Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

SCHEDULES

SCHEDULE 8

Section 75

MINOR AND CONSEQUENTIAL AMENDMENTS

Literary and Scientific Institutions Act 1854 (c. 112)

1 In section 6 of the Literary and Scientific Institutions Act 1854 (power of corporations etc. to convey land for the purposes of that Act) for "without the consent of the Charity Commissioners" substitute " 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 ".

Commencement Information

I1 Sch. 8 para. 1 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Places of Worship Registration Act 1855 (c. 81)

2 In section 9(1) of the Places of Worship Registration Act 1855 (certified places exempt from requirement to register)—

(a) for "shall be excepted under subsection (5) of section 3 of the Charities Act 1993, from registration under that section" substitute " 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 ", and

(b) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I2 Sch. 8 para. 2(a) in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

I3 Sch. 8 para. 2(b) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Bishops Trusts Substitution Act 1858 (c. 71)

3 The Bishops Trusts Substitution Act 1858 has effect subject to the following amendments.

Commencement Information

I4 Sch. 8 para. 3 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

4 In section 1 (substitution of one bishop for another as trustee)—
(a) for "Charity Commissioners" substitute " Charity Commission ", and
(b) for "them" substitute " it ".

Commencement Information
I5 Sch. 8 para. 4 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

5 In section 3 (how costs are to be defrayed) for "said Charity Commissioners" (in both places) substitute " Charity Commission ".

Commencement Information
I6 Sch. 8 para. 5 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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

6 In section 1(d) of the Places of Worship Sites Amendment Act 1882 (conveyance of lands by corporations and other public bodies) for "without the consent of the Charity Commissioners" substitute " 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 ".

Commencement Information
I7 Sch. 8 para. 6 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Municipal Corporations Act 1882 (c. 50)

7 In section 133(2) of the Municipal Corporations Act 1882 (administration of charitable trusts and vesting of legal estate) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I8 Sch. 8 para. 7 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Technical and Industrial Institutions Act 1892 (c. 29)

8 In section 9(1) of the Technical and Industrial Institutions Act 1892 (site may be sold or exchanged) for "with the consent of the Charity Commissioners" substitute " 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 ".

Commencement Information
I9 Sch. 8 para. 8 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Local Government Act 1894 (c. 73)

9 (1) In section 75(2) of the Local Government Act 1894 (construction of that Act) the definition of "ecclesiastical charity" is amended as follows.

(2) In the second paragraph (proviso)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) for "them" substitute " it ".

(3) In the third paragraph (inclusion of other buildings) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I10 Sch. 8 para. 9 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Commons Act 1899 (c. 30)

10 In section 18 of the Commons Act 1899 (power to modify provisions as to recreation grounds)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) for "their" substitute " its ".

Commencement Information

I11 Sch. 8 para. 10 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Open Spaces Act 1906 (c. 25)

11 The Open Spaces Act 1906 has effect subject to the following amendments.

Commencement Information

I12 Sch. 8 para. 11 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

12 In section 3(1) (transfer to local authority of spaces held by trustees for purposes of public recreation) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I13 Sch. 8 para. 12 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

13 (1) Section 4 (transfer by charity trustees of open space to local authority) is amended as follows.

(2) In subsection (1), for the words from "and with the sanction" to "as hereinafter provided" substitute " and in accordance with subsection (1A) ".

(3) After subsection (1) insert—

"(1A) The trustees act in accordance with this subsection if they convey or demise the open space as mentioned in subsection (1)—

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(a) with the sanction of an order of the Charity Commission or with that of an order of the court to be obtained as provided in the following provisions of this section, or

(b) in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable."

(4) In subsection (4)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) for "them" substitute " it ".

Commencement Information

I14 Sch. 8 para. 13 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

14 In section 21(1) (application to Ireland)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) for "Commissioners of Charity Donations and Bequests for Ireland" substitute " the Department for Social Development ".

Commencement Information

I15 Sch. 8 para. 14 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

PROSPECTIVE

Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31)

15 (1) Section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (regulation of street collections) is amended as follows.

(2) In subsection (1) for "the benefit of charitable or other purposes," substitute " any purposes in circumstances not involving the making of a charitable appeal, ".

(3) In paragraph (b) of the proviso to subsection (1) omit the words from " , and no representation " onwards.

(4) In subsection (4) before the definition of "street" insert—

""charitable appeal" has the same meaning as in Chapter 1 of Part 3 of the Charities Act 2006;".

National Trust Charity Scheme Confirmation Act 1919 (c. lxxxiv)

16 The National Trust Charity Scheme Confirmation Act 1919 has effect subject to the following amendments.

Commencement Information

I16 Sch. 8 para. 16 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

17 In section 1 (confirmation of the scheme) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I17 Sch. 8 para. 17 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

18 In paragraph 3 of the scheme set out in the Schedule, for "Charity Commissioners upon such application made to them for the purpose as they think" substitute " Charity Commission upon such application made to it for the purpose as it thinks ".

Commencement Information
I18 Sch. 8 para. 18 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Settled Land Act 1925 (c. 18)

19 In section 29(3) of the Settled Land Act 1925 (charitable and public trusts: saving) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I19 Sch. 8 para. 19 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Landlord and Tenant Act 1927 (c. 36)

20 In Part 2 of the Second Schedule to the Landlord and Tenant Act 1927 (application to ecclesiastical and charity land), in paragraph 2, for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I20 Sch. 8 para. 20 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)

21 The Voluntary Hospitals (Paying Patients) Act 1936 has effect subject to the following amendments.

Commencement Information
I21 Sch. 8 para. 21 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

22 In section 1 (definitions), in the definition of "Order", for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I22 Sch. 8 para. 22 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

23 (1) Section 2 (accommodation for and charges to paying patients) is amended as follows.

(2) In subsections (1), (3) and (4) for "Charity Commissioners" substitute " Charity Commission ".

(3) In subsection (4)—

(a) for "the Commissioners" (in both places) substitute " the Commission ",

(b) for "they" substitute " it ", and

(c) for "their" substitute " its ".

Commencement Information

I23 Sch. 8 para. 23 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

24 In section 3(1) (provision for patients able to make some, but not full, payment)—

(a) for "Charity Commissioners are" substitute " Charity Commission is ", and

(b) for "they" substitute " it ".

Commencement Information

I24 Sch. 8 para. 24 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

25 In section 4 (provisions for protection of existing trusts)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) in paragraphs (a), (b) and (c) for "they are" substitute " it is ".

Commencement Information

I25 Sch. 8 para. 25 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

26 (1) Section 5 (power to make rules) is amended as follows.

(2) In subsection (1)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) for "they" substitute " it ".

(3) In subsection (3)—

(a) for "Charity Commissioners" (in both places) substitute " Charity Commission ",

(b) for "they" and "them" (in each place) substitute " it ", and

(c) for "an officer" substitute " a member of staff ".

(4) In the sidenote, for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I26 Sch. 8 para. 26 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

27 In section 6(2) (savings)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) for "them" substitute " it ".

Commencement Information
I27 Sch. 8 para. 27 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Green Belt (London and Home Counties) Act 1938 (c. xciii)

28 In section 20 of the Green Belt (London and Home Counties) Act 1938 (lands held on charitable trusts) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I28 Sch. 8 para. 28 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

New Parishes Measure 1943 (No. 1)

29 The New Parishes Measure 1943 has effect subject to the following amendments.

Commencement Information
I29 Sch. 8 para. 29 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

30 In section 14(1)(b) (power of corporations etc. to give or grant land for sites of churches, etc.) for "with the sanction of an order of the Charity Commissioners" substitute—

"(i) with the sanction of an order of the Charity Commission, or

(ii) in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable;".

Commencement Information
I30 Sch. 8 para. 30 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

31 In section 31 (charitable trusts)—

(a) for "the Board of Charity Commissioners" substitute " the Charity Commission ", and

(b) for "the Charity Commissioners" substitute " the Charity Commission ".

Commencement Information
I31 Sch. 8 para. 31 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Crown Proceedings Act 1947 (c. 44)

32 In section 23(3) of the Crown Proceedings Act 1947 (proceedings with respect to which Part 2 of the Act does not apply) for "Charity Commissioners" substitute " Charity Commission ".

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Commencement Information
I32 Sch. 8 para. 32 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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

33 (1) Section 6 of the London County Council (General Powers) Act 1947 (saving for certain trusts) is amended as follows.

(2) In subsection (2)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) at the end add " ; but this is subject to subsection (3) ".

(3) After subsection (2) add—

"(3) In relation to any disposition of land falling within section 36(1) of the Charities Act 1993, 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 section 36(2) to (8) of that Act as are applicable."

Commencement Information
I33 Sch. 8 para. 33 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

London County Council (General Powers) Act 1951 (c. xli)

34 In section 33(6) of the London County Council (General Powers) Act 1951 (improvement of roadside amenities: saving for certain land) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I34 Sch. 8 para. 34 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

City of London (Various Powers) Act 1952 (c. vi)

35 In section 4(6) of the City of London (Various Powers) Act 1952 (improvement of amenities) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I35 Sch. 8 para. 35 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

City of London (Guild Churches) Act 1952 (c. xxxviii)

36 In section 35 of the City of London (Guild Churches) Act 1952 (saving of rights of certain persons) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I36 Sch. 8 para. 36 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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

37 (1) Section 34 of the London County Council (General Powers) Act 1955 (powers as to erection of buildings: saving for certain land and buildings) is amended as follows.

(2) In subsection (2)—

(a) for "Charity Commissioners" substitute " Charity Commission ", and

(b) at the end add " ; but this is subject to subsection (3) ".

(3) After subsection (2) add—

"(3) In relation to any disposition of land falling within section 36(1) of the Charities Act 1993, 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 section 36(2) to (8) of that Act as are applicable."

Commencement Information
I37 Sch. 8 para. 37 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Parochial Church Councils (Powers) Measure 1956 (No. 3)

38 In section 6(5) of the Parochial Church Councils (Powers) Measure 1956 (consents required for transactions relating to certain property) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I38 Sch. 8 para. 38 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Recreational Charities Act 1958 (c. 17)

39 In section 6 of the Recreational Charities Act 1958 (short title and extent) for subsection (2) substitute—

"(2) Section 1 of this Act, as amended by section 5 of the Charities Act 2006, has the same effect in relation to the law of Scotland or Northern Ireland as section 5 of that Act has by virtue of section 80(3) to (6) of that Act.

(3) Sections 1 and 2 of this Act, as in force before the commencement of section 5 of that Act, continue to have effect in relation to the law of Scotland or 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 of the kind mentioned in section 80(4) or (6) of that Act."

Commencement Information

I39 Sch. 8 para. 39 in force at 1.4.2008 by S.I. 2008/945, art. 2, **Sch. 1** (with arts. 4, 5)

PROSPECTIVE

Church Funds Investment Measure 1958 (No. 1)

40 Section 5 of the Church Funds Investment Measure 1958 (jurisdiction of Charity Commissioners) is omitted.

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

41 The Incumbents and Churchwardens (Trusts) Measure 1964 has effect subject to the following amendments.

Commencement Information

I40 Sch. 8 para. 41 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

42 In section 2(3) (property to which Measure applies) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I41 Sch. 8 para. 42 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

43 In section 3(6) (vesting of property in diocesan authority: saving) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I42 Sch. 8 para. 43 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

44 In section 5 (provisions as to property vested in the diocesan authority) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I43 Sch. 8 para. 44 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

45 (1) The Schedule (procedure where diocesan authority is of the opinion that Measure applies to an interest) is amended as follows.

(2) In paragraph 2 for "Charity Commissioners" substitute " Charity Commission ".

