity is required under subsection (1) to transmit to the Commission any of those documents, or to provide any copy of or extract from any of them.”

*Maximum term of imprisonment for offence under section 57(3)*

- 14 In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on the magistrates' court's power to impose imprisonment) the reference to 12 months in section 57(4) is to be read as a reference to 6 months.

*Exempt charities and disclosure to and by principal regulator*

- 15 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, the main provisions of section 10B of the 1993 Act (disclosure

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to and by principal regulators of exempt charities) have not been brought into force before the commencement of this Act.

- (2) In relation to those charities or that charity, this Act has effect until the relevant commencement date as if section 58 (disclosure to and by principal regulators of exempt charities), except in so far as it confers power to make regulations, were omitted.
- (3) In sub-paragraph (1), “the main provisions of section 10B of the 1993 Act” means section 10B except in so far as it confers power to make regulations.

*Exempt charities and Commission's concurrent jurisdiction with High Court*

- 16 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 4 of Schedule 5 to the 2006 Act (removal of exclusion of exempt charities from Commission's concurrent jurisdiction) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, section 70 (restrictions on Commission's concurrent jurisdiction) has effect until the relevant commencement date as if—
  - (a) at the beginning of subsection (2)(c) there were inserted “in the case of a charity other than an exempt charity”, and
  - (b) in subsection (3), after “In the case of a charity” there were inserted “ which is not an exempt charity and ”.

*Exempt charities and restriction on expenditure on promoting Bills*

- 17 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 5 of Schedule 5 to the 2006 Act (restriction on expenditure on promoting Bills to apply to exempt charities) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, section 74 (restriction on expenditure on promoting Bills) has effect until the relevant commencement date as if, at the end of subsection (2), there were inserted “but does not apply in the case of an exempt charity”.

*Exempt charities and power to act for protection of charities*

- 18 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 6 of Schedule 5 to the 2006 Act (restriction of exception for exempt charities from Commission's powers to act for protection of charities) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, Part 6 (cy-près powers etc.) has effect as if sections 80(4) and 81(3) were omitted and after section 82 there were inserted—

*“Exempt charities*

- 82A** Sections 76 to 82 (powers to act for protection of charities) do not apply to an exempt charity.”

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*Reference to Mission and Pastoral Measure 2011*

- 19 (1) Sub-paragraph (2) applies if the Mission and Pastoral Measure 2011 has not been brought into force before the commencement of this Act.
- (2) In the application of section 105(10) before the commencement of the 2011 Measure the reference to the Mission and Pastoral Measure 2011 is to be read as a reference to the Pastoral Measure 1983.

*Exempt charities and power to give directions about dormant bank accounts*

- 20 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 7 of Schedule 5 to the 2006 Act (removal of exclusion of exempt charities from power to give directions about dormant accounts) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, section 107 (power to direct transfer of credits in dormant bank accounts) has effect until the relevant commencement date as if after subsection (5) there were inserted—
- “(6) Subsection (1) does not apply to any account held in the name of or on behalf of an exempt charity.”

*Exempt charities and Commission's consent to proceedings etc.*

- 21 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 8 of Schedule 5 to the 2006 Act (proceedings relating to exempt charity must be authorised by Commission etc.) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, section 115 (proceedings by persons other than the Commission) has effect until the relevant commencement date as if—
- (a) in subsection (2), after “relating to a charity”, and
- (b) in subsection (7)(a), after “with reference to any charity”,
- there were inserted “(other than an exempt charity)”.

*Exempt charities and duty of auditors etc. to report matters to Commission*

- 22 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, section 29(2) of the 2006 Act (amendments of section 46 of the 1993 Act about application to exempt charities of duty of auditors etc. to report matters to Commission) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, section 160 (audit or examination of accounts: exempt charities) has effect until the relevant commencement date as if—
- (a) in subsection (1) (provision corresponding to section 46(1)), for “sections 144 to 155 (audit or examination of accounts)” there were substituted “sections 144 to 157 (audit or examination of accounts and duty of auditors etc. to report matters to Commission)”, and
- (b) subsection (2) (provision corresponding to section 46(2A) and (2B)) were omitted.

