

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1960 (repealed). (See end of Document for details)*

## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### CONSTITUTION, ETC., OF CHARITY COMMISSIONERS

- 1 (1) There shall be a Chief Charity Commissioner, and two other commissioners.
- (2) Two at least of the commissioners shall be [<sup>F1</sup>persons who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.].
- (3) Subject to sub-paragraph (6) below, the chief commissioner and the other commissioners shall be appointed by the Secretary of State, and shall be deemed for all purposes to be employed in the civil service of the Crown.
- (4) There may be paid to each of the commissioners such salary and allowances as the Secretary of State may with the approval of the Treasury determine.
- (5) If at any time it appears to the Secretary of State that there should be more than three commissioners, he may with the approval of the Treasury appoint not more than two additional commissioners.
- (6) ..... <sup>F2</sup>

#### Textual Amendments

- F1** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 14**  
**F2** [Sch. 1 paras. 1\(6\), 2\(3\)](#) & [Sch. 5](#) repealed by [Education Act 1973 \(c. 16\)](#), **Sch. 2 Pt. I**

- 2 (1) The chief commissioner may, with the approval of the Treasury as to number and conditions of service, appoint such assistant commissioners and other officers and such servants as he thinks necessary for the proper discharge of the functions of the Commissioners and of the official custodian for charities.
- (2) There may be paid to officers and servants so appointed such salaries or remuneration as the Treasury may determine.
- (3) ..... <sup>F3</sup>

#### Textual Amendments

- F3** [Sch. 1 paras. 1\(6\), 2\(3\)](#) & [Sch. 5](#) repealed by [Education Act 1973 \(c. 16\)](#), **Sch. 2 Pt. I**

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- 3
- (1) The Commissioners may use an official seal for the authentication of documents, and their seal shall be officially and judicially noticed.
  - (2) The <sup>M1</sup>Documentary Evidence Act 1868 as amended by the <sup>M2</sup>Documentary Evidence Act 1882 shall have effect as if in the Schedule to the Act of 1868 the Commissioners were included in the first column and any commissioner or assistant commissioner and any officer authorised to act on behalf of the Commissioners were mentioned in the second column.
  - (3) The Commissioners shall have power to regulate their own procedure and, subject to any such regulations and to any directions of the chief commissioner, any one commissioner or any assistant commissioner may act for and in the name of the Commissioners.
  - (4) Where the Commissioners act as a board, two shall be a quorum; and in the case of an equality of votes the chief commissioner or in his absence the commissioner presiding shall have a second or casting vote.
  - (5) The Commissioners shall have power to act notwithstanding any vacancy in their number.

#### Marginal Citations

**M1** 1868 c. 37.

**M2** 1882 c. 9.

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- Legal proceedings may be instituted by or against the Commissioners by the name of the Charity Commissioners for England and Wales, and shall not abate or be affected by any change in the persons who are the commissioners.

## SECOND SCHEDULE

Sections 4 & 45.

### EXEMPT CHARITIES

The following institutions, so far as they are charities, are exempt charities within the meaning of this Act, that is to say—

- (a) any institution which, if this Act had not been passed, would be exempted from the powers and jurisdiction under the Charitable Trusts Acts 1853 to 1939, of the Commissioners or 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 those Acts other than section nine of the <sup>M3</sup>Places of Worship Registration Act 1855;
- (b) the universities of Oxford, Cambridge, London and Durham, the colleges and halls in the universities of Oxford, Cambridge and Durham and the colleges of Winchester and Eton;
- (c) any university, university college, or institution connected with a university or university college, which Her Majesty declares by Order in Council to be an exempt charity for the purposes of this Act;

[<sup>F4</sup>(ca) the Board of Trustees of the Victoria and Albert Museum;