(3) In paragraph 3—

(a) for "Charity Commissioners" substitute " Charity Commission ",
(b) for "they think" (in both places) substitute " it thinks ", and
(c) for "the Commissioners" substitute " the Commission ".

(4) In paragraph 5—
(a) for "Charity Commissioners have" substitute " Charity Commission has ", and
(b) for "they" substitute " it ".

Commencement Information
I44 Sch. 8 para. 45 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Faculty Jurisdiction Measure 1964 (No. 5)

46 In section 4(2) of the Faculty Jurisdiction Measure 1964 (sale of books in parochial libraries under a faculty) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I45 Sch. 8 para. 46 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Industrial and Provident Societies Act 1965 (c. 12)

47 In section 7D(4) of the Industrial and Provident Societies Act 1965 (application of sections 7A and 7B to charitable societies) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I46 Sch. 8 para. 47 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Clergy Pensions (Amendment) Measure 1967 (No. 1)

48 In section 4(5) of the Clergy Pensions (Amendment) Measure 1967 (amendments of powers of Board relating to provision of residences) for "Charity Commissioners" and "said Commissioners" substitute " Charity Commission ".

Commencement Information
I47 Sch. 8 para. 48 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (c. xxix)

49 In article 11(3) of the order set out in the Schedule to the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and

Open Spaces) Act 1967 (exercise of powers under articles 7 to 10 of the order) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I48 Sch. 8 para. 49 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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

50 The Redundant Churches and other Religious Buildings Act 1969 has effect subject to the following amendments.

Commencement Information

I49 Sch. 8 para. 50 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

51 (1) Section 4 (transfer of certain redundant places of worship) is amended as follows.

(2) In subsections (6), (7) and (8) for "Charity Commissioners" substitute " Charity Commission ".

(3) In subsection (6) for "Commissioners'" substitute " Commission's ".

(4) In subsection (8) for "they have" substitute " it has ".

(5) After subsection (8) insert—

"(8A) Schedule 1C to the Charities Act 1993 shall apply in relation to an order made by virtue of subsection (8) above as it applies in relation to an order made under section 16(1) of that Act."

Commencement Information

I50 Sch. 8 para. 51(1)-(4) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I51 Sch. 8 para. 51(5) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.** (with art. 11)

52 In section 7(2) (saving) for "Charity Commissioners" (in both places) substitute " Charity Commission ".

Commencement Information

I52 Sch. 8 para. 52 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Children and Young Persons Act 1969 (c. 54)

53 In Schedule 3 to the Children and Young Persons Act 1969 (approved schools and other institutions), in paragraph 6(3), for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I53 Sch. 8 para. 53 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Synodical Government Measure 1969 (No. 2)

54 (1) Schedule 3 to the Synodical Government Measure 1969 (which sets out the Church Representation Rules) is amended as follows.

(2) In Rule 46A(a)—
(a) for "Charity Commissioners" substitute " Charity Commission ", and
(b) for "them" substitute " it ".

(3) In Section 4 of Appendix I to those Rules (which sets out certain forms), in Note 3—
(a) for "Charity Commissioners" substitute " Charity Commission ", and
(b) for "them" substitute " it ".

(4) In Section 6 of that Appendix, in the Note—
(a) for "Charity Commissioners" substitute " Charity Commission ", and
(b) for "them" substitute " it ".

(5) In Appendix II to those Rules (general provisions relating to parochial church councils), in paragraph 16, for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I54 Sch. 8 para. 54 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Local Government Act 1972 (c. 70)

55 In section 131(3) of the Local Government Act 1972 (savings in relation to charity land) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I55 Sch. 8 para. 55 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Consumer Credit Act 1974 (c. 39)

56 In section 16 of the Consumer Credit Act 1974 (exempt agreements), in the table in subsection (3A) and in subsections (8) and (9), for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I56 Sch. 8 para. 56 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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Sex Discrimination Act 1975 (c. 65)

57 In section 21A of the Sex Discrimination Act 1975 (public authorities) in paragraph 14 in the Table of Exceptions in subsection (9), for "Charity Commissioners for England and Wales" substitute " Charity Commission ".

Commencement Information
I57 Sch. 8 para. 57 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Endowments and Glebe Measure 1976 (No. 4)

58 The Endowments and Glebe Measure 1976 has effect subject to the following amendments.

Commencement Information
I58 Sch. 8 para. 58 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

59 In section 11(2) (extinguishment of certain trusts) for "the Charity Commissioners" substitute " the Charity Commission or in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable ".

Commencement Information
I59 Sch. 8 para. 59 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

60 In section 18(2) (means by which land may become diocesan) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I60 Sch. 8 para. 60 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Interpretation Act 1978 (c. 30)

61 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined) for the definition of "Charity Commissioners" substitute—

> ""Charity Commission" means the Charity Commission for England and Wales established by section 1A of the Charities Act 1993."

Commencement Information
I61 Sch. 8 para. 61 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Dioceses Measure 1978 (No. 1)

62 The Dioceses Measure 1978 has effect subject to the following amendments.

Commencement Information
I62 Sch. 8 para. 62 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

63 In section 5(1) (preparation of draft scheme: meaning of "interested parties"), in paragraph (e), for "the Charity Commissioners" substitute " the Charity Commission ".

Commencement Information
I63 Sch. 8 para. 63 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

64 In section 19(4) (schemes with respect to discharge of functions of diocesan bodies corporate, etc.) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I64 Sch. 8 para. 64 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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

65 In section 6 of the Disused Burial Grounds (Amendment) Act 1981 (saving for Charity Commission) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I65 Sch. 8 para. 65 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

PROSPECTIVE

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

66 In Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (street trading) for paragraph 1(2)(j) substitute—

"(j) conducting a public charitable collection that—

(i) is conducted in accordance with section 48 or 49 of the Charities Act 2006, or

(ii) is an exempt collection by virtue of section 50 of that Act."

Administration of Justice Act 1982 (c. 53)

67 In section 41(1) of the Administration of Justice Act 1982 (transfer of funds in court to official custodian for charities and Church Commissioners) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I66 Sch. 8 para. 67 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Pastoral Measure 1983 (No. 1)

68 The Pastoral Measure 1983 has effect subject to the following amendments.

Commencement Information
I67 Sch. 8 para. 68 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

69 In section 55(1) (schemes under the Charities Act 1993 for redundant chapels belonging to charities) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I68 Sch. 8 para. 69 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

70 In section 63(4) (trusts for the repair etc. of redundant buildings and contents) for "the Charity Commissioners given under the hand of an Assistant Commissioner" substitute " the Charity Commission ".

Commencement Information
I69 Sch. 8 para. 70 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

71 In section 76(1) (grant of land for new churches etc. and vesting of certain churches) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I70 Sch. 8 para. 71 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

72 In Schedule 3, in paragraph 11(1), (2), (6) and (7), for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I71 Sch. 8 para. 72 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

PROSPECTIVE

Rates Act 1984 (c. 33)

[F1]73 . . . . . .

Textual Amendments

F1 Sch. 8 para. 73 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

Companies Act 1985 (c. 6)

74 The Companies Act 1985 has effect subject to the following amendments.

Commencement Information

I72 Sch. 8 para. 74 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

PROSPECTIVE

[F2]75 . . . . . .

Textual Amendments

F2 Sch. 8 para. 75 repealed (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 2** (with art. 10)

76 In Schedule 15D (permitted disclosures of information), in paragraph 21, for "Charity Commissioners to exercise their" substitute " Charity Commission to exercise its ".

Commencement Information

I73 Sch. 8 para. 76 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Housing Act 1985 (c. 68)

77 (1) Section 6A of the Housing Act 1985 (definition of "Relevant Authority") is amended as follows.

(2) In subsection (2) for "Charity Commissioners" substitute " Charity Commission ".

(3) In subsection (5)—

(a) for "under section 3" substitute " in accordance with section 3A ", and

(b) omit the words from " and is not " onwards.

Commencement Information

I74 Sch. 8 para. 77(1)(2) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I75 Sch. 8 para. 77(3) in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

Housing Associations Act 1985 (c. 69)

78 In section 10(1) of the Housing Associations Act 1985 (dispositions excepted from section 9 of that Act) for "Charity Commissioners" (in both places) substitute " Charity Commission ".

Commencement Information

I76 Sch. 8 para. 78 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Agricultural Holdings Act 1986 (c. 5)

79 In section 86(4) of the Agricultural Holdings Act 1986 (power of landlord to obtain charge on holding) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I77 Sch. 8 para. 79 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Coal Industry Act 1987 (c. 3)

80 (1) Section 5 of the Coal Industry Act 1987 (coal industry trusts) is amended as follows.

(2) In subsection (1)—

(a) for "Charity Commissioners" (in the first place) substitute " Charity Commission ("the Commission") ",

(b) for "to them" substitute " to the Commission ",

(c) for "Charity Commissioners" (in the second place) substitute " Commission ", and

(d) for "they consider" substitute " the Commission considers ".

(3) In subsection (2) for "Charity Commissioners consider" (in both places) substitute " Commission considers ".

(4) In subsections (4) and (6) for "Charity Commissioners" substitute " Commission ".

(5) In subsection (7)—

(a) for "Charity Commissioners" substitute " Commission ",

(b) for "their powers" substitute " its powers ",

(c) for "they consider" substitute " it considers ", and

(d) for "the Charities Act 1960" substitute " the Charities Act 1993 ".

(6) In subsection (8)—

(a) for "16(3), (9), (11) to (14)" substitute " 16(3) and (9) ",

(b) for "and 20" substitute " , 20 and 20A ",

(c) for "Charity Commissioners" substitute " Commission ",

(d) for "their powers" substitute " its powers ", and

(e) for "91 and 92" substitute " and 91 ".

(7) In subsection (8A)—

(a) for "Commissioners" (in both places) substitute " Commission ",

(b) for "they were proceeding" substitute " the Commission was proceeding ", and

(c) for "to them" substitute " to it ".

(8) After subsection (8A) insert—

"(8B) Schedule 1C to the Charities Act 1993 shall apply in relation to an order made under this section as it applies in relation to an order made under section 16(1) of that Act."

(9) In subsection (9) for "Charity Commissioners" substitute " Commission ".

(10) In subsection (10)(b) for "Charity Commissioners" substitute " Commission ".

Commencement Information

I78 Sch. 8 para. 80(1)-(5)(9)(10) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I79 Sch. 8 para. 80(6)(a)(e)(8) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.** (with art. 4)

Reverter of Sites Act 1987 (c. 15)

81 The Reverter of Sites Act 1987 has effect subject to the following amendments.

Commencement Information

I80 Sch. 8 para. 81 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

82 (1) Section 2 (Charity Commissioners' schemes) is amended as follows.

(2) In subsection (1) for "Charity Commissioners" substitute " Charity Commission ".

(3) For subsection (3) substitute—

"(3) The charitable purposes specified in an order made under this section on an application with respect to any trust shall be such as the Charity Commission consider appropriate, having regard to the matters set out in subsection (3A).

(3A) The matters are—

(a) the desirability of securing that the property is held for charitable purposes ("the new purposes") which are close to the purposes, whether charitable or not, for which the trustees held the relevant land before the cesser of use in consequence of which the trust arose ("the former purposes); and

(b) the need for the new purposes to be capable of having a significant social or economic effect.

(3B) In determining the character of the former purposes, the Commission may, if they think it appropriate to do so, give greater weight to the persons or locality benefited by those purposes than to the nature of the benefit."

(4) In subsection (5)—

(a) for "Charity Commissioners" substitute " Charity Commission ",

(b) in paragraph (c), for "Commissioners'" and "them" substitute " Commission's " and " it ", and

(c) in paragraph (d), for "Commissioners have" substitute " Commission has ".

