

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

Charities Act 1993 (c. 10)

- 29 (1) The Charities Act 1993 is amended as follows.
- (2) In section 37, for subsections (7) and (8) there is substituted—
- “(7) Where the disposition to be effected by any such instrument as is mentioned in subsection (1)(b) or (5)(b) above will be—
- (a) a registrable disposition, or
 - (b) a disposition which triggers the requirement of registration,
- the statement which, by virtue of subsection (1) or (5) above, is to be contained in the instrument shall be in such form as may be prescribed by land registration rules.
- (8) Where the registrar approves an application for registration of—
- (a) a disposition of registered land, or
 - (b) a person’s title under a disposition of unregistered land,
- and the instrument effecting the disposition contains a statement complying with subsections (5) and (7) above, he shall enter in the register a restriction reflecting the limitation under section 36 above on subsequent disposal.”
- (3) In that section, in subsection (9)—
- (a) for “the restriction to be withdrawn” there is substituted “the removal of the entry”, and
 - (b) for “withdraw the restriction” there is substituted “remove the entry”.
- (4) In that section, in subsection (11), for “Land Registration Act 1925” there is substituted “Land Registration Act 2002”.
- (5) In section 39, in subsection (1), at the end there is inserted “by land registration rules”.
- (6) In that section, for subsections (1A) and (1B) there is substituted—
- “(1A) Where any such mortgage will be one to which section 4(1)(g) of the Land Registration Act 2002 applies—
- (a) the statement required by subsection (1) above shall be in such form as may be prescribed by land registration rules; and
 - (b) if the charity is not an exempt charity, the mortgage shall also contain a statement, in such form as may be prescribed by land registration rules, that the restrictions on disposition imposed by section 36 above apply to the land (subject to subsection (9) of that section).
- (1B) Where—

Status: This is the original version (as it was originally enacted).

- (a) the registrar approves an application for registration of a person's title to land in connection with such a mortgage as is mentioned in subsection (1A) above,
 - (b) the mortgage contains statements complying with subsections (1) and (1A) above, and
 - (c) the charity is not an exempt charity,
- the registrar shall enter in the register a restriction reflecting the limitation under section 36 above on subsequent disposal.
- (1C) Section 37(9) above shall apply in relation to any restriction entered under subsection (1B) as it applies in relation to any restriction entered under section 37(8).”
- (7) In that section, in subsection (6), for the words from “and subsections” to the end there is substituted “and subsections (1) to (1B) above shall be construed as one with the Land Registration Act 2002”.