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- (cb) the Board of Trustees of the Science Museum;
- (cc) the Board of Trustees of the Armouries;
- (cd) the Board of Trustees of the Royal Botanic Gardens, Kew.]
- (ce) [<sup>F5</sup>the Board of Trustees of the National Museums and Galleries on Merseyside.]
- (d) the British Museum;
- (e) any institution which is administered by or on behalf of an institution included above and is established for the general purposes of, or for any special purpose of or in connection with, the last-mentioned institution;
- (f) the Church Commissioners and any institution which is administered by them;
- (g) any registered society within the meaning of the <sup>M4</sup>Industrial and Provident Societies Act 1893 and any registered society or branch within the meaning of the <sup>M5</sup>Friendly Societies Act 1896.
- (h) [<sup>F6</sup>the Board of Governors of the Museum of London]
- (i) [<sup>F7</sup>the British Library Board].
- (j) [<sup>F8</sup>.....<sup>F8</sup>]

#### Textual Amendments

- F4** Sch. 2 paras. (ca)–(cd) inserted by National Heritage Act 1983 (c. 47, SIF 3, 78), s. 40, **Sch. 5 para. 4**
- F5** Sch. 2 para. (ce) inserted by S.I. 1990/1765, **art. 3(1)(b)**
- F6** Para. (h) added by Museum of London Act 1965 (c. 17), **s. 11**
- F7** Para. (i) added by British Library Act 1972 (c. 54), **s. 4(2)**
- F8** Sch. 2 para. (j) inserted after para. (i) by S.I. 1986/452, **art. 5(1)** and repealed by S.I. 1990/1765, **art. 3(1)(a)**

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

- C1** Para. (d) extended by British Museum Act 1963 (c. 24), **Sch. 2 para. 3** to include the British Museum (National History)
- C2** Sch. 2 para. (e) extended by Education Reform Act 1988 (c. 40, SIF 41:1), s. 237(1), Sch. 12 paras. 10, 63, **64(3)**  
Sch. 2 para (e) extended (*prosp.*) by the Further and Higher Education Act 1992 (c. 13), ss. 93(1), 94(3), **Sch. 8 Pt. II, para.69(1)(2)**

#### Marginal Citations

- M3** 1855 c. 81.
- M4** 1893 c. 39.
- M5** 1896 c. 25.

## THIRD SCHEDULE

Section 13.

### ENLARGEMENT OF AREAS OF LOCAL CHARITIES

Existing area	Permissible enlargement
1.	[ <sup>F9</sup> Greater London] Any area comprising [ <sup>F9</sup> Greater London]

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2.	Any area in [ <sup>F9</sup> Greater London] and not in, or partly in, the city of London.	(i) Any area in [ <sup>F9</sup> Greater London] and not in, or partly in, the city of London; (ii) the area of [ <sup>F9</sup> Greater London] exclusive of the city of London; (iii) any area comprising the area of [ <sup>F9</sup> Greater London], exclusive of the city of London; (iv) any area partly in [ <sup>F9</sup> Greater London] and partly in any adjacent parish or parishes (civil or ecclesiastical), and not partly in the city of London.
3.	A [ <sup>F10</sup> district]	Any area comprising the [ <sup>F10</sup> district]
4.	Any area in a [ <sup>F10</sup> district]	(i) Any area in the [ <sup>F10</sup> district]; (ii) the [ <sup>F10</sup> district]; (iii) any area comprising the [ <sup>F10</sup> district]; (iv) any area partly in the [ <sup>F10</sup> district] and partly in any adjacent [ <sup>F10</sup> district].
5.	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 comprising or adjacent to the area in column 1.

#### Textual Amendments

**F9** Words substituted by virtue of [London Government Act 1963 \(c. 33\), s. 81\(9\)\(c\)](#)

**F10** Words substituted by [Local Government Act 1972 \(c. 70\), s. 210\(9\)\(f\)](#)

## FOURTH SCHEDULE

Section 15.

