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SCHEDULE 4

(introduced by section 104)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

ACTS

Recreational Charities Act 1958 (c. 17)

- 1 In section 6(2) of the Recreational Charities Act 1958, the words from “or”, where second occurring, to “1962” are repealed.

Commencement Information

- II** Sch. 4 para. 1 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Local Government (Financial Provisions etc.) (Scotland) Act 1962 (c. 9)

- 2 (1) In section 4 (reduction and remission of rates payable by charitable and other organisations) of the Local Government (Financial Provisions etc.) (Scotland) Act 1962, for paragraph (a) of subsection (10) substitute—
“(a) “charity” means a body entered in the Scottish Charity Register.”.
- (2) Paragraph 5 of Schedule 2 to that Act of 1962 is repealed.

Commencement Information

- I2** Sch. 4 para. 2 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Sex Discrimination Act 1975 (c. 65)

- 3 (1) In section 79(1) of the Sex Discrimination Act 1975—
(a) for “Part VI” substitute “ section 104 ”,
(b) in paragraph (a), for “that Part” substitute “ Part VI ”,
(c) after paragraph (a), insert—
“(aa) in the case of an endowment the governing body of which is entered in the Scottish Charity Register, a scheme approved for that endowment under section 39 or 40 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10)”,
(d) in paragraph (b)—
(i) for “that Act” substitute “ the Education (Scotland) Act 1980 ”,
(ii) after “endowment”, where second occurring, insert “ (or which would, but for the disapplication of that section by section 122(4) of that Act, be so dealt with) ”.
- (2) At the end of section 79(5) of that Act insert “ or, in the case of an endowment the governing body of which is entered in the Scottish Charity Register, a scheme

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approved for that endowment under section 39 or 40 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10) ”.

Commencement Information

I3 Sch. 4 para. 3 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Education (Scotland) Act 1980 (c. 44)

4 In section 122(1) of the Education (Scotland) Act 1980, for the definition of “charitable purposes” substitute—

““charitable purposes” has the same meaning as in the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);”.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Civic Government (Scotland) Act 1982 (c. 45)

5 In the Civic Government (Scotland) Act 1982—

(a) in section 24(3), for paragraph (c) substitute—

“(c) the business of a charity (that is to say, a body which is entered in the Scottish Charity Register);”.

(b) in section 39(3)(f), for the words from “charitable” to the end of that paragraph substitute “ benevolent collection (within the meaning of section 84 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10)). ”.

(c) section 119 (regulation of charitable collections) is repealed.

Commencement Information

I5 Sch. 4 para. 5(a) in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Companies Act 1985 (c. 6)

6 In section 380 of the Companies Act 1985, after subsection (4) insert—

“(4ZA) This section does not, despite paragraphs (a) to (c) of subsection (4), apply to any resolution of a company which is—

(a) registered as a company in Scotland, and

(b) entered in the Scottish Charity Register,

where that resolution is of either of the types mentioned in section 56(5) of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10).”

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I6 Sch. 4 para. 6 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

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Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)

- 7 In the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990—
- (a) in section 1—
 - (i) subsections (4) to (6), and
 - (ii) the words which follow paragraph (b) in subsection (7),are repealed,
 - (b) sections 2 to 8, 12 to 14 and 15(1) to (8) are repealed,
 - (c) in section 9(1)(d)(ii), for “become a recognised body” substitute “be entered in the Scottish Charity Register”,
 - (d) in section 10—
 - (i) in subsection (1)(d)(ii), for “become a recognised body” substitute “be entered in the Scottish Charity Register”,
 - (ii) subsections (6), (9)(b) and (11)(b) are repealed,
 - (e) in section 15(9)—
 - (i) after “affect” insert “—
 - (a) ”,
 - (ii) at the end insert “; or
 - (b) any body entered in the Scottish Charity Register.”

Commencement Information

I7 Sch. 4 para. 7 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1 (with art. 3(1)(3)(4))

PROSPECTIVE

Charities Act 1992 (c. 41)

- 8 In Schedule 6 to the Charities Act 1992, paragraph 10 is repealed.

