

The Charity Law and Practice Review Volume 1 Issue 3

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EDITORIAL

Charities Consolidation Bill

The aphorism of Heraclitus that "everything flows and nothing stays" has been conspicuously corroborated by what is going on in the charity world. No sooner had we begun to familiarise ourselves with the structure and section numbers of the Charities Act 1992 than the consolidating Charities Bill which is to become the Charities Act 1993 emerged. The Charities Bill published on 8th December 1992 is to consolidate the Charitable Trustees Incorporation Act 1872 (as amended), the Charities Act 1960 and Parts I and IV of the Charities Act 1992. Assuming exact correspondence between Bill and Act, the result will in due course be a consolidating Act consisting of ten Parts, 100 sections and eight schedules. The statute should be on the statute book sometime between February and June of this year.

Strangely, the consolidation of charity law envisaged is only a partial consolidation: Parts II and III of the Charities Act 1992, dealing with Professional Fund-Raising and Public Charitable Collections, are not consolidated into the Bill. Applying, as they do, to fund-raising and collections on behalf of benevolent and philanthropic as well as charitable purposes and institutions, they remain as the rump of an Act which Lord Renton in Parliamentary debate said ought to have been called the Charities and Fund-Raising Act. For the sake of jurisprudential tidiness and intellectual discipline it is to be hoped that Parts II and III will themselves soon be consolidated in a more aptly named Act.

Moreover, there are other perhaps more surprising absentees from the new Bill, namely the Recreational Charities Act 1958 and the Charitable Trusts Validation Act 1954. The first-named Act is still frequently invoked in the courts but the Charitable Trusts Validation Act 1954 having retrospective operation only and rescuing for charity mixed or imperfect charitable gifts taking effect before December 1952 has obsolescence built into it. It is to be hoped that prior to its consolidation into a later Charities Act it will be amended to make it prospective in effect. This is the position with salvage provisions elsewhere in the Commonwealth and in s.24 of the Charities (Northern Ireland) Act 1964.

From the Managing Editor

Index to the Annual Reports

Those of us who make frequent use of past copies of the Annual Reports of the Charity Commissioners have to rely on text-books and our memory to locate important pronouncements by the Commissioners.

This is a somewhat hit or miss process since no text-book cites all relevant pronouncements and memories are fallible. It is suggested that the time has now come for consideration to be given to the publication by the Commissioners of an index to cover all their past Reports. While it would obviously be convenient to have one complete cumulative index, if the task were thought to be too daunting for one issue or one year, an alternative would be to spread publication over two or three parts, each of which could be issued at the time of an Annual Report.

Association of Charity Lawyers

A welcome arrival on the charity scene is a new professional association of charity lawyers, details of which appear elsewhere in this Review. The exchange of ideas and information made possible by meetings of professionals sharing a common professional interest can do nothing but good for the advancement of education, learning and knowledge in the thickets of our increasingly complicated charity law!

Virus

I apologise for the late appearance of this issue of the Review. A savage virus attacked the editorial word processor and a sizeable part of the Review had to be re-constituted.

Hubert Picarda QC
10th March 1993