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

- 1 The court may by virtue of subsection (3) of section fifteen of this Act exercise its jurisdiction with respect to charities—
- in relation to charities established or regulated by any provision of the <sup>M6</sup>Seamen's Fund Winding-up Act 1851 which is repealed by this Act;
  - in relation to charities established or regulated by schemes under the Endowed Schools Acts 1869 to 1948, or section seventy-five of the

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- <sup>M7</sup>Elementary Education Act 1870 [<sup>F11</sup>or by schemes given effect under section 2 of the <sup>M8</sup>Education Act 1973];
- (c) in relation to allotments regulated by sections three to nine of the <sup>M9</sup>Poor Allotments Management Act 1873;
- (d) in relation to fuel allotments, that is to say, 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 shall be used for the purpose of providing poor persons with fuel;
- (e) in relation to charities established or regulated by any provision of the <sup>M10</sup>Municipal Corporations Act 1883 which is repealed by this Act, or by any scheme having effect under any such provision;
- (f) in relation to charities regulated by schemes under the <sup>M11</sup>London Government Act 1899;
- (g) in relation to charities established or regulated by orders or regulations under section two of the <sup>M12</sup>Regimental Charitable Funds Act 1935;
- (h) in relation to charities regulated by section thirty-seven of this Act, or by any such order as is mentioned in that section.

**Textual Amendments**

**F11** Words added by [Education Act 1973 \(c. 16\), s. 2\(7\)](#)

**Marginal Citations**

**M6** 1851 c. 102.  
**M7** 1870 c. 75.  
**M8** 1973 c. 16.  
**M9** 1873 c. 19.  
**M10** 1883 c. 18.  
**M11** 1899 c. 14.  
**M12** 1935 c. 11.

- 2 Notwithstanding anything in section nineteen of the <sup>M13</sup>Commons Act 1876, a scheme for the administration of a fuel allotment (within the meaning of the foregoing paragraph) may provide—
- (a) for the sale or letting of the allotment or any part thereof, for the discharge of the land sold or let from any restrictions as to the use thereof imposed by 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; or
- (b) for the exchange of the allotment or any part thereof for other land, for the discharge as aforesaid of the land given in exchange by the said trustees, and for the application of any money payable to the said trustees for equality of exchange; or
- (c) for the use of the allotment or any part thereof for any purposes specified in the scheme.

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### Marginal Citations

**M13** 1876 c. 56.

## F12F12 FIFTH-SCHEDULE

### Textual Amendments

**F12** Sch. 1 paras. 1(6), 2(3) & Sch. 5 repealed by Education Act 1973 (c. 16), **Sch. 2 Pt. I**

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## SIXTH-SCHEDULE

Section 48.

### CONSEQUENTIAL AMENDMENTS.

### Modifications etc. (not altering text)

**C3** The text of Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Enactments amended, and subject matter Amendments

The Places of Worship Registration Act, 1855—

Section nine (exemption from Charitable Trusts Acts).

For the words from “wholly freed” onwards there shall be substituted the words “excepted under subsection (4) of section four of the Charities Act, 1960, from registration under that section; and where a building recorded and used as aforesaid is so excepted, there shall be excepted with it—

- (a) any forecourt, yard, garden, burial ground, vestry, or caretaker’s house, in respect of situation connected with, and held upon the same trusts as, the building so recorded; and
- (b) any Sunday-school house or other land or building which is certified by, an order of the Charity Commissioners, made upon the application

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of one or more of the charity trustees, to be held upon the same trusts as the building so recorded or upon the like trusts, and to be in respect of situation so connected with or held or used in connection with that building that it cannot conveniently be separated from that building.

In this section “building” includes part of a building.”

The Charitable Trustees Incorporation Act, 1872—

Section two (estate to vest in body corporate).

For the words “except as hereinafter provided” there shall be substituted the words “except that the foregoing provisions shall not apply to property vested in the official custodian for charities”.

The Schedule (applications for incorporation).

The words “and registered” shall be omitted.

The National Debt (Conversion) Act, 1888—

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The Public Libraries Act, 1892—

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The Copyhold Act, 1894—

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The Open Spaces Act, 1906—

Subsection (1) of section four (transfer by charity trustees of open space to local authority).

For the word “and where the open space is subject to the Charitable Trusts Act, 1853 to 1894, with such authority or approval as is required by those Acts for a sale of the open space and in other cases in pursuance of an order of the court” there shall be substituted the words “and with the sanction of an order of the Charity Commissioners or with that of an order of the court”.

The Land Registration Act, 1925—

Section ninety-eight (land subject to charitable trusts).

