



# Charities Act 1960

## 1960 CHAPTER 58

### PART I

#### THE CENTRAL AUTHORITIES

#### **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 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.