(5) In subsection (7) for "Charity Commissioners" substitute " Charity Commission ".

(6) In subsection (8)—

(a) for "Commissioners'" substitute " Commission's ",

(b) for "they think" substitute " it thinks ", and

(c) for "Commissioners decide" substitute " Commission decides ".

(7) In the sidenote, for "Charity Commissioners'" substitute " Charity Commission's ".

Commencement Information

I81 Sch. 8 para. 82(1)(2)(4)-(7) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I82 Sch. 8 para. 82(3) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.** (with art. 12)

83 (1) Section 4 (provisions supplemental to sections 2 and 3) is amended as follows.

(2) In subsection (1)—

(a) for "Charity Commissioners think" substitute " Charity Commission thinks ";

(b) for "Commissioners'" substitute " Commission's "; and

(c) for "the Commissioners think" substitute " the Commission thinks ".

(3) For subsections (2) and (3) substitute—

"(2) Schedule 1C to the Charities Act 1993 shall apply in relation to an order made under section 2 above as it applies in relation to an order made under section 16(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) In subsection (4)—

(a) for "Sections 89, 91 and 92" substitute " Sections 89 and 91 ", and

(b) omit " and appeals " and (in both places) " , and to appeals against, ".

Commencement Information

I83 Sch. 8 para. 83(1)(2) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I84 Sch. 8 para. 83(3)(4) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.** (with art. 4)

84 In section 5(3) (orders under section 554 of the Education Act 1996)—

(a) for "Charity Commissioners" (in both places) substitute " Charity Commission ";

(b) for "the Commissioners" substitute " the Commission "; and

(c) for "them" substitute " it ".

Commencement Information

I85 Sch. 8 para. 84 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Education Reform Act 1988 (c. 40)

85 For section 125A of the Education Reform Act 1988 substitute—

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

A higher education corporation shall be a charity within the meaning of the Charities Act 1993 (and in accordance with Schedule 2 to that Act is an exempt charity for the purposes of that Act)."

Commencement Information

I86 Sch. 8 para. 85 in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

Courts and Legal Services Act 1990 (c. 41)

86 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc. barred from legal practice) for the entry beginning "Charity Commissioner" substitute " Member of the Charity Commission appointed as provided in Schedule 1A to the Charities Act 1993 ".

Commencement Information

I87 Sch. 8 para. 86 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

London Local Authorities Act 1991 (c. xiii)

87 In section 4 of the London Local Authorities Act 1991 (interpretation of Part 2), in paragraph (d) of the definition of "establishment for special treatment", for the words from "under section 3" to "that section" substitute " 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) ".

Commencement Information

I88 Sch. 8 para. 87 in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

Further and Higher Education Act 1992 (c. 13)

88 For section 22A of the Further and Higher Education Act 1992 substitute—

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

A further education corporation shall be a charity within the meaning of the Charities Act 1993 (and in accordance with Schedule 2 to that Act is an exempt charity for the purposes of that Act)."

Commencement Information

I89 Sch. 8 para. 88 in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

Charities Act 1992 (c. 41)

89 The 1992 Act has effect subject to the following amendments.

Commencement Information

I90 Sch. 8 para. 89 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

90 (1) Section 58 (interpretation of Part 2) is amended as follows.

(2) In subsection (1) after the definition of "institution" insert—

""the Minister" means the Minister for the Cabinet Office;".

(3) In subsection (2)—

(a) in paragraph (c) for "to be treated as a promoter of such a collection by virtue of section 65(3)" substitute " a promoter of such a collection as defined in section 47(1) of the Charities Act 2006 ", and

(b) for "Part III of this Act" substitute " Chapter 1 of Part 3 of the Charities Act 2006 ".

(4) In subsection (4) for "whether or not the purposes are charitable within the meaning of any rule of law" substitute " as defined by section 2(1) of the Charities Act 2006 ".

Commencement Information

I91 Sch. 8 para. 90 partly in force; Sch. 8 para. 90(2) in force at Royal Assent, see s. 79(1)(g)

I92 Sch. 8 para. 90(1)(3) in force at 1.4.2008 by S.I. 2007/3286, art. 3, **Sch. 2** (with art. 4)

I93 Sch. 8 para. 90(4) in force at 1.4.2008 by S.I. 2008/945, art. 2, **Sch. 1** (with arts. 4, 5)

91 Omit Part 3 (public charitable collections).

Commencement Information
I94 Sch. 8 para. 91 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

92 In section 76(1) (service of documents) omit paragraph " (c) " and the " and " preceding it.

Commencement Information
I95 Sch. 8 para. 92 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

93 (1) Section 77 (regulations and orders) is amended as follows.

(2) In subsection (1)(b) for "subsection (2)" substitute " subsections (2) and (2A) ".

(3) After subsection (2) insert—

"(2A) Subsection (1)(b) does not apply to regulations under section 64A, and no such regulations may be made unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament."

(4) In subsection (4)—
(a) after "64" insert " or 64A "; and
(b) omit " or 73 ".

Commencement Information
I96 Sch. 8 para. 93 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

PROSPECTIVE

94 In section 79 (short title, commencement and extent) omit—
(a) in subsection (6), the words " (subject to subsection (7)) ", and
(b) subsection (7).

PROSPECTIVE

95 In Schedule 7 (repeals) omit the entry relating to the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 (c. 31).

Charities Act 1993 (c. 10)

96 The 1993 Act has effect subject to the following amendments.

Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

Commencement Information
I97 Sch. 8 para. 96 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

97 In the heading for Part 1, for "CHARITY COMMISSIONERS" substitute " CHARITY COMMISSION ".

Commencement Information
I98 Sch. 8 para. 97 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

98 (1) Section 2 (official custodian for charities) is amended as follows.

(2) For subsection (2) substitute—

"(2) Such individual as the Commission may from time to time designate shall be the official custodian."

(3) In subsection (3), for "Commissioners" (in both places) substitute " Commission ".

(4) In subsection (4)—

(a) for "officer of the Commissioners" substitute " member of the staff of the Commission ", and

(b) for "by them" substitute " by it ".

(5) In subsection (7) omit the words from " , and the report " onwards.

(6) After subsection (7) add—

"(8) The Comptroller and Auditor General shall send to the Commission a copy of the accounts as certified by him together with his report on them.

(9) The Commission shall publish and lay before Parliament a copy of the documents sent to it under subsection (8) above."

Commencement Information
I99 Sch. 8 para. 98 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 4)

99 (1) Section 4 (claims and objections to registration) is amended as follows.

(2) In subsection (2)—

(a) for "the Commissioners" substitute " the Commission ", and

(b) for "to them" substitute " to the Commission ".

(3) Omit subsection (3).

(4) In subsection (4)—

(a) for "High Court" substitute " Tribunal ",

(b) for "the Commissioners" (in the first and third places) substitute " the Commission ", and

(c) for "the Commissioners are" substitute " the Commission is ".

(5) In subsection (5)—

(a) for "subsection (3) above" substitute " Schedule 1C to this Act ",
(b) for "the Commissioners" (in both places) substitute " the Commission ", and
(c) omit " , whether given on such an appeal or not ".

Commencement Information
I100 Sch. 8 para. 99(1)(2)(4)(b)(c)(5)(b) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**
I101 Sch. 8 para. 99(3)(4)(a)(5)(a)(5)(c) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.** (with art. 4)

100 (1) Section 6 (power to require charity's name to be changed) is amended as follows.

(2) For "Commissioners" (in each place including the sidenote) substitute " Commission ".

(3) In subsection (5) for "section 3(7)(b) above" substitute " section 3B(3) ".

Commencement Information
I102 Sch. 8 para. 100(1)(2) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**
I103 Sch. 8 para. 100(3) in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

101 For the heading for Part 3 substitute " INFORMATION POWERS ".

Commencement Information
I104 Sch. 8 para. 101 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

102 (1) Section 8 (power to institute inquiries) is amended as follows.

(2) In subsection (1) for "The Commissioners" substitute " The Commission ".

(3) In subsection (2)—
(a) for "The Commissioners" substitute " The Commission ",
(b) for "themselves" substitute " itself ", and
(c) for "to them" substitute " to the Commission ".

(4) In subsection (3) for "the Commissioners, or a person appointed by them" substitute " the Commission, or a person appointed by the Commission ".

(5) In subsection (5) for "The Commissioners" substitute " The Commission ".

(6) In subsection (6)—
(a) for "the Commissioners" substitute " the Commission ",
(b) for "they think" substitute " the Commission thinks ",
(c) for "their opinion" substitute " the Commission's opinion ", and
(d) for "to them" substitute " to the Commission ".

(7) In subsection (7) for "the Commissioners" substitute " the Commission ".

Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

Commencement Information
I105 Sch. 8 para. 102 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

103 (1) Section 9 (power to call for documents and search records) is amended as follows.

(2) In subsection (1)—
(a) for "The Commissioners" substitute " The Commission ",
(b) for "furnish them" (in both places) substitute " furnish the Commission ",
(c) for "their functions" (in both places) substitute " the Commission's functions ", and
(d) for "them for their" substitute " the Commission for its ".

(3) In subsection (2)—
(a) for "officer of the Commissioners, if so authorised by them" substitute " member of the staff of the Commission, if so authorised by it ", and
(b) for "the Commissioners" (in the second place) substitute " the Commission ".

(4) In subsection (3)—
(a) for "The Commissioners" substitute " The Commission ",
(b) for "to them" (in the first place) substitute " to it ",
(c) for "to them" (in the second place) substitute " to the Commission ",
(d) for "their inspection" substitute " it to inspect ", and
(e) for "the Commissioners" substitute " the Commission ".

(5) After subsection (5) add—

"(6) In subsection (2) the reference to a member of the staff of the Commission includes the official custodian even if he is not a member of the staff of the Commission."

Commencement Information
I106 Sch. 8 para. 103 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

104 For section 10 substitute—

"**10 Disclosure of information to Commission**

(1) Any relevant public authority may disclose information to the Commission if the disclosure is made for the purpose of enabling or assisting the Commission to discharge any of its functions.

(2) But Revenue and Customs information may be disclosed under subsection (1) only if it relates to an institution, undertaking or body falling within one (or more) of the following paragraphs—
(a) a charity;
(b) an institution which is established for charitable, benevolent or philanthropic purposes;

(c) an institution by or in respect of which a claim for exemption has at any time been made under section 505(1) of the Income and Corporation Taxes Act 1988;

(d) a subsidiary undertaking of a charity;

(e) a body entered in the Scottish Charity Register which is managed or controlled wholly or mainly in or from England or Wales.

(3) In subsection (2)(d) above "subsidiary undertaking of a charity" means an undertaking (as defined by section 259(1) of the Companies Act 1985) in relation to which—

(a) a charity is (or is to be treated as) a parent undertaking in accordance with the provisions of section 258 of, and Schedule 10A to, the Companies Act 1985, or

(b) two or more charities would, if they were a single charity, be (or be treated as) a parent undertaking in accordance with those provisions.

(4) For the purposes of the references to a parent undertaking—

(a) in subsection (3) above, and

(b) in section 258 of, and Schedule 10A to, the Companies Act 1985 as they apply for the purposes of that subsection,

"undertaking" includes a charity which is not an undertaking as defined by section 259(1) of that Act.

10A Disclosure of information by Commission

(1) Subject to subsections (2) and (3) below, the Commission may disclose to any relevant public authority any information received by the Commission in connection with any of the Commission's functions—

(a) if the disclosure is made for the purpose of enabling or assisting the relevant public authority to discharge any of its functions, or

(b) if the information so disclosed is otherwise relevant to the discharge of any of the functions of the relevant public authority.

