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STATUTORY INSTRUMENTS

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**1999 No. 545**

**The Local Government (Parishes and  
Parish Councils) Regulations 1999**

**PART II**

**PROPERTY, RIGHTS AND LIABILITIES**

**Charitable property, etc.**

**9.—(1)** In this regulation—

“charity”, “charity trustees”, “company”, “the court” and “trusts” have the same meanings as in the Charities Act 1993<sup>(1)</sup>;

“charitable property” means property (of whatever description) which, immediately before the order date, is held as sole trustee—

- (a) by an abolished authority; or
- (b) by a transferor authority other than an abolished authority, exclusively for charitable purposes; and

“relevant charity” means a charity other than a charity incorporated by charter of a company.

**(2)** Charitable property held by an abolished authority for the benefit of—

- (a) a specified area, or
- (b) the inhabitants of that area, or
- (c) any particular class or body of persons in that area,

shall, on the order date, vest (on the same trusts) in the transferee authority within whose area the whole or the greater part of that specified area is situated immediately before that date.

**(3)** Other charitable property held by an abolished authority shall, on the order date, vest (on the same trusts)—

- (a) in the transferee authority within whose area the whole or the greater part of the area of the abolished authority is situated immediately before that date; or
- (b) if sub-paragraph (a) does not apply, in such one of the transferee authorities as may be agreed between them not later than three months before the order date or, in default of such agreement, in such transferee authority as the Charity Commissioners may determine.

**(4)** Where—

- (a) charitable property is held by a transferor authority which is not an abolished authority for any such benefit as is mentioned in paragraph (2); and
- (b) the whole or the greater part of the specified area so mentioned is situated within the transferred area,

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<sup>(1)</sup> 1993 c. 10.

that property shall, on the order date, vest (on the same trusts) in the transferee authority.

(5) Charitable property held as mentioned in paragraph (1)(b) which is not vested in accordance with paragraph (4) shall continue to be held by the transferor authority.

(6) Any rights and liabilities in respect of charitable property which vests in accordance with any of paragraphs (2) to (4) shall on the order date become rights and liabilities of the transferee authority in which that property vests.

(7) Where, immediately before the order date, any power with respect to a relevant charity is, under the trusts of the charity or by virtue of any enactment, exercisable by a transferor authority in relation to a transferred area or by the holder of an office connected with such an authority, that power shall, on and after the order date, be exercisable by the authority in which property of the charity would have vested if it had been charitable property or, as the case may be, by the holder of the corresponding office connected with that authority or, if there is no such office, by the proper officer of that authority.

(8) References in paragraph (7) to a power with respect to a relevant charity do not include references to the powers of any person by virtue of being a charity trustee of the charity.

(9) Where, under the trusts of a relevant charity, the charity trustees immediately before the order date include—

- (a) an abolished authority;
- (b) the transferor authority in relation to a transferred area; or
- (c) the holder of an office connected with an authority mentioned in subparagraph (a) or (b),

on and after the order date those trustees shall include the authority in which property of the charity would have vested as mentioned in paragraph (7) or, as the case may be, the holder of the corresponding office connected with that authority or, if there is no such office, the proper officer of that authority.

(10) Nothing in this regulation shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity.