

SCHEDULES

SCHEDULE 4

AMENDMENTS OF CHARITABLE TRUSTEES INCORPORATION ACT 1872

- 1 For section 1 of the Charitable Trustees Incorporation Act 1872 (“the 1872 Act”) substitute—

“1 Incorporation of trustees of a charity

- (1) Where—
- (a) the trustees of a charity, in accordance with section 3 of this Act, apply to the Commissioners for a certificate of incorporation of the trustees as a body corporate, and
 - (b) the Commissioners consider that the incorporation of the trustees would be in the interests of the charity,
- the Commissioners may grant such a certificate, subject to such conditions or directions as they think fit to insert in it.
- (2) The Commissioners shall not, however, grant such a certificate in a case where the charity appears to them to be required to be registered in the register kept by them under section 4 of the Charities Act 1960 but is not so registered.
- (3) On the grant of such a certificate—
- (a) the trustees of the charity shall become a body corporate by such name as is specified in the certificate; and
 - (b) (without prejudice to the operation of section 5 of this Act) any relevant rights or liabilities of those trustees shall become rights or liabilities of that body.
- (4) After their incorporation the trustees—
- (a) may sue and be sued in their corporate name; and
 - (b) shall have the same powers, and be subject to the same restrictions and limitations, as respects the holding, acquisition and disposal of property for or in connection with the purposes of the charity as they had or were subject to while unincorporated;
- and any relevant legal proceedings that might have been continued or commenced by or against the trustees may be continued or commenced by or against them in their corporate name.
- (5) A body incorporated under this section need not have a common seal.
- (6) In this section—
- “relevant rights or liabilities” means rights or liabilities in connection with any property vesting in the body in question under section 2 of this Act; and

Status: This is the original version (as it was originally enacted).

“relevant legal proceedings” means legal proceedings in connection with any such property.”