(2) In the case of information disclosed to the Commission under section 10(1) above, the Commission's power to disclose the information under subsection (1) above is exercisable subject to any express restriction subject to which the information was disclosed to the Commission.

(3) Subsection (2) above does not apply in relation to Revenue and Customs information disclosed to the Commission under section 10(1) above; but any such information may not be further disclosed (whether under subsection (1) above or otherwise) except with the consent of the Commissioners for Her Majesty's Revenue and Customs.

(4) Any responsible person who discloses information in contravention of subsection (3) above is guilty of an offence and liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.

Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

(5) It is a defence for a responsible person charged with an offence under subsection (4) above of disclosing information to prove that he reasonably believed—

(a) that the disclosure was lawful, or

(b) that the information had already and lawfully been made available to the public.

(6) In the application of this section to Scotland or Northern Ireland, the reference to 12 months in subsection (4) is to be read as a reference to 6 months.

(7) In this section "responsible person" means a person who is or was—

(a) a member of the Commission,

(b) a member of the staff of the Commission,

(c) a person acting on behalf of the Commission or a member of the staff of the Commission, or

(d) a member of a committee established by the Commission.

10B Disclosure to and by principal regulators of exempt charities

(1) Sections 10 and 10A above apply with the modifications in subsections (2) to (4) below in relation to the disclosure of information to or by the principal regulator of an exempt charity.

(2) References in those sections to the Commission or to any of its functions are to be read as references to the principal regulator of an exempt charity or to any of the functions of that body or person as principal regulator in relation to the charity.

(3) Section 10 above has effect as if for subsections (2) and (3) there were substituted—

"(2) But Revenue and Customs information may be disclosed under subsection (1) only if it relates to—

(a) the exempt charity in relation to which the principal regulator has functions as such, or

(b) a subsidiary undertaking of the exempt charity.

(3) In subsection (2)(b) above "subsidiary undertaking of the exempt charity" means an undertaking (as defined by section 259(1) of the Companies Act 1985) in relation to which—

(a) the exempt charity is (or is to be treated as) a parent undertaking in accordance with the provisions of section 258 of, and Schedule 10A to, the Companies Act 1985, or

(b) the exempt charity and one or more other charities would, if they were a single charity, be (or be treated as) a parent undertaking in accordance with those provisions."

(4) Section 10A above has effect as if for the definition of "responsible person" in subsection (7) there were substituted a definition specified by regulations under section 13(4)(b) of the Charities Act 2006 (regulations prescribing principal regulators).

(5) Regulations under section 13(4)(b) of that Act may also make such amendments or other modifications of any enactment as the Secretary of State considers appropriate for securing that any disclosure provisions that would otherwise apply in relation to the principal regulator of an exempt charity do not apply in relation to that body or person in its or his capacity as principal regulator.

(6) In subsection (5) above "disclosure provisions" means provisions having effect for authorising, or otherwise in connection with, the disclosure of information by or to the principal regulator concerned.

10C Disclosure of information: supplementary

(1) In sections 10 and 10A above "relevant public authority" means—

(a) any government department (including a Northern Ireland department),

(b) any local authority,

(c) any constable, and

(d) any other body or person discharging functions of a public nature (including a body or person discharging regulatory functions in relation to any description of activities).

(2) In section 10A above "relevant public authority" also includes any body or person within subsection (1)(d) above in a country or territory outside the United Kingdom.

(3) In sections 10 to 10B above and this section—

"enactment" has the same meaning as in the Charities Act 2006;

"Revenue and Customs information" means information held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005.

(4) Nothing in sections 10 and 10A above (or in those sections as applied by section 10B(1) to (4) above) authorises the making of a disclosure which—

(a) contravenes the Data Protection Act 1998, or

(b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000."

Commencement Information

I107 Sch. 8 para. 104 partly in force; Sch. 8 para. 104 in force at Royal Assent for certain purposes, see s. 79(1)(g)

I108 Sch. 8 para. 104 in force at 27.2.2007 for specified purposes by S.I. 2007/309, art. 2, **Sch.** (with art. 5)

105 (1) Section 11 (supply of false or misleading information) is amended as follows.

(2) For "Commissioners" (in each place including the sidenote) substitute " Commission ".

(3) In subsection (1)(b) for "their functions" substitute " its functions ".

Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

Commencement Information
I109 Sch. 8 para. 105 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

106 In the heading for Part 4 for "AND COMMISSIONERS" substitute " AND COMMISSION ".

Commencement Information
I110 Sch. 8 para. 106 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

107 (1) Section 14 (application cy-près of gifts of donors unknown or disclaiming) is amended as follows.

(2) In subsection (6) for "the Commissioners so direct" substitute " the Commission so directs ".

(3) In subsection (8) for "the Commissioners" substitute " the Commission ".

(4) In subsection (9)—

(a) for "the Commissioners" (in both places) substitute " the Commission ", and

(b) for "they think fit" substitute " it thinks fit ".

Commencement Information
I111 Sch. 8 para. 107 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

108 In the heading preceding section 16 for "*Powers of Commissioners*" substitute " *Powers of Commission* ".

Commencement Information
I112 Sch. 8 para. 108 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

109 (1) Section 16 (concurrent jurisdiction of Commissioners with High Court) is amended as follows.

(2) In subsection (1) for "the Commissioners" substitute " the Commission ".

(3) In subsection (2)—

(a) for "the Commissioners for them" substitute " the Commission for it ", and

(b) for "the Commissioners" (in the second place) substitute " the Commission ".

(4) In subsection (3) for "The Commissioners" substitute " The Commission ".

(5) In subsection (4) for "the Commissioners shall not exercise their" substitute " the Commission shall not exercise its ".

(6) In subsection (5)—

(a) for "income from all sources does not in aggregate" substitute " gross income does not ", and

(b) for "the Commissioners may exercise their" substitute " the Commission may exercise its ".

(7) In subsection (6)—

(a) for "the Commissioners are" substitute " the Commission is ",

(b) for "the Commissioners have" substitute " the Commission has ",

(c) for "the Commissioners" (in the third and fourth places) substitute " the Commission ", and

(d) for "they act" substitute " it acts ".

(8) In subsection (7)—

(a) for "the Commissioners" (in the first and third places) substitute " the Commission ", and

(b) for "the Commissioners consider" substitute " the Commission considers ".

(9) In subsection (8)—

(a) for "The Commissioners" substitute " The Commission ", and

(b) for "their jurisdiction" substitute " its jurisdiction ".

(10) In subsection (9) for "the Commissioners shall give notice of their" substitute " the Commission shall give notice of its ".

(11) In subsection (10)—

(a) for "The Commissioners shall not exercise their" substitute " The Commission shall not exercise its ", and

(b) for "the Commissioners" (in the second place) substitute " the Commission ".

(12) Omit subsections (11) to (14).

(13) In subsection (15)(b) for "the Commissioners may exercise their" substitute " the Commission may exercise its ".

Commencement Information

I113 Sch. 8 para. 109(1)-(11)(13) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I114 Sch. 8 para. 109(12) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.** (with art. 4)

110 (1) Section 17 (further power to make schemes or alter application of charitable property) is amended as follows.

(2) In subsection (1)—

(a) for "the Commissioners" (in both places) substitute " the Commission ", and

(b) for "by them" substitute " by the Commission ".

(3) In subsection (2) for "the Commissioners" substitute " the Commission ".

(4) In subsection (4) for "the Commissioners" (in both places) substitute " the Commission ".

(5) In subsection (6)—

(a) for "Commissioners" (in both places) substitute " Commission ",

(b) for "if they were" substitute " if the Commission was ",

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(c) for "they act" substitute " it acts ", and
(d) for "to them" substitute " to it ".

(6) In subsection (7) for "the Commissioners" substitute " the Commission ".

(7) In subsection (8)—
(a) for "the Commissioners are" substitute " the Commission is ", and
(b) for "the Commissioners" (in the second place) substitute " the Commission ".

Commencement Information
I115 Sch. 8 para. 110 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

111 (1) Section 18 (power to act for protection of charities) is amended as follows.

(2) In subsection (1)—
(a) for "after they have" substitute " after it has ",
(b) for "the Commissioners are" substitute " the Commission is ",
(c) for "the Commissioners may of their" substitute " the Commission may of its ",
(d) for "as they consider" substitute " as it considers ",
(e) for "the Commissioners" (in the third, fourth and fifth places) substitute " the Commission ", and
(f) for "a receiver" substitute " an interim manager, who shall act as receiver ".

(3) In subsection (2)—
(a) for "they have" substitute " it has ",
(b) for "the Commissioners are" substitute " the Commission is ", and
(c) for "the Commissioners may of their" substitute " the Commission may of its ".

(4) In subsection (4)—
(a) for "The Commissioners" substitute " The Commission ", and
(b) for "their own motion" substitute " its own motion ".

(5) In subsection (5)—
(a) for "The Commissioners may by order made of their" substitute " The Commission may by order made of its ",
(b) for "removed by them" substitute " removed by the Commission ", and
(c) for "the Commissioners are of" (in both places) substitute " the Commission is of ".

(6) In subsection (6)—
(a) for "the Commissioners" (in both places) substitute " the Commission ",
(b) for "their own motion" substitute " its own motion ", and
(c) for "by them" substitute " by it ".

(7) Omit subsections (8) to (10).

(8) In subsection (11) for "the Commissioners" substitute " the Commission ".

(9) In subsection (12)—
(a) for "the Commissioners" substitute " the Commission ", and
(b) for "their intention" substitute " its intention ".

(10) In subsection (13)—
(a) for "The Commissioners" substitute " The Commission ",
(b) for "they think fit" substitute " it thinks fit ",
(c) for "by them" substitute " by it ",
(d) for "to them" substitute " to the Commission ", and
(e) for "they shall" substitute " the Commission shall ".

Commencement Information
I116 Sch. 8 para. 111(1)-(6)(8)-(10) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**
I117 Sch. 8 para. 111(7) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.** (with art. 4)

112 (1) Section 19 (supplementary provisions relating to receiver and manager appointed for a charity) is amended as follows.

(2) For subsection (1) substitute—

"(1) The Commission may under section 18(1)(vii) above appoint to be interim manager in respect of a charity such person (other than a member of its staff) as it thinks fit."

(3) In subsection (2)—
(a) for "the Commissioners" (in both places) substitute " the Commission ", and
(b) for "receiver and manager" substitute " interim manager ".

(4) In subsection (3) for "receiver and manager" (in both places) substitute " interim manager ".

(5) In subsection (4)—
(a) for "receiver and manager" substitute " interim manager ", and
(b) for "the Commissioners" substitute " the Commission ".

(6) In subsections (6)(c) and (7) for "the Commissioners" substitute " the Commission ".

(7) In the sidenote for "receiver and manager" substitute " interim manager ".

Commencement Information
I118 Sch. 8 para. 112 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

113 After section 19B (inserted by section 21 of this Act) insert—

"**19C Copy of order under section 18, 18A, 19A or 19B, and Commission's reasons, to be sent to charity**

(1) Where the Commission makes an order under section 18, 18A, 19A or 19B, it must send the documents mentioned in subsection (2) below—
(a) to the charity concerned (if a body corporate), or

(b) (if not) to each of the charity trustees.

(2) The documents are—

(a) a copy of the order, and

(b) a statement of the Commission's reasons for making it.

(3) The documents must be sent to the charity or charity trustees as soon as practicable after the making of the order.

(4) The Commission need not, however, comply with subsection (3) above in relation to the documents, or (as the case may be) the statement of its reasons, if it considers that to do so—

(a) would prejudice any inquiry or investigation, or

(b) would not be in the interests of the charity;

but, once the Commission considers that this is no longer the case, it must send the documents, or (as the case may be) the statement, to the charity or charity trustees as soon as practicable.

