



Charities Act 2011

2011 CHAPTER 25

PART 15

LOCAL CHARITIES

Parochial charities

298 Transfer of property to parish or community council or its appointees

- (1) This section applies where trustees hold any property—
- (a) for the purposes of a public recreation ground, or of allotments (whether under inclosure Acts or otherwise), for the benefit of inhabitants of a parish having a parish council or (in Wales) community having a community council, or
 - (b) for other charitable purposes connected with such a parish or community;
- and it applies to property held for any public purposes as it applies to property held for charitable purposes.

But it does not apply where trustees hold property for an ecclesiastical charity.

- (2) The trustees may, with the approval of the Commission and with the consent of the parish or community council, transfer the property to—
- (a) the parish or community council, or
 - (b) persons appointed by the parish or community council;
- and the council or their appointees must hold the property on the same trusts and subject to the same conditions as the trustees did.

299 Local authorities' power to appoint representative trustees

- (1) This section applies where a parochial charity in a parish or (in Wales) a community is not—
- (a) an ecclesiastical charity, or
 - (b) a charity founded within the preceding 40 years.

Status: Point in time view as at 14/03/2012.

Changes to legislation: Charities Act 2011, Cross Heading: Parochial charities is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) If the charity trustees do not include persons—
- (a) elected by the local government electors or inhabitants of the parish or community, or
 - (b) appointed by the parish council or parish meeting or (in Wales) by the community council or the county council or (as the case may be) county borough council,
- the parish council or parish meeting or the community council or the county council or county borough council may appoint additional charity trustees, to such number as the Commission may allow.
- (3) If there is a sole charity trustee not elected or appointed as mentioned in subsection (2), the number of the charity trustees may, with the approval of the Commission, be increased to 3, of whom—
- (a) one may be nominated by the person holding the office of the sole trustee, and
 - (b) one may be nominated by the parish council or parish meeting or by the community council or the county council or county borough council.

300 Powers of appointment deriving from pre-1894 powers

- (1) Subsection (2) applies where, under the trusts of a charity other than an ecclesiastical charity—
- (a) the inhabitants of a rural parish (whether in vestry or not), or
 - (b) a select vestry,
- were formerly (in 1894) entitled to appoint charity trustees for, or trustees or beneficiaries of, the charity.
- (2) The appointment is to be made—
- (a) in a parish having a parish council or (in Wales) a community having a community council, by the parish or community council, or in the case of beneficiaries, by persons appointed by the parish or community council;
 - (b) in a parish not having a parish council or (in Wales) a community not having a community council, by the parish meeting or by the county council or (as the case may be) county borough council.
- (3) Subsection (4) applies where—
- (a) overseers as such, or
 - (b) except in the case of an ecclesiastical charity, churchwardens as such,
- were formerly (in 1894) charity trustees of or trustees for a parochial charity in a rural parish, either alone or jointly with other persons.
- (4) Instead of the former overseer or church warden trustees there are to be trustees (to a number not greater than that of the former overseer or churchwarden trustees) appointed—
- (a) by the parish council or, if there is no parish council, by the parish meeting, or
 - (b) by the community council or, if there is no community council, by the county council or (as the case may be) county borough council.
- (5) In this section “formerly (in 1894)” relates to the period immediately before the passing of the Local Government Act 1894 and “former” is to be read accordingly.

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301 Powers of appointment deriving from pre-1927 powers

- (1) Subsection (2) applies where, outside Greater London (other than the outer London boroughs), overseers of a parish as such were formerly (in 1927) charity trustees of or trustees for any charity, either alone or jointly with other persons.
- (2) Instead of the former overseer trustees there are to be trustees (to a number not greater than that of the former overseer trustees) appointed—
 - (a) by the parish council or, if there is no parish council, by the parish meeting, or
 - (b) (in Wales) by the community council or, if there is no community council, by the county council or (as the case may be) county borough council.
- (3) In the case of an urban parish existing immediately before the passing of the Local Government Act 1972 which after 1st April 1974 is not comprised in a parish, the power of appointment under subsection (2) is exercisable by the district council.
- (4) In this section “formerly (in 1927)” relates to the period immediately before 1 April 1927 and “former” is to be read accordingly.

302 Term of office of trustees appointed under s.299 to s.301

- (1) Any appointment of a charity trustee or trustee for a charity which is made by virtue of sections 299 to 301 must be for a term of 4 years, and a retiring trustee is eligible for re-appointment.

But this is subject to subsections (2) and (3).
- (2) On an appointment under section 299, where—
 - (a) no previous appointments have been made by virtue of—
 - (i) section 299, or
 - (ii) the corresponding provision of the Local Government Act 1894, the Charities Act 1960 or the Charities Act 1993, and
 - (b) more than one trustee is appointed,
half of those appointed (or as nearly as may be) must be appointed for a term of 2 years.
- (3) An appointment made to fill a casual vacancy must be for the remainder of the term of the previous appointment.

303 S.298 to s.302: supplementary

- (1) In sections 299 and 300, “parochial charity” means, in relation to any parish or (in Wales) community, a charity the benefits of which are, or the separate distribution of the benefits of which is, confined to inhabitants of—
 - (a) the parish or community,
 - (b) a single ancient ecclesiastical parish which included that parish or community or part of it, or
 - (c) an area consisting of that parish or community with not more than 4 neighbouring parishes or communities.
- (2) Sections 298 to 302 do not affect the trusteeship, control or management of any foundation or voluntary school within the meaning of the School Standards and Framework Act 1998.
- (3) Sections 298 to 302—

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- (a) do not apply to the Isles of Scilly, and
- (b) have effect subject to any order (including any future order) made under any enactment relating to local government with respect to local government areas or the powers of local authorities.

Status:

Point in time view as at 14/03/2012.

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