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# THE CHARITY LAW & PRACTICE REVIEW

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## EDITORIAL

### **Charities Act 1993**

The Charities Act 1993 received the Royal Assent on 25th May and came into operation on 1st August 1993. It consolidates the Charitable Trustees Incorporation Act 1872, the Charities Act 1960 and Part I of the Charities Act 1992. It is important to note that it also leaves certain provisions of the 1960 and 1992 Acts undisturbed.

The remnants of the Charities Act 1960 are mainly those provisions which declare that certain previous Acts cease to have effect or are repealed.

The remnants of the 1992 Act (which it is convenient to rehearse) are as follows:

- (1) Provisions dealing with divestment of charity property held by the Official Custodian for Charities (ss.29 and 30).
- (2) Removal of requirements under statutory provisions for consent to dealings with charity land.
- (3) Amendment of Redundant Churches and Other Religious Buildings Act 1969 (s.49).
- (4) Contribution towards maintenance of almshouses (s.50).
- (5) Part II (Professional Fund-Raising Provisions).
- (6) Part III (Public Charitable Collections).
- (7) Part IV (Offences, Service of Documents, Regulations and Orders and other General Provisions).

There is something rather untidy jurisprudentially about the name of the Charities Act 1992 and the provisions relating to Fund-Raising and Public Collections by charitable *and philanthropic* bodies continuing to sail under the somewhat misleading ensign of a Charities Act. As Lord Renton pointed out, the 1992 Act in its short title encompasses a misnomer: it should have been called the Charities Fund-Raising and Public Collections Act 1992. However that may be, there will no doubt need to be further consolidation in due course to take account of the Recreational Charities Act 1958 and any other later Act on charities.

### **Further Reform**

## From the Managing Editor

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In this issue Professor Lee Sheridan draws attention to the inadequacy of our Charitable Trusts (Validation) Act 1954 which is merely retrospective in effect and really requires to be re-enacted in a prospective form to correspond with the statutes in Northern Ireland and almost everywhere else in the Commonwealth. It is to be hoped that our legislators will in due course introduce provisions designed to rescue for charity the money which any right-minded testator would wish to see devoted to charity rather than to unintended next of kin.

### **American Connection**

I am happy to announce that two American overseas correspondents have consented to join the Editorial team, namely Professor Harvey Dale who runs the Program of Philanthropy and Law at New York University and J Clifton Cox of the Bar of Florida. It will also be seen that there is an article of comparative law interest by Helena Steiner-Hornsteyn, one of South Florida's most dynamic charity organisers, showing how very similar the approach of the United States Internal Revenue Service is to that of our Inland Revenue at Bootle and the Charity Commission in relation to charities. I hope the *Review* will carry other articles of comparative interest both from the United States and elsewhere as, for example, from the Commonwealth.

Hubert Picarda QC  
13th October 1993