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- (3) Sub-paragraph (4) applies if, in relation to charities of a particular description or a particular charity, section 46(3A) of the 1993 Act (application to certain excepted charities which are also exempt charities of duty of auditors etc. to report matters to Commission) has not been brought into force before the commencement of this Act.
- (4) In relation to those charities or that charity, section 161 (audit or examination of accounts: excepted charities) has effect until the relevant commencement date as if subsection (4) (provision corresponding to section 46(3A)) were omitted.
- (5) Sub-paragraph (6) applies if—
- (a) sub-paragraph (2) applies and, on the date which is the relevant commencement date in relation to that sub-paragraph, section 160 applies without the modifications in that sub-paragraph, or
  - (b) sub-paragraph (4) applies and, on the date which is the relevant commencement date in relation to that sub-paragraph, section 161 applies without the modifications in that sub-paragraph.
- (6) Section 160(2) or (as the case may be) 161(4) applies in relation to matters (“pre-commencement matters”) of which a person became aware at any time falling—
- (a) before the relevant commencement date, and
  - (b) during a financial year ending on or after that date,
- as well as in relation to matters of which the person becomes aware on or after that date.
- (7) Any duty imposed by virtue of sub-paragraph (6) must be complied with in relation to any such pre-commencement matters as soon as practicable after the relevant commencement date.

*Disqualification and references to section 429(2) of Insolvency Act 1986*

- 23 (1) This paragraph applies if paragraph 7 of Schedule 16 to the Tribunals, Courts and Enforcement Act 2007 (administration orders: consequential amendments) has not been brought into force before the commencement of this Act.
- (2) Section 178(1) has effect until the relevant commencement date as if in Case F for “section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order)” there were substituted “ section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order) ”.
- (3) Section 180(2) has effect until the relevant commencement date as if for “section 429(2) of the Insolvency Act 1986” there were substituted “ section 429(2) (b) of the Insolvency Act 1986 ”.

*Maximum term of imprisonment for offence under section 183(1)*

- 24 In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on the magistrates' court's power to impose imprisonment) the reference to 12 months in section 183(3)(a) is to be read as a reference to 6 months.

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*Exempt charities and power to order disqualified trustee to repay sums*

- 25 (1) Sub-paragraph (2) applies if, in relation to charities of a particular description or a particular charity, paragraph 9 of Schedule 5 to the 2006 Act (Commission to have power to order disqualified charity trustee or trustee to repay sums to exempt charity) has not been brought into force before the commencement of this Act.
- (2) In relation to those charities or that charity, section 184 (civil consequences of acting while disqualified) has effect until the relevant commencement date as if in subsection (2)(a), after “for a charity”, there were inserted “ (other than an exempt charity) ”.

*CIOs*

- 26 (1) Sub-paragraph (2) applies if any provision of the 1993 Act relating to CIOs—
- (a) has not been brought into force before the commencement of this Act, or
  - (b) has not been brought into force for all purposes or for all areas before the commencement of this Act;
- and in sub-paragraph (2) “excluded purpose or area” means any purpose or area in relation to which that provision of the 1993 Act has not been brought into force.
- (2) This Act has effect until the relevant commencement date as if the provision of this Act corresponding to that provision of the 1993 Act—
- (a) were omitted, or
  - (b) were omitted in relation to the excluded purpose or area.
- (3) For the purposes of this paragraph, the provisions of the 1993 Act relating to CIOs, and the corresponding provisions of this Act, are—

<i>provision of the 1993 Act</i>	<i>corresponding provision of this Act</i>
section 45(3B)	section 163(3)
in section 48(1A), “(but this subsection does not apply if the charity is constituted as a CIO)”	in section 169(2), “(but this subsection does not apply if the charity is constituted as a CIO)”
any provision of Part 8A, including Schedule 5B but excluding section 69O	the corresponding provision of Part 11
section 69O	section 267(2)
section 73E(2)(b)	section 192(2)(b)
section 75C(11)	section 314
in section 97(1), the definition of “CIO”	section 204
paragraph 1 of Schedule 1C in relation to a decision of the Commission under a provision of Part 8A or Schedule 5B mentioned in column 1 of the Table in Schedule 1C	section 319 in relation to a decision of the Commission under a provision of Part 11 mentioned in column 1 of Schedule 6.