(5) Nothing in this section requires any document to be sent to a person who cannot be found or who has no known address in the United Kingdom.

(6) Any documents required to be sent to a person under this section may be sent to, or otherwise served on, that person in the same way as an order made by the Commission under this Act could be served on him in accordance with section 91 below.”

Commencement Information

I119 Sch. 8 para. 113 in force at 27.2.2007 for specified purposes by S.I. 2007/309, art. 2, **Sch.**

I120 Sch. 8 para. 113 in force at 18.3.2008 in so far as not already in force by S.I. 2008/751, art. 2, **Sch.**

114 In section 22(3) (property vested in official custodian) for “the Commissioners” substitute “ the Commission ”.

Commencement Information

I121 Sch. 8 para. 114 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

115 (1) Section 23 (divestment in case of land subject to Reverter of Sites Act 1987 (c. 15)) is amended as follows.

(2) In subsection (1)—

(a) for “the Commissioners” (in both places) substitute “ the Commission ”,

(b) for “by them of their own” substitute “ by the Commission of its own ”, and

(c) for “appear to them” substitute “ appear to the Commission ”.

(3) In subsection (2)—

(a) for “the Commissioners (of their own motion)” substitute “ the Commission (of its own motion) ”, and

(b) omit “ or them ”.

(4) In subsection (3)—

(a) for "the Commissioners" (in the first and second places) substitute " the Commission ", and
(b) for "the Commissioners is or are" substitute " the Commission is ".

Commencement Information
I122 Sch. 8 para. 115 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

116 In section 24 (schemes to establish common investment funds), in subsections (1) and (2), for "the Commissioners" substitute " the Commission ".

Commencement Information
I123 Sch. 8 para. 116 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

117 In section 25(1) (schemes to establish common deposit funds) for "the Commissioners" substitute " the Commission ".

Commencement Information
I124 Sch. 8 para. 117 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

118 For the heading preceding section 26 substitute " *Additional powers of Commission* ".

Commencement Information
I125 Sch. 8 para. 118 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

119 In section 26(1) (power to authorise dealings with charity property)—
(a) for "the Commissioners" substitute " the Commission ", and
(b) for "they may" substitute " the Commission may ".

Commencement Information
I126 Sch. 8 para. 119 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

120 (1) Section 27 (power to authorise ex gratia payments) is amended as follows.

(2) In subsection (1) for "the Commissioners" substitute " the Commission ".

(3) In subsection (2)—
(a) for "the Commissioners" (in both places) substitute " the Commission ", and
(b) for "by them" substitute " by the Commission ".

(4) In subsection (3)—
(a) for "the Commissioners for them" substitute " the Commission for it ",
(b) for "they are not" substitute " it is not ",
(c) for "they consider" substitute " the Commission considers ",
(d) for "by them" substitute " by the Commission ", and

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(e) for "they shall" substitute " the Commission shall ".

(5) In subsection (4)—

(a) for "to them" substitute " to the Commission ", and

(b) for "the Commissioners determine" substitute " the Commission determines ".

Commencement Information

I127 Sch. 8 para. 120 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

121 (1) Section 28 (power to give directions about dormant bank accounts) is amended as follows.

(2) In subsection (1)—

(a) for "the Commissioners" substitute " the Commission ",

(b) for "are informed" substitute " is informed ",

(c) for "are unable" substitute " is unable ", and

(d) for "they may give" substitute " it may give ".

(3) In subsection (3)—

(a) for "Commissioners" (in both places) substitute " Commission ",

(b) for "they consider" substitute " it considers ",

(c) for "to them" substitute " to the Commission ", and

(d) for "they have received" substitute " it has received ".

(4) In subsection (5)—

(a) for "the Commissioners have been" substitute " the Commission has been ",

(b) for "the Commissioners" (in the second and third places) substitute " the Commission ",

(c) for "they shall revoke" substitute " it shall revoke ", and

(d) for "by them" substitute " by it ".

(5) In subsection (7)—

(a) for "the Commissioners" substitute " the Commission ", and

(b) for "them to discharge their functions" substitute " the Commission to discharge its functions ".

(6) In subsection (8)(a) for "the Commissioners are informed" substitute " the Commission is informed ".

(7) In subsection (9)—

(a) for "the Commissioners have" substitute " the Commission has ", and

(b) for "the Commissioners" (in the second place) substitute " the Commission ".

Commencement Information

I128 Sch. 8 para. 121 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

122 (1) Section 30 (powers for preservation of charity documents) is amended as follows.

(2) In subsection (1) for "The Commissioners" substitute " The Commission ".

(3) In subsection (2) for "Commissioners" (in each place) substitute " Commission ".

(4) In subsection (3)—

(a) for "the Commissioners" (in the first place) substitute " the Commission ",

(b) for "with them" substitute " with the Commission ",

(c) for "officer of the Commissioners generally or specially authorised by them" substitute " member of the staff of the Commission generally or specially authorised by the Commission ".

(5) In subsection (4) for "the Commissioners" substitute " the Commission ".

(6) In subsection (5)—

(a) for "the Commissioners" substitute " the Commission ",

(b) for "by them" substitute " by the Commission ", and

(c) for "with them" substitute " with the Commission ".

Commencement Information

I129 Sch. 8 para. 122 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

123 (1) Section 31 (power to order taxation of solicitor's bill) is amended as follows.

(2) In subsection (1) for "The Commissioners" substitute " The Commission ".

(3) In subsection (3) for "the Commissioners are" substitute " the Commission is ".

Commencement Information

I130 Sch. 8 para. 123 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

124 (1) Section 32 (proceedings by Commissioners) is amended as follows.

(2) In subsections (1) and (3) for "the Commissioners" substitute " the Commission ".

(3) In subsection (5)—

(a) for "the Commissioners" substitute " the Commission ", and

(b) for "by them of their own" substitute " by the Commission of its own ".

(4) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information

I131 Sch. 8 para. 124 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

125 (1) Section 33 (proceedings by other persons) is amended as follows.

(2) In subsection (2) for "the Commissioners" substitute " the Commission ".

(3) In subsection (3)—

(a) for "The Commissioners" substitute " The Commission ",

(b) for "their opinion" substitute " its opinion ", and

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(c) for "by them" substitute " by the Commission ".

(4) In subsections (5) and (6) for "the Commissioners" substitute " the Commission ".

(5) In subsection (7)—

(a) for "the Commissioners" (in both places) substitute " the Commission ", and

(b) for "they think" substitute " the Commission thinks ".

Commencement Information

I132 Sch. 8 para. 125 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

126 In section 34 (report of inquiry to be evidence in certain proceedings), in subsections (1) and (2), for "the Commissioners" substitute " the Commission ".

Commencement Information

I133 Sch. 8 para. 126 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

127 In section 35(1) (application of certain provisions to trust corporations) for "the Commissioners" substitute " the Commission ".

Commencement Information

I134 Sch. 8 para. 127 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

128 (1) Section 36 (restrictions on dispositions) is amended as follows.

(2) In subsection (1)—

(a) for "sold" substitute " conveyed, transferred ", and

(b) for "the Commissioners" substitute " the Commission ".

(3) In subsection (3) after "subsection (5) below," insert " the requirements mentioned in subsection (2)(b) above are that ".

(4) In subsection (5) after "consideration of a fine)," insert " the requirements mentioned in subsection (2)(b) above are that ".

(5) In subsection (6)—

(a) for "sold" substitute " conveyed, transferred ", and

(b) for "previously" substitute " before the relevant time ".

(6) After subsection (6) insert—

"(6A) In subsection (6) above "the relevant time" means—

(a) where the charity trustees enter into an agreement for the sale, or (as the case may be) for the lease or other disposition, the time when they enter into that agreement, and

(b) in any other case, the time of the disposition."

(7) In subsection (8)—

(a) for "The Commissioners" substitute " The Commission ",

(b) for "the Commissioners are satisfied" substitute " the Commission is satisfied ", and

(c) for "for them" substitute " for the Commission ".

Commencement Information

I135 Sch. 8 para. 128 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 6(1))

129 In section 37 (supplementary provisions relating to dispositions), in subsections (2) and (4)—

(a) for "sold" substitute " conveyed, transferred ", and

(b) for "the Commissioners" substitute " the Commission ".

Commencement Information

I136 Sch. 8 para. 129 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

130 In section 38(1) (restrictions on mortgaging) for "the Commissioners" substitute " the Commission ".

Commencement Information

I137 Sch. 8 para. 130 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

131 (1) Section 39 (supplementary provisions relating to mortgaging) is amended as follows.

(2) In subsections (2)(a) and (4) for "the Commissioners" substitute " the Commission ".

(3) After subsection (4) insert—

"(4A) Where subsection (3D) of section 38 above applies to any mortgage of land held by or in trust for a charity, the charity trustees shall certify in relation to any transaction falling within that subsection that they have obtained and considered such advice as is mentioned in that subsection.

(4B) Where subsection (4A) above has been complied with in relation to any transaction, then, in favour of a person who (whether under the mortgage or afterwards) has acquired or acquires an interest in the land for money or money's worth, it shall be conclusively presumed that the facts were as stated in the certificate."

Commencement Information

I138 Sch. 8 para. 131 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

132 In section 41(4) (obligation to preserve accounting records) for "the Commissioners consent" substitute " the Commission consents ".

Commencement Information

I139 Sch. 8 para. 132 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

133 (1) Section 42 (annual statements of accounts) is amended as follows.

(2) After subsection (2) insert—

"(2A) Such regulations may, however, not impose on the charity trustees of a charity that is a charitable trust created by any person ("the settlor") any requirement to disclose, in any statement of accounts prepared by them under subsection (1) —

(a) the identities of recipients of grants made out of the funds of the charity, or

(b) the amounts of any individual grants so made,

if the disclosure would fall to be made at a time when the settlor or any spouse or civil partner of his was still alive."

(3) After subsection (7) add—

"(8) Provisions about the preparation of accounts in respect of groups consisting of certain charities and their subsidiary undertakings, and about other matters relating to such groups, are contained in Schedule 5A to this Act (see section 49A below)."

Commencement Information

I140 Sch. 8 para. 133 in force at 1.4.2008 by S.I. 2008/945, art. 2, **Sch. 1** (with arts. 4, 5, 7)

134 (1) Section 43 (annual audit or examination of charity accounts) is amended as follows.

(2) In subsection (4) for "the Commissioners" (in both places) substitute " the Commission ".

(3) In subsection (5)—

(a) for "the Commissioners make" substitute " the Commission makes ", and

(b) for "the Commissioners" (in the second place) substitute " the Commission ".

(4) In subsection (6) for "the Commissioners" (in each place) substitute " the Commission ".

(5) In subsection (7)—

(a) for "The Commissioners" substitute " The Commission ", and

(b) for "they think" substitute " it thinks ".

Commencement Information

I141 Sch. 8 para. 134 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

135 (1) Section 43A (annual audit or examination of English NHS charity accounts) is amended as follows.

(2) In subsection (2) for "the criterion set out in subsection (1) of section 43 is met in respect of" substitute " paragraph (a) or (b) of section 43(1) is satisfied in relation to ".

(3) In subsection (5)—

(a) for "The Commissioners" substitute " The Commission ", and

(b) for "they think" substitute " it thinks ".

Commencement Information
I142 Sch. 8 para. 135 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 7)

136 (1) Section 43B (annual audit or examination of Welsh NHS charity accounts) is amended as follows.

(2) In subsection (2) for "the criterion set out in subsection (1) of section 43 is met in respect of" substitute " paragraph (a) or (b) of section 43(1) is satisfied in relation to ".

