



2013 CHAPTER 3

Amendments of 2008 Act

Gifts for mixed purposes

2. After section 29 of the 2008 Act (cy-près schemes) there shall be inserted the following section—

“29A Gifts for mixed purposes

(1) This section applies where property is given for purposes so described that, consistently with the terms of the gift, the property could all be used for charitable purposes but could equally well be used wholly or partly for purposes which are not charitable.

(2) If, but for this section, the gift would be invalid, the gift shall have effect as a gift for such charitable purposes as may be determined by a scheme made by the Court or the Commission.

(3) Where the terms of a gift and the surrounding circumstances appear to the Court or the Commission to show a predominant intention on the part of the donor to further a particular charitable purpose, the Court or the Commission shall, in making a scheme under subsection (2), have regard, so far as practicable, to that intention.

(4) Where—

- (a) property is disposed of by way of successive gifts so that a gift is dependent upon a prior gift; and
- (b) the prior gift has been made the subject of a scheme under this section,

any gift dependent upon the prior gift shall have the like effect as it would have had if the prior gift had at all times been for the purposes determined by that scheme.”.