EXPLANATORY MEMORANDUM TO

THE CHARITIES (BRIDGE HOUSE ESTATES) ORDER 2007

2007 No. [XXXX]

1. This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

This Memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The draft Order brings into effect the provisions contained in a Scheme of the Charity Commissioners to be made under section 17 Charities Act 1993 in connection with the administration of the Bridge House Estates charity.

2.2 The purpose of the Scheme is to provide the charity with a power to divert or stop up and demolish the elevated footway at Colechurch House, an investment property for the charity.

3. Matters of special interest to the joint committee on Statutory Instruments

3.1 None.

4. Legislative background

4.1 The elevated footway at Colechurch House was constructed under the London Bridge Improvement Act 1962 and the London Bridge Act 1967. Under the City of London (Various Powers) Act 1993, the elevated footway is deemed to be a public highway for a limited number of express purposes, but it is not for general purposes a public highway.

4.2 The Charity Commissioners have the power under section 17 of the Charities Act 1993 to make a Scheme for the administration of the charity where they are satisfied that they should do so.

4.3 Such Schemes can only alter the provisions made under Acts of Parliament if they are given effect by an Order of the Minister for the Cabinet Office and laid before Parliament.

4.4 Policy responsibility for charity law and regulation transferred from the Home Office to the Cabinet Office in May 2006. The Transfer of Functions (Third Sector, Communities and Equality) Order 2006, which came into force on 13 December 2006, transferred a number of statutory functions from the Home Secretary to the Minister for the Cabinet Office, including this statutory function.

5. Extent

5.1 This Instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 The Parliamentary Secretary and Minister for the Third Sector, Ed Miliband, has made the following statement regarding Human Rights:

In my view the provisions of the draft Charities (Bridge House Estates) Order 2007 are compatible with the Convention rights.

7. Policy background

7.1 The Corporation of London as corporate trustee of the charity wishes to demolish and then redevelop a 1960s building called Colechurch House which is located on the southern approach to London Bridge. The charity owns Colechurch House as an income producing endowment. The charity has been advised that redevelopment of the site would be advantageous, enabling it to increase its income for charitable purposes.

7.2 There is an integrated elevated footway at Colechurch House, giving pedestrian access to London Bridge station which is expressly provided for by legislation. However, there is no corresponding statutory power under which it can be demolished and not replaced without amending the Acts under which it was constructed.

7.3 The Scheme amends section 32(3) of the City of London (Various Powers) Act 1963 to the effect that the Corporation has power to divert or stop up and demolish the elevated footway for the purpose of development to be carried out in accordance with planning permission granted for development under Part III of the Town and Country Planning Act 1990.

7.4 In September 2005 the charity gave public notice of the Scheme as required by the Charities Act 1993. No objections or comments were received.

8. Impact

8.1 A Regulatory Impact assessment has not been prepared for this Instrument as it has no impact on business, charities or the voluntary sector other than on the charity referred to in the Order.

9. Contact

Helen Morgan at the Cabinet Office (tel: 020 7276 6031 or email:helen.morgan@cabinet-office.x.gsi.gov.uk) can answer any queries regarding the instrument.