- 27 (1) Sub-paragraph (2) applies if section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (re-naming the Industrial and Provident Societies Acts) has not been brought into force before the commencement of this Act.

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- (2) In the application of subsection (1) or (5) of section 229 (application for conversion by registered society) before the commencement of section 2 of the 2010 Act the reference to the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c. 12) is to be read as a reference to the Industrial and Provident Societies Act 1965 (c. 12).

*References to re-named Acts in Schedule 7*

- 28 (1) Sub-paragraph (2) applies if section 2 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (re-naming the Industrial and Provident Societies Acts) has not been brought into force before the commencement of this Act.
- (2) In the application of Schedule 7 before the commencement of section 2 of the 2010 Act—
- (a) the reference to the Co-operative and Community Benefit Societies and Credit Unions Act 1965 is to be read as a reference to the Industrial and Provident Societies Act 1965 (c. 12), and
  - (b) the reference to the Co-operative and Community Benefit Societies and Credit Unions Act 1968 (c. 55) is to be read as a reference to the Friendly and Industrial and Provident Societies Act 1968 (c. 55).

*Meaning of “the relevant commencement date”*

- 29 (1) Subject to sub-paragraph (2), in this Schedule “the relevant commencement date” means such day as the appropriate authority may by order appoint.
- (2) If, in the case of a provision referred to in any paragraph above which has not been brought into force before the commencement of this Act, an order has been made before the commencement of this Act appointing a day for the coming into force of that provision, “the relevant commencement date” in relation to that provision means that appointed day.
- (3) “The appropriate authority” means—
- (a) in relation to paragraph 23 (disqualification and references to section 429(2) of Insolvency Act 1986), the Lord Chancellor;
  - (b) otherwise, the Minister.
- (4) An order made in relation to paragraph 23 may make different provision for different purposes.
- (5) An order made in relation to any other paragraph of this Schedule may—
- (a) appoint different days for different purposes or different areas;
  - (b) make such provision as the Minister considers necessary or expedient for transitory, transitional or saving purposes in connection with the coming into force of the order.
- (6) Any power to make an order under this paragraph is exercisable by statutory instrument.

*References to Acts*

- 30 In this Schedule—  
“the 1993 Act” means the Charities Act 1993;

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“the 2006 Act” means the Charities Act 2006.

SCHEDULE 10

Section 354

REPEALS AND REVOCATIONS

<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
Recreational Charities Act 1958 (c. 17)	The whole Act.
Charities Act 1992 (c. 41)	In Schedule 6, paragraphs 1, 3 to 8, 13(1) and (3) and 14 to 16.
Charities Act 1993 (c. 10)	The whole Act.
Welsh Language Act 1993 (c. 38)	Sections 32 and 33.
Local Government (Wales) Act 1994 (c. 19)	In Schedule 16, paragraph 101.
Deregulation and Contracting Out Act 1994 (c. 40)	Section 29(1) to (6). Section 30. In Schedule 11, paragraph 12.
Charities (Amendment) Act 1995 (c. 48)	The whole Act.
Trusts of Land and Appointment of Trustees Act 1996 (c. 47)	In Schedule 3, paragraph 26.
Education Act 1996 (c. 56)	In Schedule 37, paragraphs 119 and 121.
Education Act 1997 (c. 44)	In Schedule 7, paragraph 7.
Bank of England Act 1998 (c. 11)	In Schedule 5, paragraph 42.
School Standards and Framework Act 1998 (c. 31)	In Schedule 30, paragraph 49.
Insolvency Act 2000 (c. 39)	In Schedule 4, paragraph 18.
Land Registration Act 2002 (c. 9)	In Schedule 11, paragraph 29.
Licensing Act 2003 (c. 17)	In section 16(3), the definition of “charity”.
Civil Partnership Act 2004 (c. 33)	In Schedule 21, paragraph 38. In Schedule 27, paragraph 147.
National Health Service (Consequential Provisions) Act 2006 (c. 43)	In Schedule 1, paragraphs 160 to 162.
Companies Act 2006 (c. 46)	Section 181(4). Section 226.
Charities Act 2006 (c. 50)	Sections 1 to 9 and 11 to 44.

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In section 74, in subsection (4), paragraphs (a) and (b) and in paragraph (e) “76 or”, in subsection (5) “(a), (b),” and subsection (6).

