



# Charities Act 1993

## CHAPTER 10

### CHARITIES ACT 1993

#### PART I

##### THE CHARITY COMMISSIONERS AND THE OFFICIAL CUSTODIAN FOR CHARITIES

- 1 The Charity Commissioners.
- 2 The official custodian for charities.

#### PART II

##### REGISTRATION AND NAMES OF CHARITIES

###### *Registration of charities*

- 3 The register of charities.
- 4 Effect of, and claims and objections to, registration.
- 5 Status of registered charity (other than small charity) to appear on official publications etc.

###### *Charity names*

- 6 Power of Commissioners to require charity's name to be changed.
- 7 Effect of direction under s. 6 where charity is a company.

#### PART III

##### COMMISSIONERS' INFORMATION POWERS

- 8 General power to institute inquiries.
- 9 Power to call for documents and search records.
- 10 Disclosure of information to Commission
- 10A Disclosure of information by Commission

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- 10B Disclosure to and by principal regulators of exempt charities
- 10C Disclosure of information: supplementary
  - 11 Supply of false or misleading information to Commissioners, etc.
  - 12 Commissioners' Information Powers

#### PART IV

##### APPLICATION OF PROPERTY CY-PRÈS AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND COMMISSIONERS

###### *Extended powers of court and variation of charters*

- 13 Occasions for applying property cy-près.
- 14 Application cy-près of gifts of donors unknown or disclaiming.
- 15 Charities governed by charter, or by or under statute.

###### *Powers of Commissioners to make schemes and act for protection of charities etc.*

- 16 Concurrent jurisdiction with High Court for certain purposes.
- 17 Further powers to make schemes or alter application of charitable property.
- 18 Power to act for protection of charities.
- 19 Supplementary provisions relating to receiver and manager appointed for a charity.
- 20 Publicity for proceedings under ss. 16 to 18.

###### *Property vested in official custodian*

- 21 Entrusting charity property to official custodian, and termination of trust.
- 22 Supplementary provisions as to property vested in official custodian.
- 23 Divestment in the case of land subject to Reverter of Sites Act 1987.

###### *Establishment of common investment or deposit funds*

- 24 Schemes to establish common investment funds.
- 25 Schemes to establish common deposit funds.

###### *Additional powers of Commissioners*

- 26 Power to authorise dealings with charity property etc.
- 27 Power to authorise ex gratia payments etc.
- 28 Power to give directions about dormant bank accounts of charities.
- 29 Power to advise charity trustees.
- 30 Powers for preservation of charity documents.
- 31 Power to order taxation of solicitor's bill.

###### *Legal proceedings relating to charities*

- 32 Proceedings by Commissioners.
- 33 Proceedings by other persons.
- 34 Report of s. 8 inquiry to be evidence in certain proceedings.

###### *Meaning of "trust corporation"*

- 35 Application of provisions to trust corporations appointed under s. 16 or 18.

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## **PART V**

### CHARITY LAND

- 36 Restrictions on dispositions.
- 37 Supplementary provisions relating to dispositions.
- 38 Restrictions on mortgaging.
- 39 Supplementary provisions relating to mortgaging.
- 40 Release of charity rentcharges.

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- 41 Duty to keep accounting records.
- 42 Annual statements of accounts.
- 43 Annual audit or examination of charity accounts.
- 43A Annual audit or examination of English National Health Service charity accounts
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- 44 Supplementary provisions relating to audits etc.
- 45 Annual reports.
- 46 Special provision as respects accounts and annual reports of exempt and other excepted charities.
- 47 Public inspection of annual reports etc.
- 48 Annual returns by registered charities.
- 49 Offences.

## **PART VII**

### INCORPORATION OF CHARITY TRUSTEES

- 50 Incorporation of trustees of a charity.
- 51 Estate to vest in body corporate.
- 52 Applications for incorporation.
- 53 Nomination of trustees, and filling up vacancies.
- 54 Liability of trustees and others, notwithstanding incorporation.
- 55 Certificate to be evidence of compliance with requirements for incorporation.
- 56 Power of Commissioners to amend certificate of incorporation.
- 57 Records of applications and certificates.
- 58 Enforcement of orders and directions.
- 59 Gifts to charity before incorporation to have same effect afterwards.
- 60 Execution of documents by incorporated body.
- 61 Power of Commissioners to dissolve incorporated body.
- 62 Interpretation of Part VII.

## **PART VIII**

### CHARITABLE COMPANIES

- 63 Winding up.
- 64 Alteration of objects clause.
- 65 Invalidity of certain transactions.
- 66 Requirement of consent of Commissioners to certain acts.

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- 67 Name to appear on correspondence etc.
- 68 Status to appear on correspondence etc.
- 69 Investigation of accounts.

## PART IX

### MISCELLANEOUS

#### *Powers of investment*

- 70 Relaxation of restrictions on wider-range investments.
- 71 Extension of powers of investment.

#### *Disqualification for acting as charity trustee*

- 72 Persons disqualified for being trustees of a charity.
- 73 Person acting as charity trustee while disqualified.

#### *Small charities*

- 74 Power to transfer all property, modify objects etc.
- 75 Power to spend capital.

#### *Local charities*

- 76 Local authority's index of local charities.
- 77 Reviews of local charities by local authority.
- 78 Co-operation between charities, and between charities and local authorities.
- 79 Parochial charities.

#### *Scottish charities*

- 80 Supervision by Commissioners of certain Scottish charities.

#### *Administrative provisions about charities*

- 81 Manner of giving notice of charity meetings, etc.
- 82 Manner of executing instruments.
- 83 Transfer and evidence of title to property vested in trustees.

