



Charities Act 1960

1960 CHAPTER 58

PART V

SUPPLEMENTARY

48 Consequential amendments, general repeal and transitional provisions

- (1) The enactments mentioned in the first column of the Sixth Schedule to this Act shall be amended as provided in the second column of that Schedule.
- (2) Subject to the following provisions of this section and to any other provision of this Act as to the effect of any repeal, the enactments mentioned in the Seventh Schedule to this Act are (in addition to the repeals in the Fifth Schedule) hereby repealed to the extent specified in the third column of the Schedule.
- (3) The Commissioners may take the like action under this Act in consequence of any application or enquiry under the Charitable Trusts Acts, 1853 to 1939, as if the application or enquiry had been made for the corresponding purpose under this Act; and subsections (3) to (5) of section twenty-five of this Act shall extend (with any necessary adaptations) to documents enrolled by the Commissioners or deposited with them under those Acts.
- (4) The repeal by this Act of the Charitable Trusts Acts, 1853 to 1939, shall not invalidate any scheme, order, certificate or other document issued under or for the purposes of those Acts, so far as the document is capable after the commencement of this Act of having effect either for its original purpose or for any corresponding purpose of this Act; but any such documents shall continue to have effect for any such purpose (except in so far as they are modified or superseded under the powers of this Act), and shall in the case of an order be appealable, enforceable and liable to be discharged as if this Act had not been passed; and any such document, and any document under the seal of the official trustees of charitable funds, may be proved as if this Act had not been passed.
- (5) The repeal by this Act of any enactment which authorises the taking of legal proceedings, or regulates any legal proceedings, shall not affect the operation of that

Status: This is the original version (as it was originally enacted).

enactment in relation to proceedings begun before the commencement of this Act, nor shall section twenty-eight of this Act apply to any proceeding so begun.

- (6) The official custodian for charities shall be treated as the successor for all purposes both functions of the said trustee or trustees had been functions of the official custodian, and as if any such trustee or trustees had been, and had discharged his or their functions as, holder of the office of the official custodian; and accordingly (but without prejudice to the generality of the foregoing provision, and subject to any express amendment or repeal made by this Act) as from the commencement of this Act—
- (a) all property vested in the said trustee or trustees shall vest in the official custodian, and shall be held by him as if vested in him under section sixteen of this Act for the purposes for which it was held by the said trustee or trustees; and
 - (b) any Act, scheme, deed or other document referring or relating to the said trustee or trustees shall, in so far as the context permits, have effect as if the official custodian had been mentioned instead.
- (7) The specific provisions of this Act as to the effect of any repeal shall not be taken to exclude the general provisions contained in section thirty-eight of the Interpretation Act, 1889, except in so far as those general provisions are inconsistent with the specific provisions in this Act.