VALID FROM 24/04/2006

Further and Higher Education (Scotland) Act 1992 (c. 37)

- 9 In section 19(3) of the Further and Higher Education (Scotland) Act 1992, for “within the meaning of the Income Tax Acts” substitute “(within the meaning of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10))”.

Tribunals and Inquiries Act 1992 (c. 53)

- 10 In Part 2 of Schedule 1 to the Tribunals and Inquiries Act 1992, after paragraph 47 insert—

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Charities

- “47A Any Scottish Charity Appeals Panel constituted in accordance with section 75(1) of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10).”

Commencement Information

- I8** Sch. 4 para. 10 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

PROSPECTIVE

Local Government etc. (Scotland) Act 1994 (c. 39)

- 11 In Schedule 13 to the Local Government etc. (Scotland) Act 1994, paragraph 129(16) is repealed.

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 12 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000, before the entry relating to “Scottish Children's Reporter Administration” insert— “ The Scottish Charity Regulator ”.

Commencement Information

- I9** Sch. 4 para. 12 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Land Reform (Scotland) Act 2003 (asp 2)

- 13 In the Land Reform (Scotland) Act 2003—
- (a) in section 34(8), for the words from “which” to the end of that subsection substitute “ entered in the Scottish Charity Register ”,
 - (b) in section 71(8), for the words from “which” to the end of that subsection substitute “ entered in the Scottish Charity Register ”.

Commencement Information

- I10** Sch. 4 para. 13 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 14 In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003, before the entry relating to the “Scottish Children's Reporter Administration” insert — “ Scottish Charity Regulator ”.

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I11 Sch. 4 para. 14 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Protection of Children (Scotland) Act 2003 (asp 5)

15 In paragraph 12 of schedule 2 to the Protection of Children (Scotland) Act 2003, for the definition of “charity” substitute—

““charity” means a body entered in the Scottish Charity Register;”.

Commencement Information

I12 Sch. 4 para. 15 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

PART 2

SUBORDINATE LEGISLATION

Arable Area Payments Regulations 1996 (S.I. 1996/3142)

16 In regulation 9(3)(h) of the Arable Area Payments Regulations 1996, for the words from “a”, where it second occurs, to the end of the paragraph substitute “, in relation to Scotland, a body entered in the Scottish Charity Register”.

Commencement Information

I13 Sch. 4 para. 16 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

Water and Sewerage Charges (Exemption) (Scotland) Regulations 2002 (S.S.I. 2002/167)

17 In regulation 2(1) of the Water and Sewerage Charges (Exemption) (Scotland) Regulations 2002, in paragraph (i) of the definition of “net annual income”, for the words from “Scottish” to “1990” substitute “ body entered in the Scottish Charity Register”.

Commencement Information

I14 Sch. 4 para. 17 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 (S.S.I. 2004/115)

18 In the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004, for “section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990”, where those words occur in—

- (a) regulation 5(2)(k)(i), and
- (b) paragraph 101(2)(m)(i) of schedule 5,

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substitute “ section 34 of the Charities and Trustee Investment (Scotland) Act 2005
 (asp 10) ”.

Commencement Information

I15 Sch. 4 para. 18 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

*National Health Service (Primary Medical Services Section 17C Agreements) (Scotland)
 Regulations 2004 (S.S.I. 2004/116)*

- 19 In the National Health Service (Primary Medical Services Section 17C Agreements)
 (Scotland) Regulations 2004, for “section 7 of the Law Reform (Miscellaneous
 Provisions) (Scotland) Act 1990”, where those words occur in—
- (a) regulation 3(2)(k)(i),
 - (b) paragraph 66(3)(1)(i) of schedule 1,
- substitute “ section 34 of the Charities and Trustee Investment (Scotland) Act 2005
 (asp 10) ”.

Commencement Information

I16 Sch. 4 para. 19 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), Sch. Pt. 1

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