

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 36(2).

#### MEANING OF “CONNECTED PERSON” FOR PURPOSES OF SECTION 36(2)

- 1 In section 36(2) of this Act “connected person”, in relation to a charity, means—
- (a) a charity trustee or trustee for the charity;
  - (b) a person who is the donor of any land to the charity (whether the gift was made on or after the establishment of the charity);
  - (c) a child, parent, grandchild, grandparent, brother or sister of any such trustee or donor;
  - (d) an officer, agent or employee of the charity;
  - (e) the spouse of any person falling within any of sub-paragraphs (a) to (d) above;
  - (f) an institution which is controlled—
    - (i) by any person falling within any of sub-paragraphs (a) to (e) above, or
    - (ii) by two or more such persons taken together; or
  - (g) a body corporate in which—
    - (i) any connected person falling within any of sub-paragraphs (a) to (f) above has a substantial interest, or
    - (ii) two or more such persons, taken together, have a substantial interest.
- 2 (1) In paragraph 1(c) above “child” includes a stepchild and an illegitimate child.
- (2) For the purposes of paragraph 1(e) above a person living with another as that person’s husband or wife shall be treated as that person’s spouse.
- 3 For the purposes of paragraph 1(f) above a person controls an institution if he is able to secure that the affairs of the institution are conducted in accordance with his wishes.
- 4 (1) For the purposes of paragraph 1(g) above any such connected person as is there mentioned has a substantial interest in a body corporate if the person or institution in question—
- (a) is interested in shares comprised in the equity share capital of that body of a nominal value of more than one-fifth of that share capital, or
  - (b) is entitled to exercise, or control the exercise of, more than one-fifth of the voting power at any general meeting of that body.
- (2) The rules set out in Part I of Schedule 13 to the <sup>M1</sup>Companies Act 1985 (rules for interpretation of certain provisions of that Act) shall apply for the purposes of sub-paragraph (1) above as they apply for the purposes of section 346(4) of that Act (“connected persons” etc).
- (3) In this paragraph “equity share capital” and “share” have the same meaning as in that Act.

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