

SCHEDULES

SCHEDULE 6

Section 78(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

CLERGY PENSIONS MEASURE 1961 (NO.3)

- 1 In section 33 (preservation of restrictions on certain transactions)—
- (a) for “section twenty-nine of the Charities Act 1960” substitute “section 32 of the Charities Act 1992”; and
 - (b) for “said Act” substitute “Charities Act 1960”.

FINANCE ACT 1963 (C. 25)

- 2 In section 65(2)(a) (miscellaneous exemptions), after “1960” insert “or any common deposit scheme under section 22A of that Act”.

CATHEDRALS MEASURE 1963 (NO.2)

- 3 In section 20(2)(iii) (consents to disposal of land by cathedral bodies), for “section twenty-nine of the Charities Act 1960” substitute “section 32 of the Charities Act 1992”.

LEASEHOLD REFORM ACT 1967 (C. 88)

- 4 In section 23(4) (grant of new tenancy), for “section 29 of the Charities Act 1960” substitute “section 32 of the Charities Act 1992”.

SHARING OF CHURCH BUILDINGS ACT 1969 (C. 38)

- 5 In section 8(3) (shared buildings), for the words from the beginning to “Commissioners” substitute “Section 32 of the Charities Act 1992 (restrictions on dispositions of charity land)”.

LOCAL GOVERNMENT ACT 1972 (C. 70)

- 6 In section 131(3) (savings)—
- (a) for the words from “section 29” to “property” substitute “section 32 of the Charities Act 1992 (restrictions on disposition of charity land)”; and
 - (b) for “subsection (3)(a) of that section” substitute “section 32(9)(a) of that Act”.

Status: This is the original version (as it was originally enacted).

FIRE PRECAUTIONS (LOANS) ACT 1973 (C. 11)

- 7 In section 1(7) (loans to meet certain expenditure), for the words from the beginning to “property)” substitute “Section 34 of the Charities Act 1992 (which restricts the charging of charity property)”.

THEATRES TRUST ACT 1976 (C. 27)

- 8 In section 2(2)(d) (powers of trustees), for “section 29 of the Charities Act 1960” substitute “sections 32 and 34 of the Charities Act 1992”.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (C. 30)

- 9 In Schedule 4 (street trading), for paragraph 1(2)(j) substitute—
 “(j) the doing of anything authorised by any permit or order under Part III of the Charities Act 1992.”

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (C. 45)

- 10 In section 119(6)(d) (grounds for refusal of permission for public charitable collection in Scotland)—
 (a) after “under”, where secondly occurring, insert “this section or”; and
 (b) after “section”, where secondly occurring, insert “or under Part III of the Charities Act 1992 or regulations made under section 73 of that Act”.

COMPANIES ACT 1985 (C. 6)

- 11 In each of the following provisions, namely—
 (a) section 209(1)(c) (interests to be disregarded for purposes of general disclosure provisions), and
 (b) paragraph 11(b) of Schedule 13 (interests to be disregarded for purposes of provisions relating to disclosure by directors etc.),
 after “section 22” insert “or 22A”.

HOUSING ACT 1985 (C. 68)

- 12 For paragraph 12 of Schedule 1 substitute—
 “12 A licence to occupy a dwelling-house is not a secure tenancy if—
 (a) the dwelling-house is an almshouse, and
 (b) the licence was granted by or on behalf of a charity which—
 (i) is authorised under its trusts to maintain the dwelling-house as an almshouse, and
 (ii) has no power under its trusts to grant a tenancy of the dwelling-house;
 and in this paragraph “almshouse” means any premises maintained as an almshouse, whether they are called an almshouse or not; and “trusts”, in relation to a charity, means the provisions establishing it as a charity and regulating its purposes and administration, whether those provisions take effect by way of trust or not.”

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

HOUSING ASSOCIATIONS ACT 1985 (C. 69)

- 13 (1) In section 10(1) (excepted dispositions), for “section 29 of the Charities Act 1960” substitute “sections 32 and 34 of the Charities Act 1992”.
- (2) In section 26(2) (accounting requirements), for the words from “section 8” onwards substitute “sections 19 to 23 of the Charities Act 1992 (charity accounts).”
- (3) In section 35(2)(c) (power to transfer housing to local housing authority), for the words from “section” to “Commissioners” substitute “section 32 of the Charities Act 1992 (restrictions on dispositions of charity land)”.

FINANCIAL SERVICES ACT 1986 (C. 60)

- 14 In section 45(1)(j) (miscellaneous exemptions), after “section 22” insert “or 22A”.

COAL INDUSTRY ACT 1987 (C. 3)

- 15 In section 5 (power of Commissioners to make schemes relating to coal industry trusts), for subsection (8) substitute—
- “(8) Sections 18(3), (8), (10) to (12), 19(1) to (5) and (7) and 21 of the Charities Act 1960 shall apply in relation to the powers of the Charity Commissioners and the making of schemes under this section as they apply in relation to their powers and the making of schemes under that Act; and sections 40(1) to (4), 40A and 42 of that Act shall apply to orders and decisions under this section as they apply to orders and decisions under that Act.
- (8A) The Commissioners shall not proceed under section 19 of that Act (as applied by subsection (8) above) without the like application, and the like notice to the trustees of the trust in question, as would be required if they were proceeding under subsection (1) above; but on any application made with a view to a scheme under subsection (1) above the Commissioners may proceed under that subsection or under section 19 of that Act (as so applied) as appears to them appropriate.”

REVERTER OF SITES ACT 1987 (C. 15)

- 16 In section 4(4) (supplementary provisions), after “sections 40” insert “,40A”.

INCOME AND CORPORATION TAXES ACT 1988 (C. 1)

- 17 After paragraph 3 of Schedule 20 (charities: qualifying investments and loans) insert—
- “3A Any investment in a common deposit fund established under section 22A of the Charities Act 1960 or in any similar fund established for the exclusive benefit of charities by or under any enactment relating to any particular charities or class of charities.”