(3) After subsection (4) add—

"(5) References in this Act to an auditor or an examiner have effect in relation to this section as references to the Auditor General for Wales acting under this section as an auditor or examiner."

Commencement Information
I143 Sch. 8 para. 136 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 8)

137 (1) Section 44 (supplementary provisions relating to audits) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (b) after "section 43" insert " , 43A or 43B ",

(b) for paragraph (c) substitute—

"(c) with respect to the making of a report—

(i) by an independent examiner in respect of an examination carried out by him under section 43 above; or

(ii) by an examiner in respect of an examination carried out by him under section 43A or 43B above;"

(c) in each of paragraphs (d) and (e) after "independent examiner" insert " or examiner ", and

(d) in paragraph (f) for "the Commissioners" substitute " the Commission ".

(3) In subsection (2)—

(a) after "independent examiner" insert " or examiner ",

(b) for "the Commissioners" (in the first place) substitute " the Commission ", and

(c) for "the Commissioners think" substitute " the Commission thinks ".

(4) Omit subsection (3).

Commencement Information
I144 Sch. 8 para. 137 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

138 (1) Section 45 (annual reports) is amended as follows.

(2) In subsection (2)(b) for "the Commissioners" substitute " the Commission ".

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(3) In subsection (3)—

(a) for the words from "in any" to "expenditure" substitute " a charity's gross income in any financial year ",

(b) before "the annual report" insert " a copy of ", and

(c) for "the Commissioners" (in both places) substitute " the Commission ".

(4) In subsection (3A)—

(a) for the words from "in any" to "exceeds" substitute " a charity's gross income in any financial year does not exceed ",

(b) before "the annual report" insert " a copy of ",

(c) for "the Commissioners so request, be transmitted to them" substitute " the Commission so requests, be transmitted to it ", and

(d) for "the Commissioners" (in the second place) substitute " the Commission ".

(5) In subsection (4)—

(a) for "annual report transmitted to the Commissioners" substitute " copy of an annual report transmitted to the Commission ", and

(b) before "the statement", and before "the account and statement", insert " a copy of ".

(6) In subsection (5) before "annual report" insert " copy of an ".

(7) In subsection (6)—

(a) after "Any" insert " copy of an ",

(b) for "the Commissioners" (in both places) substitute " the Commission ", and

(c) for "they think fit" substitute " it thinks fit ".

(8) In subsection (7) for the words from "which they have not" onwards substitute " of which they have not been required to transmit a copy to the Commission. "

(9) In subsection (8) for "in subsection (3)" substitute " to subsection (3) ".

Commencement Information

I145 Sch. 8 para. 138 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 9)

139 (1) Section 46 (special provisions as respects accounts etc. of excepted charities) is amended as follows.

(2) In subsection (2) for "the Commissioners consent" substitute " the Commission consents ".

(3) For subsection (3) substitute—

"(3) Except in accordance with subsections (3A) and (3B) below, nothing in section 43, 44, 44A or 45 applies to any charity which—

(a) falls within section 3A(2)(d) above (whether or not it also falls within section 3A(2)(b) or (c)), and

(b) is not registered.

(3A) Section 44A above applies in accordance with subsections (2A) and (2B) above to a charity mentioned in subsection (3) above which is also an exempt charity.

(3B) Sections 44 and 44A above apply to a charity mentioned in subsection (3) above which is also an English National Health Service charity or a Welsh National Health Service charity (as defined in sections 43A and 43B above).”

(4) In subsection (4) for the words from “(other than” onwards substitute “which—

(a) falls within section 3A(2)(b) or (c) above but does not fall within section 3A(2)(d), and

(b) is not registered.”

(5) In subsection (5)—

(a) for “the Commissioners” (in the first place) substitute “ the Commission ”, and

(b) for “the Commissioners' request” substitute “ the Commission's request ”.

(6) For subsection (7) substitute—

“(7) The following provisions of section 45 above shall apply in relation to any report required to be prepared under subsection (5) above as if it were an annual report required to be prepared under subsection (1) of that section—

(a) subsection (3), with the omission of the words preceding “ a copy of the annual report ”, and

(b) subsections (4) to (6).”

(7) Omit subsection (8).

Commencement Information

I146 Sch. 8 para. 139(1)(2)(5) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I147 Sch. 8 para. 139(3) in force at 31.1.2009 for specified purposes by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

I148 Sch. 8 para. 139(4)(7) in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

I149 Sch. 8 para. 139(6) in force at 1.4.2008 by S.I. 2008/945, art. 2, **Sch. 1** (with arts. 4, 5, 8)

140 (1) Section 47 (public inspection of annual reports etc.) is amended as follows.

(2) In subsection (1)—

(a) for “Any annual report or other document kept by the Commissioners” substitute “ Any document kept by the Commission ”,

(b) for “the Commissioners so determine” substitute “ the Commission so determines ”, and

(c) for “they may” substitute “ it may ”.

(3) In subsection (2)(a) after “accounts” insert “ or (if subsection (4) below applies) of its most recent annual report ”.

(4) After subsection (3) add—

Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

"(4) This subsection applies if an annual report has been prepared in respect of any financial year of a charity in pursuance of section 45(1) or 46(5) above.

(5) In subsection (2) above the reference to a charity's most recent annual report is a reference to the annual report prepared in pursuance of section 45(1) or 46(5) in respect of the last financial year of the charity in respect of which an annual report has been so prepared."

Commencement Information
I150 Sch. 8 para. 140 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

141 (1) Section 48 (annual returns by registered charities) is amended as follows.

(2) In subsection (1) for "the Commissioners" substitute " the Commission ".

(3) In subsection (1A) for the words from "neither" to "exceeds" substitute " the charity's gross income does not exceed ".

(4) In subsection (2)—
(a) for "the Commissioners" substitute " the Commission ", and
(b) for "to them" substitute " to the Commission ".

(5) In subsection (3) for "The Commissioners" substitute " The Commission ".

Commencement Information
I151 Sch. 8 para. 141 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 10)

142 For section 49 (offences) substitute—

"**49 Offences**

(1) If any requirement imposed—
(a) by section 45(3) or (3A) above (taken with section 45(3B), (4) and (5), as applicable), or
(b) by section 47(2) or 48(2) above,
is not complied with, each person who immediately before the date for compliance specified in the section in question was a charity trustee of the charity shall be guilty of an offence and liable on summary conviction to the penalty mentioned in subsection (2).

(2) The penalty is—
(a) a fine not exceeding level 4 on the standard scale, and
(b) for continued contravention, a daily default fine not exceeding 10% of level 4 on the standard scale for so long as the person in question remains a charity trustee of the charity.

(3) It is a defence for a person charged with an offence under subsection (1) to prove that he took all reasonable steps for securing that the requirement in question would be complied with in time."

Commencement Information
I152 Sch. 8 para. 142 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 11)

143 (1) Section 50 (incorporation of trustees of charity) is amended as follows.

(2) In subsection (1)—
(a) for "the Commissioners" (in the first and third places) substitute " the Commission ",
(b) for "the Commissioners consider" substitute " the Commission considers ", and
(c) for "they think fit" substitute " the Commission thinks fit ".

(3) In subsection (2)—
(a) for "The Commissioners" substitute " The Commission ",
(b) for "to them" substitute " to the Commission ", and
(c) for "under section 3" substitute " in accordance with section 3A ".

Commencement Information
I153 Sch. 8 para. 143(1)(2)(3)(a)(b) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

144 (1) Section 52 (applications for incorporation) is amended as follows.

(2) In subsection (1) for "the Commissioners" (in both places) substitute " the Commission ".

(3) In subsection (2)—
(a) for "The Commissioners" substitute " The Commission ", and
(b) for "they may specify" substitute " it may specify ".

Commencement Information
I154 Sch. 8 para. 144 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

145 In section 53(1) (nomination of trustees, and filling up vacancies) for "the Commissioners" substitute " the Commission ".

Commencement Information
I155 Sch. 8 para. 145 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

146 (1) Section 56 (power of Commissioners to amend certificate of incorporation) is amended as follows.

(2) In subsection (1)—
(a) for "The Commissioners" substitute " The Commission ", and
(b) for "of their own motion" substitute " of the Commission's own motion ".

(3) In subsection (2)—

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(a) for "of their own motion, the Commissioners" substitute " of its own motion, the Commission ",
(b) for "their proposals" substitute " its proposals ", and
(c) for "to them" substitute " to it ".

(4) In subsection (3)—
(a) for "The Commissioners" substitute " The Commission ",
(b) for "their proposals" substitute " its proposals ", and
(c) for "to them" substitute " to it ".

(5) In subsection (4) for "The Commissioners" substitute " The Commission ".

(6) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information
I156 Sch. 8 para. 146 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

147 (1) Section 57 (records of applications and certificates) is amended as follows.

(2) In subsection (1)—
(a) for "The Commissioners" substitute " The Commission ", and
(b) for "to them" substitute " to it ".

(3) In subsection (2)—
(a) for "the Commissioners" (in the first place) substitute " the Commission ", and
(b) for "the secretary of the Commissioners" substitute " a member of the staff of the Commission ".

Commencement Information
I157 Sch. 8 para. 147 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

148 In section 58 (enforcement of orders and directions) for "the Commissioners" substitute " the Commission ".

Commencement Information
I158 Sch. 8 para. 148 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

149 (1) Section 61 (power of Commissioners to dissolve incorporated body) is amended as follows.

(2) In subsection (1)—
(a) for "the Commissioners are" substitute " the Commission is ",
(b) for "treated by them" substituted " treated by the Commission ", and
(c) for "they may of their own motion" substitute " the Commission may of its own motion ".

(3) In subsection (2)—
(a) for "the Commissioners are" substitute " the Commission is ", and

(b) for "the Commissioners" (in the second place) substitute " the Commission ".

(4) In subsection (4)—

(a) for "the Commissioners so direct" substitute " the Commission so directs ", and

(b) for "the Commissioners" (in the second place) substitute " the Commission ".

(5) Omit subsection (7).

(6) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information

I159 Sch. 8 para. 149 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

150 (1) Section 63 (winding up) is amended as follows.

(2) In subsection (2)—

(a) for "the Commissioners" substitute " the Commission ",

(b) for "they have instituted" substitute " it has instituted ", and

(c) for "they are satisfied" substitute " it is satisfied ".

(3) In subsection (3) for "the Commissioners" (in both places) substitute " the Commission ".

(4) In subsection (4) for "the Commissioners" (in both places) substitute " the Commission ".

(5) In subsection (5)—

(a) for "the Commissioners" substitute " the Commission ", and

(b) for "by them of their own motion" substitute " by the Commission of its own motion ".

Commencement Information

I160 Sch. 8 para. 150 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

151 In section 64(3) (alteration of objects clause) for "the Commissioner's consent" substitute " the Commission's consent ".

Commencement Information

I161 Sch. 8 para. 151 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

152 In section 65(4) (invalidity of certain transactions) for "the Commissioners" substitute " the Commission ".

Commencement Information

I162 Sch. 8 para. 152 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

153 In section 66 (requirement of consent of Commissioners to certain acts), in subsection (1) and the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information
I163 Sch. 8 para. 153 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

154 (1) Section 69 (investigation of accounts) is amended as follows.

(2) In subsection (1)—
(a) for "the Commissioners" substitute " the Commission ",
(b) for "they think fit" substitute " the Commission thinks fit ", and
(c) for "by them" substitute " by the Commission ".

(3) In subsections (2)(c) and (3) for "the Commissioners" substitute " the Commission ".

(4) In subsection (4)—
(a) for "the Commissioners" (in the first place) substitute " the Commission ", and
(b) for "the Commissioners think" substitute " the Commission thinks ".