For the words “official trustee of charity lands” there shall be substituted the word “official custodian for charities”.

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The Landlord and Tenant Act, 1927—

Section twenty-four (application to charity lands).

In subsection (4), for the words “official trustee of charity lands” there shall be substituted the words “official custodian for charities” and for the words “official trustee” there shall be substituted the word “custodian”.

The Administration of Justice Act, 1928—

Subsection (1) of section fifteen (transfer of funds in court to official trustees of charitable the funds).

The words “subject to the jurisdiction of the Charity Commissioners or of the the Board of Education”, shall be omitted, and for the words “official trustees of charitable funds” there shall in, both places be substituted the words “official custodian for charities”.

The Local Government Act, 1933—

Section one hundred and sixty-nine (power of parish council to let land).

For the words from “with such consent or approval” to “charity estates” there shall be substituted the words “with the sanction of an order of the Charity Commissioners” and in the proviso for the words “no consent or approval” there shall be substituted in the first place the words “no order or consent” and in the second place the words “no order”.

Section one hundred and seventy (power of parish council to sell or exchange land).

In subsection (1), for the words “without such consent or approval as is required under the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899” there shall be substituted the words “without the sanction of an order of the Charity Commissioners”; and in subsection (2), for the words “the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899” there shall be substituted the words “the Charities Act, 1960”.

The War Charities Act, 1940—

Section five (powers of Charity Commissioners).

In subsection (2), for paragraphs (ii) and (iii) there shall be substituted—

“(ii) order any money or securities held on behalf of the charity to be paid or transferred to the official custodian for charities as in a case falling within subsection (1) of

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section twenty of the Charities Act, 1960;  
(iii) establish a scheme for the regulation of the charity as in a case falling within section eighteen of that Act, but without the necessity of any application or reference being made to them for the Purpose”;

and in subsection (5) for the words from “under the Charitable Trusts Acts, 1853 to 1939” onwards there shall be substituted the words “in relation to charities under the Charities Act, 1960, and that Act shall apply accordingly”.

The Income Tax Act, 1952—

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The Housing Repairs and Rents Act, 1954—

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The Administration of Justice Act, 1956—

Subsection (1) of section fifty-two (transfer of funds in court to official trustees of charitable funds).

The words “subject to the jurisdiction in of the Charity Commissioners or of the Minister of Education” shall be omitted, and for the words “official trustees of charitable funds” there shall be substituted the words “official custodian for charities”.

The Cathedrals Measure, 1931—

Section twenty-six (exclusion of charities, except as determined by Charity Commissioners).

For the words from “any charity” to “1889” there shall be substituted the words “any charity within the meaning of the Charities Act, 1960, or endowment of such a charity”.

The New Parishes Measure, 1943—

Section fourteen (power of corporations etc. to give or grant land for sites of churches etc.).

At the end of paragraph (b) of subsection (1) there shall be added the words “but (except in the case of an exempt charity within the meaning of the Charities Act, 1960) only with the sanction of an order of the Charity Commissioners”.

Section thirty-one (saving for charities).

For the words from “to deal with any endowment” onwards there shall be

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substituted the words “to deal with any endowment belonging to a charity within the meaning of the Charities Act, 1960, except with the consent of the Charity Commissioners or Minister of Education”.

The Re-organisation Areas Measure, 1944—

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#### Textual Amendments

- F13** Sch. 6 the entry relating to the National Debt (Conversion) Act 1888 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. III**
- F14** Entries repealed by Public Libraries and Museums Act 1964 (c. 75), Sch. 3, Rent Act 1968 (c. 23), **Sch. 17**, Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. III, Income and Corporation Taxes Act 1970 (c. 10) Sch. 16, Education Act 1973 (c. 16), Sch. 2 Pts. I, **III** and Administration of Justice Act 1977 (c. 38), **Sch. 5 Pt. VI**

### <sup>F15</sup>F15 SEVENTH-SCHEDULE

#### Textual Amendments

- F15** Sch. 7 repealed by Education Act 1973 (c. 16), **Sch. 2 Pt. I**

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