



Charities Act 1960

1960 CHAPTER 58

PART I

THE CENTRAL AUTHORITIES

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have such functions as are conferred on them by this Act in addition to any functions under any other enactment not repealed by this Act.
- (2) The provisions of the First Schedule 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 servants.
- (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 Minister of Education

- (1) Subject to the provisions of this Act, any functions conferred on the Commissioners by or under this or any other Act (including functions belonging at the passing of this

Status: This is the original version (as it was originally enacted).

Act to the Minister of Education by virtue of any transfer previously made) shall be functions equally of the Commissioners and of the Minister of Education, and anything which is to be or may be done under or for the purposes of the trusts of a charity by virtue of any mention therein of the Commissioners or of the Minister (or by virtue of any reference therein which has effect as if they or he were mentioned) shall be equally effective if done by or to either; and references to the Commissioners or to the Minister shall be construed as extending to each of them so far as may be necessary to give full effect to this subsection.

- (2) Her Majesty may by Order in Council give, vary and revoke directions for determining or making known the cases in which the Commissioners should act, and those in which the Minister of Education should act, where they have concurrent powers by virtue of this section ; and, subject to any such directions, it shall be for the Minister to act in relation to charities whose purposes are wholly or mainly purposes of concern to him in connection with his general functions relating to education, and for the Commissioners to act in other cases.

Any Order in Council under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (3) Where a person has occasion to make any application, give any notice or do any other thing which may be made, given or done equally to the Commissioners or to the Minister of Education, he shall take such steps as are reasonable to secure that it is made, given or done to whichever should act in the matter; but nothing done to or by the Commissioners or the Minister shall be ineffective by reason of this subsection or of subsection (2) above.
- (4) The Minister of Education shall continue to discharge the functions conferred by the Endowed Schools Act, 1869, and subsequent Acts on the commissioners established by that Act or on any person as successor to those commissioners, and to settle schemes under that Act for the approval of Her Majesty in Council and submit them for such approval, after taking the steps required by those Acts of those commissioners before submission of a scheme to the Committee of Council on Education and the steps required of that Committee after approval of a scheme by them; and officers of the Minister shall discharge accordingly any functions conferred on officers of those commissioners (including their assistant commissioners) or on officers of any person as successor to those commissioners.
- (5) No provision of this Act conferring on the Secretary of State any power in relation to the Commissioners, or requiring them to make a report to him, shall apply in relation to the Minister of Education, but the Minister shall deal with his operations under this Act or under the Endowed Schools Acts, 1869 to 1948, in his report made to Parliament under section five of the Education Act, 1944.

3 The official custodian for charities

- (1) There shall be an " official custodian for charities ", whose function it shall be to act as trustee for charities in the cases provided for by this Act; and the official custodian for charities 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 for charities.

- (3) The official custodian for charities 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 for charities 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 for charities shall not be liable as trustee for any charity in respect of any loss or of the misapplication of any property, unless it is occasioned by or through the wilful neglect or default of the custodian or 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 for charities 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.
- (8) References in this section to the Commissioners shall not extend to the Minister of Education, nor shall subsection (1) of section two of this Act confer on that Minister any functions in relation to the official custodian for charities or to the vesting in or transfer to him of any property.