



# Charities Act 2011

## 2011 CHAPTER 25

### PART 15

#### LOCAL CHARITIES

##### *Indexes and reviews etc.*

#### **293 Meaning of “local charity”**

In this Act, except in so far as the context otherwise requires, “local charity” means, in relation to any area, a charity established for purposes which are—

- (a) by their nature, or
- (b) by the trusts of the charity,

directed wholly or mainly to the benefit of that area or of part of it.

#### **294 Local authority’s index of local charities**

- (1) A council may maintain an index of local charities or of any class of local charities in the council’s area, and may publish information contained in the index, or summaries or extracts taken from it.
- (2) A council proposing to establish or maintaining under this section an index of local charities or of any class of local charities must, on request, be supplied by the Commission free of charge—
  - (a) with copies of such entries in the register of charities as are relevant to the index, or
  - (b) with particulars of any changes in the entries of which copies have been supplied before;

and the Commission may arrange that it will without further request supply a council with particulars of any such changes.

- (3) An index maintained under this section must be open to public inspection at all reasonable times.

**295 Reviews of local charities by local authority**

- (1) A council may—
  - (a) subject to the following provisions of this section, initiate, and carry out in co-operation with the charity trustees, a review of the working of any group of local charities with the same or similar purposes in the council's area, and
  - (b) make to the Commission such report on the review and such recommendations arising from it as the council, after consultation with the trustees, think fit.
- (2) A council having power to initiate reviews under this section may—
  - (a) co-operate with other persons in any review by them of the working of local charities in the council's area (with or without other charities), or
  - (b) join with other persons in initiating and carrying out such a review.
- (3) No review initiated by a council under this section is to extend—
  - (a) to any charity without the consent of the charity trustees, or
  - (b) to any ecclesiastical charity.
- (4) No review initiated under this section by a district council is to extend to the working in any county of a local charity established for purposes similar or complementary to any services provided by county councils unless the review so extends with the consent of the council of that county.
- (5) Subsection (4) does not apply in relation to Wales.

**296 S.294 and s.295: supplementary**

- (1) In sections 294 and 295 and this section “council” means—
  - (a) a district council,
  - (b) a county council,
  - (c) a county borough council,
  - (d) a London borough council, or
  - (e) the Common Council of the City of London.
- (2) A council may employ any voluntary organisation as their agent for the purposes of sections 294 and 295, on such terms and within such limits (if any) or in such cases as they may agree.
- (3) In subsection (2), “voluntary organisation” means any body—
  - (a) whose activities are carried on otherwise than for profit, and
  - (b) which is not a public or local authority.
- (4) A joint board discharging any of a council's functions has the same powers under sections 294 and 295 and this section as the council as respects local charities in the council's area which are established for purposes similar or complementary to any services provided by the board.

**297 Co-operation between charities, and between charities and local authorities**

- (1) Any local council and any joint board discharging any functions of a local council—
  - (a) may make, with any charity established for purposes similar or complementary to services provided by the council or board, arrangements for co-ordinating—

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- (i) the activities of the council or board, and
    - (ii) those of the charity,in the interests of persons who may benefit from those services or from the charity, and
  - (b) is at liberty to disclose to any such charity in the interests of those persons any information obtained in connection with the services provided by the council or board, whether or not arrangements have been made with the charity under this subsection.
- (2) In subsection (1), “local council” means—
- (a) in relation to England—
    - (i) a district council,
    - (ii) a county council,
    - (iii) a London borough council,
    - (iv) a parish council,
    - (v) the Common Council of the City of London, or
    - (vi) the Council of the Isles of Scilly, and
  - (b) in relation to Wales—
    - (i) a county council,
    - (ii) a county borough council, or
    - (iii) a community council.
- (3) Charity trustees may, regardless of anything in the trusts of the charity, by virtue of this subsection do all or any of the following things, if it appears to them likely to promote or make more effective the work of the charity—
- (a) they may co-operate in any review undertaken under section 295 or otherwise of the working of charities or any class of charities;
  - (b) they may make arrangements with an authority acting under subsection (1) or with another charity for co-ordinating their activities and those of the authority or of the other charity;
  - (c) they may publish information of other charities with a view to bringing them to the notice of those for whose benefit they are intended.
- (4) Charity trustees may defray the expense of acting under subsection (3) out of any income or money applicable as income of the charity.

#### *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.

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- (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.
- (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.

### **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.

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### **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—
  - (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.

### *Supplementary*

### **304 Effect of provisions relating to vesting or transfer of property**

No vesting or transfer of any property in pursuance of any provision of this Part operates as a breach of a covenant or condition against alienation or gives rise to a forfeiture.