



Charities Act 1993

1993 CHAPTER 10

PART I

THE CHARITY COMMISSIONERS AND THE OFFICIAL CUSTODIAN FOR CHARITIES

1 The Charity Commissioners

- (1) There shall continue to be a body of Charity Commissioners for England and Wales, and they shall have such functions as are conferred on them by this Act in addition to any functions under any other enactment for the time being in force.
- (2) The provisions of Schedule 1 to this Act shall have effect with respect to the constitution and proceedings of the Commissioners and other matters relating to the Commissioners and their officers and employees.
- (3) The Commissioners shall (without prejudice to their specific powers and duties under other enactments) have the general function of promoting the effective use of charitable resources by encouraging the development of better methods of administration, by giving charity trustees information or advice on any matter affecting the charity and by investigating and checking abuses.
- (4) It shall be the general object of the Commissioners so to act in the case of any charity (unless it is a matter of altering its purposes) as best to promote and make effective the work of the charity in meeting the needs designated by its trusts; but the Commissioners shall not themselves have power to act in the administration of a charity.
- (5) The Commissioners shall, as soon as possible after the end of every year, make to the Secretary of State a report on their operations during that year, and he shall lay a copy of the report before each House of Parliament.

2 The official custodian for charities

- (1) There shall continue to be an officer known as the official custodian for charities (in this Act referred to as “the official custodian”) whose function it shall be to act as

Status: This is the original version (as it was originally enacted).

trustee for charities in the cases provided for by this Act; and the official custodian shall be by that name a corporation sole having perpetual succession and using an official seal which shall be officially and judicially noticed.

- (2) Such officer of the Commissioners as they may from time to time designate shall be the official custodian.
- (3) The official custodian shall perform his duties in accordance with such general or special directions as may be given him by the Commissioners, and his expenses (except those re-imbursed to him or recovered by him as trustee for any charity) shall be defrayed by the Commissioners.
- (4) Anything which is required to or may be done by, to or before the official custodian may be done by, to or before any officer of the Commissioners generally or specially authorised by them to act for him during a vacancy in his office or otherwise.
- (5) The official custodian shall not be liable as trustee for any charity in respect of any loss or of the mis-application of any property unless it is occasioned by or through the wilful neglect or default of the custodian or of any person acting for him; but the Consolidated Fund shall be liable to make good to a charity any sums for which the custodian may be liable by reason of any such neglect or default.
- (6) The official custodian shall keep such books of account and such records in relation thereto as may be directed by the Treasury and shall prepare accounts in such form, in such manner and at such times as may be so directed.
- (7) The accounts so prepared shall be examined and certified by the Comptroller and Auditor General, and the report to be made by the Commissioners to the Secretary of State for any year shall include a copy of the accounts so prepared for any period ending in or with the year and of the certificate and report of the Comptroller and Auditor General with respect to those accounts.