
Changes to legislation: Charities Act 2011, Part 3 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 8

TRANSITIONALS AND SAVINGS

PART 3

MISCELLANEOUS

Regulations relating to fees

- 14 Despite the revocation by this Act of the Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), regulations having effect as if made under section 19 continue to have effect as if any reference to the furnishing of a document were a reference to the provision of the document.

Exempt charities

- 15 (1) Despite the repeal by this Act of section 11(13) of the Charities Act 2006 (power to make amendments or modifications of enactments in connection with changes in exempt charities), the [^{F1}Secretary of State] may by order make such amendments or other modifications of any enactment as the [^{F1}Secretary of State] considers appropriate in connection with—
- (a) charities of a particular description becoming, or ceasing to be, exempt charities, or
 - (b) a particular charity becoming, or ceasing to be, an exempt charity,
- as a result of provision made by or under section 11 of the 2006 Act.
- (2) In sub-paragraph (1) “enactment” includes—
- (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978), and
 - (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England;
- and references to enactments include enactments whenever passed or made.

Textual Amendments

- F1** Words in [Sch. 8 para. 15\(1\)](#) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), [Sch. 2 para. 25\(2\)](#) (**pp**) (with art. 12)

- 16 The repeal and re-enactment by this Act of—

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- (a) section 11(13) of the Charities Act 2006 (power to make amendments or modifications of enactments in connection with changes in exempt charities), and
- (b) section 13(5) of that Act (power to make amendments or modifications of enactments in connection with principal regulator regulations),

is not to be treated as preventing any amendment or modification being made of an enactment contained in this Act which re-enacts an enactment of which an amendment or modification could have been made under section 11(13) or 13(5).

Application cy-prs: donors unknown or disclaiming or treated as disclaiming

- 17 [F2Section 67 applies] to property given for charitable purposes whether before or on or after the commencement of this Act.

Textual Amendments

- F2** Words in [Sch. 8 para. 17](#) substituted (31.10.2022) by [Charities Act 2022 \(c. 6\)](#), s. 41(4), [Sch. 2 para. 14](#); [S.I. 2022/1109](#), [Sch. para. 11\(e\)](#) (with [reg. 5](#))

Official custodian as successor to official trustee of charity lands and official trustees of charity funds

- 18 (1) Despite the repeal by this Act of paragraph 26 of Schedule 10 to the Charities Act 2006, the official custodian for charities is to continue to be treated as the successor for all purposes both of the official trustee of charity lands and of the official trustees of charitable funds as if—
- (a) the functions of the official trustee or trustees had been functions of the official custodian, and
 - (b) the official trustee or trustees had been, and had discharged the functions of the official trustee or trustees as, holder of the office of the official custodian.
- (2) Despite the repeal of paragraph 26 of that Schedule (and without affecting the generality of sub-paragraph (1))—
- (a) any property which immediately before the commencement of that repeal was, by virtue of paragraph 26(2) of that Schedule, held by the official custodian continues to be so held, as if vested in the official custodian under section 90, and
 - (b) any enactment or document referring to the official trustee or trustees mentioned above continues to have effect, so far as the context permits, as if the official custodian had been mentioned instead.

Savings for consequential amendments

- 19 (1) The repeal by this Act of paragraph 23(a) of Schedule 10 to the Charities Act 2006 (saving for consequential amendment made by the Charities Act 1960) does not affect the amendment made by Schedule 6 to the Charities Act 1960 in section 9 of the Places of Worship Registration Act 1855.
- (2) The repeal by this Act of paragraph 23(d) of Schedule 10 to the Charities Act 2006 (saving for consequential amendment made by the Charities Act 1960) does not affect

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the amendment made by Schedule 6 to the Charities Act 1960 in section 31 of the New Parishes Measure 1943.

- (3) The repeal by this Act of paragraph 30 of Schedule 6 to the Charities Act 1993 does not affect the amendments made by that paragraph in—
- (a) section 90(4) of the Local Government Act 1985, or
 - (b) section 192(11) of the Education Reform Act 1988.

Universities of Durham and Newcastle-upon-Tyne Act 1963

- 20 Despite the revocation by this Act of the Charities (Pre-consolidation Amendments) Order 2011 (S.I. 2011/1396), the Universities of Durham and Newcastle-upon-Tyne Act 1963 continues to have effect as if Schedule 7 to the Charities Act 1993 (repeals) had never referred to section 10 of the 1963 Act.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)