

SCHEDULE

AMENDMENTS OF ENACTMENTS RELATING TO CHARITIES

PART 4

AMENDMENTS RELATING TO THE MEANING OF “CHARITY”

36. In—

- (a) sections 5A(7)(a) and 7D(5)(a) of the Industrial and Provident Societies Act 1965(1), and
 - (b) paragraph 2 of Schedule 5 to the Reserve Forces Act 1996(2),
- for “as in the Charities Act 1993” substitute “as it has under section 1(1) of the Charities Act 2006”.

37.—(1) In the provisions listed in sub-paragraph (2), omit “within the meaning of the Charities Act 1993”.

(2) The provisions are—

- (a) section 1(3A) of the Leasehold Reform Act 1967(3);
- (b) section 5(3)(f) of the Rent (Agriculture) Act 1976(4);
- (c) section 15(2)(b) of the Rent Act 1977(5);
- (d) Grounds 6 and 14A of Schedule 2 to the Housing Act 1988(6);
- (e) paragraph 1(4)(a) of Schedule 3A to the Environmental Protection Act 1990(7);
- (f) section 33M of the Further and Higher Education Act 1992(8);
- (g) section 5(2) of the Leasehold Reform, Housing and Urban Development Act 1993(9);
- (h) the definition of “charitable housing trust” in section 158(1) of the Housing Act 1996(10).

38. In—

- (a) section 4A(6) of the Friendly and Industrial and Provident Societies Act 1968(11), and

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- (1) [1965 c.12](#). Section 5A was inserted by the Co-operatives and Community Benefit Societies Act [2003 \(c.15\)](#), section 2. Section 7D was inserted by the Co-operatives and Community Benefit Societies Act 2003, section 3, and amended by the Charities Act 2006, Schedule 8, paragraph 47. The 1965 Act is prospectively re-named by the Co-operative and Community Benefit Societies and Credit Unions Act [2010 \(c.7\)](#), section 2.
 - (2) [1996 c.14](#). There are no amendments of Schedule 5 relevant to this Order.
 - (3) [1967 c.88](#). Section 1(3A) was inserted by the Leasehold Reform, Housing and Urban Development Act [1993 \(c.28\)](#), section 67. Section 1(3A) was amended by the Housing Act [1996 \(c.52\)](#), Schedule 9, paragraph 2(2), and by the Housing and Regeneration Act [2008 \(c.17\)](#), Schedule 16. The amendments made by the 2008 Act are not yet fully in force.
 - (4) [1976 c.80](#). Section 5(3)(f) was amended by the Rent Act [1977 \(c.42\)](#), Schedule 23, paragraph 73, and by the Charities Act 1993, Schedule 6, paragraph 30. There are other amendments of section 5 of the 1976 Act not relevant to this Order.
 - (5) [1977 c.42](#). Section 15(2)(b) was amended by the Charities Act 1993, Schedule 6, paragraph 30. There are other amendments of section 15(2) not relevant to this Order.
 - (6) [1988 c.50](#). Ground 6 of Schedule 2 was amended by the Local Government and Housing Act [1989 \(c.42\)](#), Schedule 11, paragraph 109, by the Charities Act 1993, Schedule 6, paragraph 30, by the Housing Act [1996 \(c.52\)](#), Schedule 19, by [S.I. 1996/2325](#), Schedule 2 paragraph 18 and by [S.I. 2010/866](#), Schedule 2, paragraphs 63 and 74. Ground 14A of Schedule 2 was inserted by the Housing Act 1996, section 149. Ground 14A of Schedule 2 was amended by the Civil Partnership Act [2004 \(c.33\)](#), Schedule 8, paragraph 43 and by [S.I. 2010/866](#), Schedule 2, paragraph 63.
 - (7) [1990 c.43](#). Schedule 3A was inserted by the Clean Neighbourhoods and Environment Act [2005 \(c.16\)](#), section 23(2).
 - (8) [1992 c.13](#). Section 33M was inserted by the Apprenticeships, Skills, Children and Learning Act [2009 \(c.22\)](#), Schedule 8, paragraphs 1 and 3.
 - (9) [1993 c.28](#). Section 5(2) was amended by the Housing Act 1996, Schedule 9, paragraph 3(2), and by the Common and Leasehold Reform Act [2002 \(c.15\)](#), Schedule 14.
 - (10) [1996 c.52](#). Section 158(1) was amended by the Anti-social Behaviour Act [2003 \(c.38\)](#), section 13(7).
 - (11) [1968 c.55](#). Section 4A was inserted by [S.I. 1996/1738](#), article 8. There are amendments of section 4A not relevant to this Order. The 1968 Act is prospectively re-named by the Co-operative and Community Benefit Societies and Credit Unions Act 2010, section 2.