Section 76.

In section 78, in subsection (2), paragraph (a) and the words following paragraph (c), subsection (3) and, in subsection (4)(c), “6(5) or”.

In section 79(1), paragraph (a) and in paragraph (g) the words from “paragraph 104” to “paragraph 174(d)”.

In section 80 subsections (3)(a), (b) and (d) (but not the “and” following it), (4), (5)(a) to (c) and (e) (but not the “and” following it), (6) and (8) and in subsection (9) “also” and paragraph (a) (together with the “or” following it).

Schedules 1, 2 and 4 to 7.

In Schedule 8, paragraphs 1, 2, 6, 8, 13(4), 30, 33(3), 37(3), 39, 50 to 52, 54, 55, 57, 59, 61, 65, 69, 73, 77(3), 80(5)(d) (together with the “and” preceding it), (6) to (8), 83(3) and (4), 85 to 88, 90(4), 96 to 178, 180, 181(4) and (5), 191, 192(4), 193 to 195, 198, 199, 204 to 207, 210(b) (together with the “and” following it) and (c) and 212.

In Schedule 10, paragraphs 1 to 14, 17 to 20, 23(a), (b) and (d) (together with the “or” preceding it), 24 and 26.

Income Tax Act 2007 (c. 3)

In section 558, under the heading “Type 3”, the word “or” preceding paragraph (b).

In Schedule 1, paragraph 353.

Tribunals, Courts and Enforcement Act 2007 (c. 15)

In Schedule 16, paragraph 7.

Further Education and Training Act 2007 (c. 25)

In Schedule 1, paragraph 8.

Local Government and Public Involvement in Health Act 2007 (c. 28)

In Schedule 9, paragraph 1(2)(i).

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

In Schedule 3, “Charities Act 1993 (c. 10), sections 76 to 78”.

Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)

In Schedule 12, paragraph 8.

Corporation Tax Act 2010 (c. 4)

In section 511, under the heading “Type 3”, the word “or” preceding paragraph (b).

In Schedule 1, paragraphs 273 to 275 and 491 to 493.

Academies Act 2010 (c. 32)

Section 12(4).



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Church of England (Miscellaneous Provisions) Measure 2000 (No. 1)

Companies Act 1985 (Audit Exemption) Regulations 1994 (S.I. 1994/1935) In Schedule 1, paragraphs 6 and 7.

Charities Act 1993 (Substitution of Sums) Order 1995 (S.I. 1995/2696) The whole Order.

Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649) Article 339.

Insolvency Act 2000 (Company Directors Disqualification Undertakings) Order 2004 (S.I. 2004/1941) In the Schedule, paragraph 5.

Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order 2005 (S.I. 2005/1074) Article 3.

Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239 (W.244)) In Schedule 1, paragraph 4.

Charities and Trustee Investment (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2006 (S.I. 2006/242 (S.2)) In the Schedule, paragraph 6.

>Enterprise Act 2002 (Disqualification from Office: General) Order 2006 (S.I. 2006/1722) In Schedule 2, paragraph 4.

Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951) In the Schedule, paragraph 4.

Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194) In Schedule 4, paragraphs 78 to 82.

Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527) The whole Order.

Companies Act 2006 (Consequential Amendments etc.) Order 2008 (S.I. 2008/948) In Schedule 1, paragraphs 1(rr), 17 and 192. In Schedule 3, paragraphs 7 to 12.

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Charities Acts 1992 and 1993 Articles 7 to 11.  
(Substitution of Sums) Order 2009  
(S.I. 2009/508)

Transfer of Functions of the Charity In Schedule 1, paragraphs 6 to 15.  
Tribunal Order 2009 (S.I. 2009/1834)

Companies Act 2006 (Consequential In Schedule 1, paragraph 139.  
Amendments, Transitional Provisions  
and Savings) Order 2009 (S.I.  
2009/1941)

Legal Services Act 2007 Article 4.  
(Consequential Amendments) Order  
2009 (S.I. 2009/3348)

Charities Act 2006 (Changes in Article 2.  
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Income Tax Act 2007 (Amendment) Article 4.  
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Section 357

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*Status: Point in time view as at 14/03/2012.*

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