Commencement Information
I164 Sch. 8 para. 154 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

155 For the heading preceding section 72 substitute " Charity trustees ".

Commencement Information
I165 Sch. 8 para. 155 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

156 (1) Section 72 (persons disqualified for being trustees of a charity) is amended as follows.

(2) In subsection (1)(d)(i) after "by the" insert " Commission or ".

(3) In subsection (4) for "The Commissioners" substitute " The Commission ".

(4) In subsection (6)—
(a) for "the Commissioners" (in the first place) substitute " the Commission ",
(b) for "they think fit" substitute " it thinks fit ",
(c) after "order of" insert " the Commission or ", and
(d) for "the Commissioners" (in the third place) substitute " the Commission ".

(5) After subsection (7) add—

"(8) In this section "the Commissioners" means the Charity Commissioners for England and Wales."

Commencement Information
I166 Sch. 8 para. 156 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

157 In section 73(4) (person acting as charity trustee while disqualified)—

(a) for "the Commissioners are" substitute " the Commission is ",

(b) for "they may by order" substitute " the Commission may by order ", and

(c) for "(as determined by them)" substitute " (as determined by the Commission) ".

Commencement Information

I167 Sch. 8 para. 157 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

158 For the heading preceding section 74 substitute " *Miscellaneous powers of charities* ".

Commencement Information

I168 Sch. 8 para. 158 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

159 In section 76(2) (local authority's index of local charities)—

(a) for "the Commissioners" (in both places) substitute " the Commission ", and

(b) for "they will" substitute " it will ".

Commencement Information

I169 Sch. 8 para. 159 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

160 In section 77(1) (reviews of local charities by local authority) for "the Commissioners" substitute " the Commission ".

Commencement Information

I170 Sch. 8 para. 160 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

161 (1) Section 79 (parochial charities) is amended as follows.

(2) In subsection (1) for "the Commissioners" substitute " the Commission ".

(3) In subsection (2) for "the Commissioners" (in both places) substitute " the Commission ".

Commencement Information

I171 Sch. 8 para. 161 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

162 (1) Section 80 (supervision by Commissioners of certain Scottish charities) is amended as follows.

(2) In subsection (1) for paragraph (c) and the "and" preceding it substitute—

"(c) sections 19 to 19C, and

(d) section 31A,".

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Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

(3) In subsection (2)—
- (a) for "the Commissioners are satisfied" substitute " the Commission is satisfied ",
- (b) for "they may make" substitute " it may make ", and
- (c) for "their approval" substitute " the Commission's approval ".

(4) In subsection (3)—
- (a) for "the Commissioners" substitute " the Commission ",
- (b) for "their being" substitute " the Commission being ", and
- (c) for "supplied to them" substitute " supplied to it ".

(5) In subsection (4)—
- (a) for "the Commissioners are satisfied" substitute " the Commission is satisfied ",
- (b) for "supplied to them" substitute " supplied to it ", and
- (c) for "the Commissioners" (in the second place) substitute " the Commission ".

(6) In subsection (5)—
- (a) for "Commissioners" (in each place) substitute " Commission ",
- (b) for "they consider" substitute " it considers ", and
- (c) for "they have received" substitute " it has received ".

(7) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information

I172 Sch. 8 para. 162 in force at 27.2.2007 for specified purposes by S.I. 2007/309, art. 2, **Sch.**

I173 Sch. 8 para. 162 in force at 18.3.2008 in so far as not already in force by S.I. 2008/751, art. 2, **Sch.**

163 (1) Section 84 (supply by Commissioners of copies of documents open to public inspection) is amended as follows.

(2) For "The Commissioners" substitute " The Commission ".

(3) For "their possession" substitute " the Commission's possession ".

(4) At the end add " or section 75D ".

(5) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information

I174 Sch. 8 para. 163(1)-(3)(5) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I175 Sch. 8 para. 163(4) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.**

164 (1) Section 85 (fees and other amounts payable to Commissioners) is amended as follows.

(2) In subsection (1)—
- (a) for "the Commissioners" (in both places) substitute " the Commission ", and
- (b) for "kept by them" substitute " kept by the Commission ".

(3) In subsection (4)—

(a) for "The Commissioners" substitute " The Commission ",

(b) for "they consider" substitute " it considers ", and

(c) for "by them" substitute " by it ".

(4) In subsection (5) for "the Commissioners" substitute " the Commission ".

(5) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information

I176 Sch. 8 para. 164 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

165 (1) Section 86 (regulations and orders) is amended as follows.

(2) In subsection (2)(a)—

(a) after "17(2)," insert " 73F(6) ", and

(b) after "99(2)" insert " or paragraph 6 of Schedule 1C ".

(3) In subsection (3)—

(a) for "the Commissioners" (in the first place) substitute " the Commission ", and

(b) for "the Commissioners consider" substitute " the Commission considers ".

(4) In subsection (4) after "above" insert " or Schedule 5A, ".

Commencement Information

I177 Sch. 8 para. 165(1)(2)(a)(3)(4) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I178 Sch. 8 para. 165(2)(b) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.**

166 (1) Section 87 (enforcement of requirement by order of Commissioners) is amended as follows.

(2) In subsection (1)—

(a) for "the Commissioners" substitute " the Commission ", and

(b) for "they consider" substitute " it considers ".

(3) In subsection (2) for "the Commissioners" (in both places) substitute " the Commission ".

(4) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information

I179 Sch. 8 para. 166 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

167 (1) Section 88 (enforcement of orders of Commissioners) is amended as follows.

(2) For paragraph (a) substitute—

"(a) to an order of the Commission under section 9(1), 19A, 19B, 44(2), 61, 73, 73C or 80 above; or".

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(3) In paragraphs (b) and (c) for "the Commissioners" substitute " the Commission ".

(4) For "the Commissioners to" substitute " the Commission to ".

(5) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information

I180 Sch. 8 para. 167(1)(3)-(5) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I181 Sch. 8 para. 167(2) in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.**

168 (1) Section 89 (other provisions as to orders of Commissioners) is amended as follows.

(2) In subsection (1)—

(a) for "the Commissioners" (in the first place) substitute " the Commission ",

(b) for "the Commissioners think" substitute " the Commission thinks ",

(c) for "the Commissioners exercise" substitute " the Commission exercises ", and

(d) for "to them, they may" substitute " to it, it may ".

(3) In subsection (2)—

(a) for "the Commissioners make" substitute " the Commission makes ",

(b) for "they may themselves" substitute " the Commission may itself ", and

(c) for "they think fit" substitute " it thinks fit ".

(4) In subsection (3)—

(a) for "The Commissioners" substitute " The Commission ",

(b) for "they have" substitute " it has ",

(c) for "they are" substitute " it is ", and

(d) for "to them" substitute " to it ".

(5) In subsection (4) for "the Commissioners" substitute " the Commission ".

(6) At the end add—

"(5) Any order made by the Commission under any provision of this Act may be varied or revoked by a subsequent order so made."

(7) In the sidenote, for "Commissioners" substitute " Commission ".

Commencement Information

I182 Sch. 8 para. 168 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

169 In section 90 (directions of the Commissioners) for "the Commissioners" (in each place including the sidenote) substitute " the Commission ".

Commencement Information

I183 Sch. 8 para. 169 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

170 In section 91 (service of orders and directions), in subsections (1), (4) and (5), for "the Commissioners" (in each place) substitute " the Commission ".

Commencement Information
I184 Sch. 8 para. 170 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

171 Omit section 92 (appeals from Commissioners).

Commencement Information
I185 Sch. 8 para. 171 in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.** (with art. 4)

172 In section 93 (miscellaneous provisions as to evidence), for subsection (3) substitute—

"(3) Evidence of any order, certificate or other document issued by the Commission may be given by means of a copy which it retained, or which is taken from a copy so retained, and evidence of an entry in any register kept by it may be given by means of a copy of the entry, if (in each case) the copy is certified in accordance with subsection (4).

(4) The copy shall be certified to be a true copy by any member of the staff of the Commission generally or specially authorised by the Commission to act for that purpose.

(5) A document purporting to be such a copy shall be received in evidence without proof of the official position, authority or handwriting of the person certifying it.

(6) In subsection (3) above "the Commission" includes the Charity Commissioners for England and Wales."

Commencement Information
I186 Sch. 8 para. 172 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

173 (1) Section 96 (construction of references to a "charity" etc.) is amended as follows.

(2) In subsection (1) for the definition of "charity" substitute—

""charity" has the meaning given by section 1(1) of the Charities Act 2006;".

(3) Omit—

(a) in the definition of "exempt charity" in subsection (1), the words " (subject to section 24(8) above) ", and

(b) subsection (4).

(4) In subsections (5) and (6) for "The Commissioners" substitute " The Commission ".

Commencement Information
I187 Sch. 8 para. 173(1)(4) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

I188 Sch. 8 para. 173(2)(3)(b) in force at 1.4.2008 by S.I. 2008/945, art. 2, **Sch. 1** (with arts. 4, 5)

174 In section 97(1) (interpretation)—

(a) in the definition of "charitable purposes", for "charitable according to the law of England and Wales;" substitute " charitable purposes as defined by section 2(1) of the Charities Act 2006; ";

(b) for the definition of "the Commissioners" substitute—

""the Commission" means the Charity Commission;";

(c) in the definition of "institution", after " "institution"" insert " means an institution whether incorporated or not, and "; and

(d) at the appropriate place insert—

""members", in relation to a charity with a body of members distinct from the charity trustees, means any of those members;"

""the Minister" means the Minister for the Cabinet Office;"

""principal regulator", in relation to an exempt charity, means the charity's principal regulator within the meaning of section 13 of the Charities Act 2006;"

""the Tribunal" means the Charity Tribunal;".

Commencement Information

I189 Sch. 8 para. 174 partly in force; Sch. 8 para. 174(d) in force at Royal Assent, see s. 79(1)(g)

I190 Sch. 8 para. 174(a) in force at 1.4.2008 by S.I. 2008/945, art. 2, **Sch. 1** (with arts. 4, 5)

I191 Sch. 8 para. 174(b)(c) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

175 In section 97(3) (general interpretation) for "Part IV or IX" substitute " Part 4, 7, 8A or 9 ".

Commencement Information

I192 Sch. 8 para. 175 in force at 27.2.2007 for specified purposes by S.I. 2007/309, art. 2, **Sch.**

176 In section 100(3) (extent) for "Section 10" substitute " Sections 10 to 10C ".

Commencement Information

I193 Sch. 8 para. 176 in force at 27.2.2007 for specified purposes by S.I. 2007/309, art. 2, **Sch.**

177 In paragraph (a) of Schedule 2 (exempt charities) for "the Commissioners" (in the first place) substitute " the Charity Commissioners for England and Wales ".

Commencement Information

I194 Sch. 8 para. 177 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

178 (1) Schedule 5 (meaning of "connected person" for the purposes of section 36(2)) is amended as follows.

(2) In paragraph 1 for the words preceding paragraphs (a) to (g) substitute—

"(1) In section 36(2) of this Act "connected person", in relation to a charity, means any person who falls within sub-paragraph (2)—

(a) at the time of the disposition in question, or

(b) at the time of any contract for the disposition in question.

(2) The persons falling within this sub-paragraph are—".

(3) Paragraphs (a) to (g) of paragraph 1 become paragraphs (a) to (g) of sub-paragraph (2) (as inserted by sub-paragraph (2) above).

(4) After paragraph (e) of sub-paragraph (2) (as so inserted) insert—

"(ea) a person carrying on business in partnership with any person falling within any of sub-paragraphs (a) to (e) above;";

and in paragraph (f)(i) of that sub-paragraph, for "(e)" substitute " (ea) ".