## PART X

### SUPPLEMENTARY

- 84 Supply by Commissioners of copies of documents open to public inspection.
- 85 Fees and other amounts payable to Commissioners.
- 86 Regulations and orders.
- 87 Enforcement of requirements by order of Commissioners.
- 88 Enforcement of orders of Commissioners.
- 89 Other provisions as to orders of Commissioners.
- 90 Directions of the Commissioners.
- 91 Service of orders and directions.
- 92 Appeals from Commissioners.
- 93 Miscellaneous provisions as to evidence.
- 94 Restriction on institution of proceedings for certain offences.
- 95 Offences by bodies corporate.

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- 96 Construction of references to a “charity” or to particular classes of charity.
- 97 General interpretation.
- 98 Consequential amendments and repeals.
- 99 Commencement and transitional provisions.
- 100 Short title and extent.

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## SCHEDULES

### SCHEDULE 1 — Constitution etc. of Charity Commissioners

- 1 (1) There shall be a Chief Charity Commissioner and two...
- 2 (1) The chief commissioner may, with the approval of the...
- 3 (1) The Commissioners may use an official seal for the...
- 4 Legal proceedings may be instituted by or against the Commissioners...

### SCHEDULE 2 — Exempt Charities

The following institutions, so far as they are charities, are...

### SCHEDULE 3 — Enlargement of Areas of Local Charities

### SCHEDULE 4 — Court’s Jurisdiction over Certain Charities Governed by or under Statute

- 1 The court may by virtue of section 15(3) of this...
- 2 Notwithstanding anything in section 19 of the Commons Act 1876...

### SCHEDULE 5 — Meaning of “connected person” for purposes of section 36(2)

- 1 In section 36(2) of this Act “connected person”, in relation...
- 2 (1) In paragraph 1(c) above “child” includes a stepchild and...
- 3 For the purposes of paragraph 1(f) above a person controls...
- 4 (1) For the purposes of paragraph 1(g) above any such...

### SCHEDULE 6 — Consequential Amendments

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

- 1 (1) Section 9 of the Places of Worship Registration Act...

#### *The Open Spaces Act 1906 (c.25)*

- 2 At the end of section 4 of the Open Spaces...

#### *The New Parishes Measure 1943 (No. 1)*

- 3 (1) The New Parishes Measure 1943 shall be amended as...

#### *The Clergy Pensions Measure 1961 (No. 3)*

- 4 In section 33 of the Clergy Pensions Measure 1961 for...

#### *The Finance Act 1963 (c.25)*

- 5 .....

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*The Cathedrals Measure 1963 (No. 2)*

6 (1) The Cathedrals Measure 1963 shall be amended as follows....

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

7 In section 1 of the Incumbents and Churchwardens (Trusts) Measure...

*The Leasehold Reform Act 1967 (c.88)*

8 In section 23(4) of the Leasehold Reform Act 1967 for...

*The Greater London Council (General Powers) Act 1968 (c.xxxix)*

9 In section 43 of the Greater London Council(General Powers) Act...

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

10 (1) The Redundant Churches and other Religious Buildings Act 1969...

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

11 (1) The Sharing of Church Buildings Act 1969 shall be...

*The Local Government Act 1972 (c.70)*

12 (1) The Local Government Act 1972 shall be amended as...

*The Fire Precautions (Loans) Act 1973 (c.11)*

13 In section 1(7) of the Fire Precautions (Loans) Act 1973...

*The Theatres Trust Act 1976 (c.27)*

14 In section 2(2)(d) of the Theatres Trust Act 1976 for...

*The Interpretation Act 1978 (c.30)*

15 In Schedule 1 to the Interpretation Act 1978, in the...

*The Reserve Forces Act 1980 (c.9)*

16 .....

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

17 In section 6 of the Disused Burial Grounds (Amendment) Act...

*The Pastoral Measure 1983 (No. 1)*

18 (1) The Pastoral Measure 1983 shall be amended as follows....

*The Rates Act 1984 (c.33)*

19 In section 3(9) of the Rates Act 1984 for “section...

*The Companies Act 1985 (c.6)*

20 (1) The Companies Act 1985 shall be amended as follows....

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*The Housing Associations Act 1985 (c.69)*

21 (1) The Housing Associations Act 1985 shall be amended as...

*The Financial Services Act 1986 (c.60)*

22 In section 45(1)(j) of the Financial Services Act 1986 after...

*The Coal Industry Act 1987 (c.3)*

23 (1) In section 5 of the Coal Industry Act 1987...

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

24 In section 4(4) of the Reverter of Sites Act 1987...

*The Income and Corporation Taxes Act 1988 (c.1)*

25 In Schedule 20 to the Income and Corporation Taxes Act...

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

26 In Schedule 11 to the Courts and Legal Services Act...

*The London Local Authorities Act 1990 (c.vii)*

27 In section 4 of the London Local Authorities Act 1990,...

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

28 In section 4 of the London Local Authorities Act 1991,...

*The Charities Act 1992 (c.41)*

29 (1) The Charities Act 1992 shall be amended as follows....

*Other amendments*

30 In the following provisions for “the Charities Act 1960” there...

SCHEDULE 7 — Repeals

SCHEDULE 8 — Transitional Provisions

Part I — PROVISIONS APPLYING PENDING COMING INTO FORCE OF PART VI ETC.

1 Transitional Provisions

2 Transitional Provisions

Part II — PROVISIONS APPLYING PENDING COMING INTO FORCE OF “FINANCIAL YEAR” REGULATIONS

*Section 5*

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*Sections 74 and 75*

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TABLE OF —  
DERIVATIONS

Note: The following abbreviations are used in this Table— 1872...



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