
STATUTORY INSTRUMENTS

2024 No. 265

The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024

Saving provision in relation to section 2 of the 2022 Act

7.—(1) In this regulation—

“regulated alteration” has the meaning given by section 226(2) of the 2011 Act;

“relevant proceedings” means—

- (a) proceedings on an appeal brought to the Tribunal under section 319 of the 2011 Act in relation to a decision of the Charity Commission under section 227 of the 2011 Act to refuse to register an amendment to the constitution of a charitable incorporated organisation, or
- (b) proceedings on an application for judicial review of a decision of the Charity Commission under section 227 of the 2011 Act to register or to refuse to register an amendment to a constitution of a charitable incorporated organisation.

(2) Paragraph (3) applies in relation to a charitable incorporated institution (“the CIO”) if, prior to 7th March 2024—

- (a) the charity trustees of the CIO have made either of the following applications to the Charity Commission—
 - (i) an application to the Charity Commission for consent in relation to a regulated alteration,
 - (ii) an application to register an amendment to the CIO’s constitution; and
- (b) any of the following applies—
 - (i) the Charity Commission has not yet made a decision whether to give or to withhold consent to a regulated alteration, or to register or to refuse to register an amendment;
 - (ii) the Charity Commission has registered an amendment and the period for commencing proceedings on an application for judicial review in relation to that decision has not expired;
 - (iii) the Charity Commission has made a decision to refuse to register an amendment and the period for commencing relevant proceedings has not expired;
 - (iv) relevant proceedings have been commenced.

(3) Sections 226, 227, 248 and 337 of, and Schedule 6 to, the 2011 Act continue to have effect on and after 7th March 2024 in relation to the charity trustees of the CIO in respect of the amendment to the CIO’s constitution as if section 2 and (as it has effect in relation to section 226 of the 2011 Act) section 37(2)(b) of, and paragraphs 2 and 44 of Schedule 2 to, the 2022 Act had not come into force.