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STATUTORY INSTRUMENTS

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**2008 No. 3267**

**The Charities Act 2006 (Commencement No. 5, Transitional and Transitory Provisions and Savings) Order 2008**

**Citation and interpretation**

1.—(1) This Order may be cited as the Charities Act 2006 (Commencement No. 5, Transitional and Transitory Provisions and Savings) Order 2008.

(2) In this Order—

“the 2006 Act” means the Charities Act 2006;

“the Commission” means the Charity Commission;

“company” has the meaning given by section 97(1) of the 1993 Act<sup>(1)</sup>;

“enactment” includes section 36 of the Charities and Trustee Investment (Scotland) Act 2005<sup>(2)</sup>;

“financial year” has the meaning given by section 97(1) of the 1993 Act;

“formerly specified educational institution” means—

(a) a body to which section 23(1)(a) or (b) of the School Standards and Framework Act 1998<sup>(3)</sup> applies;

(b) an Education Action Forum established by virtue of section 10(1) of that Act; or

(c) an institution to which section 23(2) of that Act applies;

“old section 3(2) of the 1993 Act” means section 3(2) of the 1993 Act as it was in force immediately before 31st January 2009<sup>(4)</sup>;

“old section 3(5) of the 1993 Act” means section 3(5) of the 1993 Act as it was in force immediately before 31st January 2009<sup>(5)</sup>;

“qualifying excepted charity” means a charity within section 3A(2)(b), (c) or (d) of the 1993 Act;

“the register” and “registered” are to be construed in accordance with section 97(1) of the 1993 Act;

“relevant date” means the day appointed for the commencement of section 9 of the 2006 Act for the purpose of inserting new section 3A(6) of the 1993 Act;

“relevant specified institution” means a formerly specified educational institution which falls within section 3A(2)(d) of the 1993 Act.

“transitory financial year” means, in relation to a formerly specified educational institution, a financial year which begins—

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(1) See the definition of “1993 Act” in section 78(1) of the Charities Act 2006 (c.50).

(2) 2005 asp. 10.

(3) 1998 c.31. Section 23 was amended by the Charities Act 2006 (c.50), Schedule 8, paragraph 194. Paragraph 10 of Schedule 1 was amended by the Charities Act 2006, Schedule 8, paragraph 195.

(4) Section 3(2) of the 1993 Act was in force immediately before 31st January 2009 as originally enacted.

(5) Section 3(5) of the 1993 Act was in force immediately before 31st January 2009 as amended by S.I. 2007/789, article 2.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) on or after 31st January 2009; but
- (b) before 1st October 2009.