



Charities Act 1992

1992 CHAPTER 41

PART IV

GENERAL

75 Offences by bodies corporate

Where any offence—

- (a) under this Act or any regulations made under it, or
- (b) under the Charities Act 1960,

is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In relation to a body corporate whose affairs are managed by its members, “director” means a member of the body corporate.

76 Service of documents

(1) This section applies to—

- (a) any order or direction made or given by the Charity Commissioners under Part I of this Act;
- (b) any notice or other document required or authorised to be given or served under Part II of this Act; and
- (c) any notice required to be served under Part III of this Act.

(2) A document to which this section applies may be served on or given to a person (other than a body corporate)—

- (a) by delivering it to that person;
- (b) by leaving it at his last known address in the United Kingdom; or

Status: This is the original version (as it was originally enacted).

- (c) by sending it by post to him at that address.
- (3) A document to which this section applies may be served on or given to a body corporate by delivering it or sending it by post—
 - (a) to the registered or principal office of the body in the United Kingdom, or
 - (b) if it has no such office in the United Kingdom, to any place in the United Kingdom where it carries on business or conducts its activities (as the case may be).
- (4) Any such document may also be served on or given to a person (including a body corporate) by sending it by post to that person at an address notified by that person for the purposes of this subsection to the person or persons by whom it is required or authorised to be served or given.

77 Regulations and orders

- (1) Any regulations or order of the Secretary of State under this Act—
 - (a) shall be made by statutory instrument; and
 - (b) (subject to subsection (2)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1)(b) does not apply—
 - (a) to an order under section 38;
 - (b) to any regulations under section 39;
 - (c) to a statutory instrument to which section 51(3) applies; or
 - (d) to an order under section 79(2).
- (3) Any regulations or order of the Secretary of State under this Act may make—
 - (a) different provision for different cases; and
 - (b) such supplemental, incidental, consequential or transitional provision or savings as the Secretary of State considers appropriate.
- (4) Before making any regulations under section 20, 22, 23, 64 or 73 the Secretary of State shall consult such persons or bodies of persons as he considers appropriate.

78 Minor and consequential amendments and repeals

- (1) The enactments mentioned in Schedule 6 to this Act shall have effect subject to the amendments there specified (which are either minor amendments or amendments consequential on the provisions of this Act).
- (2) The enactments mentioned in Schedule 7 to this Act (which include some that are already spent or are no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

79 Short title, commencement and extent

- (1) This Act may be cited as the Charities Act 1992.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or for different purposes.

- (3) Subject to subsections (4) to (6) below, this Act extends only to England and Wales.
- (4) Section 52 and this section extend to the whole of the United Kingdom.
- (5) Sections 38 and 39, and so much of section 77 as relates to those sections, extend to England and Wales and Scotland.
- (6) The amendments in Schedule 6, and (subject to subsection (7)) the repeals in Schedule 7, have the same extent as the enactments to which they refer, and section 78 extends accordingly.
- (7) The repeal in Schedule 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 does not extend to Northern Ireland.