(5) In paragraph 2—

(a) in sub-paragraph (1), for "1(c)" substitute " 1(2)(c) ",

(b) in sub-paragraph (2), for "1(e)" substitute " 1(2)(e) ", and

(c) after that sub-paragraph add—

"(3) Where two persons of the same sex are not civil partners but live together as if they were, each of them shall be treated for those purposes as the civil partner of the other."

(6) In paragraph 3 for "1(f)" substitute " 1(2)(f) ".

(7) In paragraph 4(1) for "1(g)" substitute " 1(2)(g) ".

Commencement Information

I195 Sch. 8 para. 178 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 6(2))

Deregulation and Contracting Out Act 1994 (c. 40)

179 (1) Section 79 of the Deregulation and Contracting Out Act 1994 (interpretation of Part 2) is amended as follows.

(2) For subsection (3)(a) substitute—

"(a) any reference to a Minister included a reference to the Forestry Commissioners or to the Charity Commission;

(b) any reference to an officer in relation to the Charity Commission were a reference to a member or member of staff of the Commission; and."

(3) In subsection (4) after "those Commissioners" insert " or that Commission ".

Commencement Information

I196 Sch. 8 para. 179 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Pensions Act 1995 (c. 26)

180 In section 107(1) of the Pensions Act 1995 (disclosure for facilitating discharge of functions by other supervisory authorities), for the entry in the Table relating to the Charity Commissioners substitute—

"The Charity Commission.	Functions under the Charities Act 1993 or the Charities Act 2006."

Commencement Information
I197 Sch. 8 para. 180 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Reserve Forces Act 1996 (c. 14)

181 (1) Schedule 5 to the Reserve Forces Act 1996 (charitable property on disbanding of units) is amended as follows.

(2) In paragraph 1(2) for "the Charity Commissioners" substitute " the Charity Commission ".

(3) In paragraph 4(1)—
(a) for "Charity Commissioners consider" substitute " Charity Commission considers ", and
(b) for "they" substitute " it ".

(4) In paragraph 5(2)—
(a) for "Charity Commissioners" substitute " Charity Commission ", and
(b) for "the Commissioners" (in both places) substitute " the Commission ".

(5) In paragraph 6—
(a) for "Charity Commissioners" substitute " Charity Commission ",
(b) for "the Commissioners" substitute " the Commission ", and
(c) for "their" substitute " its ".

Commencement Information
I198 Sch. 8 para. 181 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

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

182 In section 6(7) of the Trusts of Land and Appointment of Trustees Act 1996 (limitation on general powers of trustees) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I199 Sch. 8 para. 182 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Housing Act 1996 (c. 52)

183 The Housing Act 1996 has effect subject to the following amendments.

Commencement Information
I200 Sch. 8 para. 183 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

184 In section 3(3) (registration as social landlord) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I201 Sch. 8 para. 184 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

185 In section 4(6) (removal from the register of social landlords) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I202 Sch. 8 para. 185 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

186 In section 6(3) (notice of appeal against decision on removal) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I203 Sch. 8 para. 186 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

187 In section 44(3) (consultation on proposals as to ownership and management of landlord's land) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I204 Sch. 8 para. 187 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

188 In section 45(4) (service of copy of agreed proposals) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I205 Sch. 8 para. 188 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

189 In section 46(2) (notice of appointment of manager to implement agreed proposals) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I206 Sch. 8 para. 189 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

190 In section 56(2) (meaning of "the Relevant Authority") for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I207 Sch. 8 para. 190 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

191 In section 58(1)(b) (definitions relating to charities)—

(a) for "under section 3" substitute " in accordance with section 3A ", and

(b) omit the words from " and is not " onwards.

Commencement Information

I208 Sch. 8 para. 191 in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

192 (1) Schedule 1 (regulation of registered social landlords) is amended as follows.

(2) In paragraph 6(2) (exercise of power to appoint new director or trustee) for "Charity Commissioners" substitute " Charity Commission ".

(3) In paragraph 10 (change of objects by certain charities)—

(a) in sub-paragraphs (1) and (2) for "Charity Commissioners" (in each place) substitute " Charity Commission ", and

(b) in sub-paragraph (2) for "their" substitute " its ".

(4) In paragraph 18(4), for paragraphs (a) and (b) and the words following them substitute—

"(a) the charity's gross income arising in connection with its housing activities exceeds the sum for the time being specified in section 43(1)(a) of the Charities Act 1993, 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 43(1)(b) of that Act;

and in this sub-paragraph "gross income" and "accounts threshold" have the same meanings as in section 43 of the Charities Act 1993. "

(5) In paragraph 28(4) (notification upon exercise of certain powers in relation to registered charities) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information

I209 Sch. 8 para. 192 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.** (with art. 12)

School Standards and Framework Act 1998 (c. 31)

193 The School Standards and Framework Act 1998 has effect subject to the following amendments.

Commencement Information

I210 Sch. 8 para. 193 in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

194 (1) Section 23 is amended as follows.

(2) In subsection (1) (certain school bodies to be charities that are exempt charities) omit " which are exempt charities for the purposes of the Charities Act 1993 ".

(3) After that subsection insert—

"(1A) Any body to which subsection (1)(a) or (b) applies is an institution to which section 3A(4)(b) of the Charities Act 1993 applies (institutions to be excepted from registration under that Act)."

(4) In subsection (2) (connected bodies that are to be exempt charities) for the words from "also" onwards substitute " be treated for the purposes of section 3A(4)(b) of the Charities Act 1993 as if it were an institution to which that provision applies. "

(5) In subsection (3) (status of certain foundations) for the words from "which (subject" onwards substitute " , and is an institution to which section 3A(4)(b) of the Charities Act 1993 applies. "

Commencement Information

I211 Sch. 8 para. 194 in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

195 In Schedule 1 (education action forums), in paragraph 10, for the words from "which is" onwards substitute " within the meaning of the Charities Act 1993, and is an institution to which section 3A(4)(b) of that Act applies (institutions to be excepted from registration under that Act). "

Commencement Information

I212 Sch. 8 para. 195 in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

Cathedrals Measure 1999 (No. 1)

196 In section 34 of the Cathedrals Measure 1999 (charities) for "Charity Commissioners" substitute " Charity Commission ".

Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

Commencement Information
I213 Sch. 8 para. 196 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Trustee Act 2000 (c. 29)

197 In section 19(4) of the Trustee Act 2000 (guidance concerning persons who may be appointed as nominees or custodians) for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I214 Sch. 8 para. 197 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Churchwardens Measure 2001 (No. 1)

198 In section 2(1) of the Churchwardens Measure 2001 (person disqualified from being churchwarden if disqualified from being a charity trustee)—
(a) for "Charity Commissioners" substitute " Charity Commission ", and
(b) for "them" substitute " it ".

Commencement Information
I215 Sch. 8 para. 198 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Licensing Act 2003 (c. 17)

199 In Schedule 2 to the Licensing Act 2003 (provision of late night refreshment) in paragraph 5(4)—
(a) for "under section 3" substitute " in accordance with section 3A ", and
(b) for "subsection (5)" substitute " subsection (2) ".

Commencement Information
I216 Sch. 8 para. 199 in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

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

200 The Companies (Audit, Investigations and Community Enterprise) Act 2004 has effect subject to the following amendments.

Commencement Information
I217 Sch. 8 para. 200 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

201 In section 39 (existing companies: charities), in subsections (1) and (2), for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I218 Sch. 8 para. 201 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

202 In section 40 (existing companies: Scottish charities), in subsections (4)(b) and (6), for "Charity Commissioners" substitute " Charity Commission ".

Commencement Information
I219 Sch. 8 para. 202 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

203 In section 54(7) (requirements for becoming a charity or a Scottish charity)—
(a) for "Charity Commissioners" substitute " Charity Commission ", and
(b) for "their" substitute " its ".

Commencement Information
I220 Sch. 8 para. 203 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

204 In paragraph 4 of Schedule 3 (regulator of community interest companies)—
(a) for "Chief Charity Commissioner" substitute " chairman of the Charity Commission ", and
(b) for "any officer or employee appointed under paragraph 2(1) of Schedule 1 to the Charities Act 1993 (c. 10)" substitute " any other member of the Commission appointed under paragraph 1(2) of Schedule 1A to the Charities Act 1993 or any member of staff of the Commission appointed under paragraph 5(1) of that Schedule ".

Commencement Information
I221 Sch. 8 para. 204 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Pensions Act 2004 (c. 35)

205 The Pensions Act 2004 has effect subject to the following amendments.

Commencement Information
I222 Sch. 8 para. 205 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

206 In Schedule 3 (certain permitted disclosures of restricted information held by the Regulator), for the entry relating to the Charity Commissioners substitute—

"The Charity Commission.	Functions under the Charities Act 1993 (c. 10) or the Charities Act 2006."

Status: *Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8. (See end of Document for details)*

Commencement Information
I223 Sch. 8 para. 206 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

207 In Schedule 8 (certain permitted disclosures of restricted information held by the Board), for the entry relating to the Charity Commissioners substitute—

"The Charity Commission.	Functions under the Charities Act 1993 (c. 10) or the Charities Act 2006."

Commencement Information
I224 Sch. 8 para. 207 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Constitutional Reform Act 2005 (c. 4)

208 In Part 3 of Schedule 14 to the Constitutional Reform Act 2005 (the Judicial Appointments Commission: relevant offices etc.) after the entries relating to section 6(5) of the Tribunals and Inquiries Act 1992 insert—

"President of the Charity Tribunal	Paragraph 1(2) of Schedule 1B to the Charities Act 1993 (c. 10).
Legal member of the Charity Tribunal	
Ordinary member of the Charity Tribunal	"

Commencement Information
I225 Sch. 8 para. 208 in force at 18.3.2008 by S.I. 2008/751, art. 2, **Sch.**

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

209 The Charities and Trustee Investment (Scotland) Act 2005 has effect subject to the following amendments.

Commencement Information
I226 Sch. 8 para. 209 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

210 In section 36(1) (powers of OSCR in relation to English and Welsh charities)—

(a) for "Charity Commissioners for England and Wales inform" substitute " Charity Commission for England and Wales informs ",

(b) for "under section 3" substitute " in accordance with section 3A ", and

(c) for "section 3(5) of that Act," substitute " subsection (2) of that section, ".

Commencement Information

I227 Sch. 8 para. 210(a) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I228 Sch. 8 para. 210(b)(c) in force at 31.1.2009 by S.I. 2008/3267, art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

211 In section 69(2)(d)(i) (persons disqualified from being charity trustees)—

(a) at the beginning insert " by the Charity Commission for England and Wales under section 18(2)(i) of the Charities Act 1993 or ", and

(b) for "under section 18(2)(i) of the Charities Act 1993 (c. 10)," substitute " , whether under section 18(2)(i) of that Act or under ".

Commencement Information

I229 Sch. 8 para. 211 in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

Equality Act 2006 (c. 3)

212 (1) The Equality Act 2006 has effect subject to the following amendments.

(2) In section 58(2) (charities relating to religion or belief)—

(a) for "Charity Commissioners for England and Wales" substitute " Charity Commission ", and

(b) for "the Commissioners" substitute " the Commission ".

(3) In section 79(1)(a) (interpretation) after "given by" insert " section 1(1) of ".

Commencement Information

I230 Sch. 8 para. 212(1)(2) in force at 27.2.2007 by S.I. 2007/309, art. 2, **Sch.**

I231 Sch. 8 para. 212(3) in force at 1.4.2008 by S.I. 2008/945, art. 2, **Sch. 1** (with arts. 4, 5)

Status:
Point in time view as at 31/01/2009. This version of this schedule contains provisions that are prospective.

Changes to legislation:
There are currently no known outstanding effects for the Charities Act 2006, SCHEDULE 8.