
STATUTORY INSTRUMENTS

2007 No. 309

**The Charities Act 2006 (Commencement No 1,
Transitional Provisions and Savings) Order 2007**

Citation and Interpretation

1.—(1) This Order may be cited as the Charities Act 2006 (Commencement No 1, Transitional Provisions and Savings) Order 2007.

(2) In this Order:

“the 1992 Act” means the Charities Act 1992(1);

“the 1993 Act” means the Charities Act 1993(2); and

“the 2006 Act” means the Charities Act 2006.

Commencement

2. Subject to Articles 4 to 13, the provisions of the 2006 Act which are specified in Column 1 of the Schedule to this Order shall come into force on 27th February 2007 except:

(a) where a particular purpose is specified in relation to any such provision in Column 3 of that Schedule, the provision concerned shall come into force on that date only for that purpose; or

(b) where any other limitation is specified in relation to any such provision in Column 3 of that Schedule, the provision concerned shall come into force on that date subject to that limitation.

3. Section 70 of the 2006 Act (power of relevant Minister to give financial assistance to charitable, benevolent or philanthropic institutions) shall come into force on 1st April 2007.

Transitional Provisions and Savings

4. The amendments made by paragraph 98(5) and (6) of Schedule 8 (amendment of section 2(7) and addition of section 2(8) and (9) to the 1993 Act) shall apply in relation to any financial year of a charity which begins on or after 27th February 2007.

5.—(1) The restriction on the Charity Commission’s power of disclosure under section 10A(2) of the 1993 Act, as inserted by paragraph 104 of Schedule 8 to the 2006 Act, shall apply whether the information was disclosed to the Charity Commission before, on or after 27th February 2007.

(2) In relation to information disclosed to the Charity Commission before 27th February 2007, the reference in section 10A(2) of the 1993 Act to section 10(1) is to be taken as a reference to section 10(1) as originally enacted.

6.—(1) The amendments made by paragraph 128(5) and (6) of Schedule 8 to the 2006 Act (amendment of section 36 of the 1993 Act) shall not apply in relation to any sale, lease or other

(1) 1992 c.41
(2) 1993 c.10

disposition where before 27th February 2007 the charity trustees have entered into an agreement for the disposition.

(2) The amendments made by paragraph 178(2) and (4) of Schedule 8 to the 2006 Act (amendment of paragraph 1 of Schedule 5 to the 1993 Act, concerning the meaning of “connected person” for the purposes of section 36(2) of that Act), in so far as they insert new paragraphs (1)(b) and (2)(ea) in Schedule 5, shall not apply in relation to any disposition for which the contract was entered into before 27th February 2007.

7. The amendment made by paragraph 135(2) of Schedule 8 to the 2006 Act (amendment of section 43A(2) of the 1993 Act) shall apply in relation to any financial year of an English NHS charity which begins on or after 27th February 2007.

8. The amendment made by paragraph 136(2) of Schedule 8 to the 2006 Act (amendment of section 43B(2) of the 1993 Act) shall apply in relation to any financial year of a Welsh NHS charity which begins on or after 27th February 2007.

9. The amendments made by paragraph 138 of Schedule 8 to the 2006 Act (amendment of section 45 of the 1993 Act) shall, save in so far as they substitute “the Commission” for “the Commissioners”, apply in relation to any financial year of a charity which begins on or after 27th February 2007.

10. The amendment made by paragraph 141(3) of Schedule 8 to the 2006 Act (amendment of section 48 of the 1993 Act) shall apply in relation to any financial year of a charity which begins on or after 27th February 2007.

11.—(1) Section 49 of the 1993 Act, as substituted by paragraph 142 of Schedule 8 to the 2006 Act, shall apply to non-compliance with any requirement where the specified date for compliance is 1st April 2008 or later.

(2) Section 49 of the 1993 Act, as originally enacted, shall continue to apply to non-compliance with any requirement where the specified date for compliance is before 1st April 2008.

12. The amendments made by paragraph 192(4) of Schedule 8 to the 2006 Act (amendment to Schedule 1, paragraph 18(4) of the Housing Act 1996(3)) shall apply in relation to any financial year of a charity which begins on or after 27th February 2007.

13. During the period prior to the coming into force in Schedule 9 to the 2006 Act of the entry relating to section 16(11) to (14) of the 1993 Act (repeal of those provisions), section 16(12) shall have effect as if the reference to a period of three months beginning with the day following that on which the order is published were a reference to a period of three months beginning with the day following that on which the order is made.

31 January 2007

Ed Miliband
Parliamentary Secretary
Cabinet Office