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(b) section 32A(6) of the Friendly Societies Act 1974⁽¹²⁾,
for “within the meaning of the Charities Act 1993,” substitute “as defined by section 1(1) of the Charities Act 2006,”.

39. In section 4(13) of the Redundant Churches and other Religious Buildings Act 1969⁽¹³⁾—

(a) omit the words following the definition of “prescribed charity”;

(b) before the definition of “the Commission” insert—

““charity” has the meaning given by section 96 of the Charities Act 1993⁽¹⁴⁾”; and

(c) after the definition of “the Commission” insert—

““the court” has the same meaning as in the Charities Act 1993;”.

40.—(1) In the provisions listed in sub-paragraph (2), omit the definition of “charity”.

(2) The provisions are—

(a) section 622(1) of the Housing Act 1985⁽¹⁵⁾;

(b) section 169(9) of the Local Government and Housing Act 1989⁽¹⁶⁾;

(c) section 58(1) of the Charities Act 1992⁽¹⁷⁾;

(d) section 23A(10) of, and paragraph 8A(6) of Schedule 22 to, the School Standards and Framework Act 1998⁽¹⁸⁾.

41. Omit section 38 of the Housing Associations Act 1985⁽¹⁹⁾.

42. In section 60(1) of the Landlord and Tenant Act 1987⁽²⁰⁾, omit ““charity” means a charity within the meaning of the Charities Act 1993, and”.

43. In—

(a) section 125A of the Education Reform Act 1988⁽²¹⁾, and

(b) section 22A of the Further and Higher Education Act 1992⁽²²⁾,

omit “within the meaning of the Charities Act 1993” and for “Schedule 2 to that Act” substitute “Schedule 2 to the Charities Act 1993⁽²³⁾”.

44. In—

⁽¹²⁾ 1974 c.46. Section 32A was inserted by [S.I. 1996/1738](#), article 10. There are amendments of section 32A not relevant to this Order.

⁽¹³⁾ 1969 c.22. Section 4 was substituted by the Charities Act 1992 (c.41), Schedule 5, paragraph 1. Section 4(13) was amended by the Charities Act 1993, Schedule 6, paragraph 10.

⁽¹⁴⁾ Section 96, so far as relating to the meaning of charity, was amended by the Charities Act 2006, Schedule 8, paragraphs 96 and 173 and by the Church of England (Miscellaneous Provisions) Measure 2000 (No. 1), section 11.

⁽¹⁵⁾ 1985 c.68. The definition of “charity” in section 622(1) was amended by the Charities Act 1993, Schedule 6, paragraph 30. There are other amendments of section 622(1) not relevant to this Order.

⁽¹⁶⁾ There are amendments of section 169 not relevant to this Order.

⁽¹⁷⁾ The definition of “charity” in section 58(1) was amended by the Charities Act 1993, Schedule 6, paragraph 29(5). There are other amendments of section 58(1) not relevant to this Order.

⁽¹⁸⁾ 1998 c.31. Section 23A was inserted by the Education and Inspections Act 2006 (c.40), section 33. Paragraph 8A of Schedule 22 was inserted by the Education and Inspections Act 2006, Schedule 4, paragraph 13. There are amendments of section 23A(10) and paragraph 8A not relevant to this Order.

⁽¹⁹⁾ 1985 c.69. Section 38 was amended by the Charities Act 1993, Schedule 6, paragraph 21 and by [S.I. 1996/2325](#), Schedule 1. Section 38 was repealed, in relation to Scotland, by the Housing (Scotland) Act 2001 (asp.10), Schedule 10, paragraph 11.

⁽²⁰⁾ 1987 c.31. The definition of “charity” in section 60(1) was amended by the Charities Act 1993, Schedule 6, paragraph 30. There are other amendments of section 60 not relevant to this Order.

⁽²¹⁾ 1988 c.40. Section 125A was substituted, for section 125A as inserted by the Teaching and Higher Education Act 1998 (c.30), section 41, by the Charities Act 2006, Schedule 8, paragraph 85. Section 125A, as substituted, was amended by [S.I. 2010/500](#), Schedule 1, paragraph 3.

⁽²²⁾ Section 22A was substituted, for section 22A as inserted by the Teaching and Higher Education Act 1998 (c.30), section 41, by the Charities Act 2006, Schedule 8, paragraph 88.

⁽²³⁾ There are amendments to Schedule 2 not relevant to this Order.

(a) section 128(5) of the Education Reform Act 1988**(24)**, and

(b) sections 27(5) and 33N(10) of the Further and Higher Education Act 1992**(25)**,

for ““charity” and “charitable purposes” have the same meanings” substitute ““charitable purposes” has the same meaning”.

45. In section 58(1)(a) of the Housing Act 1996**(26)**, for ““charity” and “trusts”, in relation to a charity, have” substitute ““trusts”, in relation to a charity, has” and in section 64 of that Act omit the entry relating to “charity”.

46.—(1) In section 23(4)(a) of the School Standards and Framework Act 1998, for ““charity” and “institution” have” substitute ““institution” has”.

(2) In Schedule 1 to that Act**(27)**, in paragraph 10, for “within the meaning of the Charities Act 1993, and is an institution to which section 3A(4)(b) of that Act” substitute “and is an institution to which section 3A(4)(b) of the Charities Act 1993”.

47. In section 63(1) of the Companies (Audit, Investigations and Community Enterprise) Act 2004**(28)**, in the definition of “English charity”, for “within the meaning of the Charities Act 1993 (see section 96 of that Act)” substitute “as defined by section 1(1) of the Charities Act 2006”.

48. In—

(a) section 42(1) of the Criminal Justice and Court Services Act 2000**(29)**, and

(b) paragraphs 4(7) and 8(6) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006**(30)**,

for ““charity” and “charity trustee” have the same meanings” substitute ““charity trustee” has the same meaning”.

(24) Section 128(5) was amended by the Charities Act 1993, Schedule 6, paragraph 30.

(25) Section 27(5) was amended by the Further Education and Training Act 2007 (c.25), Schedule 1, paragraph 8. Section 33N was inserted by the Apprenticeships, Skills, Children and Learning Act 2009, Schedule 8, paragraphs 1 and 3. There are amendments of section 33N not relevant to this Order.

(26) 1996 c.52. Section 58(1) was amended by the Charities Act 2006, Schedule 8, paragraphs 183 and 191.

(27) Paragraph 10 of Schedule 1 was amended by the Charities Act 2006, Schedule 8, paragraphs 193 and 195.

(28) 2004 c.27. The definition of “charity” in section 63(1) was substituted for the definition, as originally enacted, by S.I. 2007/1093, Schedule 4, paragraph 24(3). The definition of “English charity” in section 63(1) was inserted by S.I. 2007/1093, Schedule 4, paragraph 24(4).

(29) 2000 c.43. There are amendments of section 42 not relevant to this Order.

(30) 2006 c.47. Schedule 4, paragraph 4(7) was amended by S.I. 2009/2610, article 26 and by S.I. 2010/1154, articles 2 and 5.