



Charities Act 1993 (repealed)

1993 CHAPTER 10

PART II

REGISTRATION AND NAMES OF CHARITIES

Registration of charities

^{F13} The register of charities.

- (1) The Commissioners shall continue to keep a register of charities, which shall be kept by them in such manner as they think fit.
- (2) There shall be entered in the register every charity not excepted by subsection (5) below; and a charity so excepted (other than one excepted by paragraph (a) of that subsection) may be entered in the register at the request of the charity, but (whether or not it was excepted at the time of registration) may at any time, and shall at the request of the charity, be removed from the register.
- (3) The register shall contain—
 - (a) the name of every registered charity; and
 - (b) such other particulars of, and such other information relating to, every such charity as the Commissioners think fit.
- (4) Any institution which no longer appears to the Commissioners to be a charity shall be removed from the register, with effect, where the removal is due to any change in its purposes or trusts, from the date of that change; and there shall also be removed from the register any charity which ceases to exist or does not operate.
- (5) The following charities are not required to be registered—
 - (a) any charity comprised in Schedule 2 to this Act (in this Act referred to as an “exempt charity”);
 - (b) any charity which is excepted by order or regulations;
 - ^{F2}(c) any charity whose gross income does not exceed £5,000;]and no charity is required to be registered in respect of any registered place of worship.

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- [^{F3}(5A) In subsection (5) above, paragraph (a) shall be read as referring also to—
- (a) any higher education corporation within the meaning of the Education Reform Act 1988, and
 - (b) any further education corporation within the meaning of the Further and Higher Education Act 1992.]
- [^{F4}(5B) In addition, in subsection (5) above—
- (a) paragraph (a) shall be read as referring also to—
 - (i) any body to which section 23(1)(a) or (b) of the School Standards and Framework Act 1998 applies, and
 - (ii) any Education Action Forum established by virtue of section 10(1) of that Act; and
 - (b) paragraph (b) shall be read as referring also to any foundation to which section 23(3) of that Act applies;
- but an order of the Commissioners, or regulations made by the [^{F5}Minister], may provide that section 23(3) of that Act shall cease to apply to any such foundation as is mentioned in that provision or to any such foundation of a description specified in the order or regulations.]
- (6) With any application for a charity to be registered there shall be supplied to the Commissioners copies of its trusts (or, if they are not set out in any extant document, particulars of them), and such other documents or information as may be prescribed by regulations made by the [^{F5}Minister] or as the Commissioners may require for the purpose of the application.
 - (7) It shall be the duty—
 - (a) of the charity trustees of any charity which is not registered nor excepted from registration to apply for it to be registered, and to supply the documents and information required by subsection (6) above; and
 - (b) of the charity trustees (or last charity trustees) of any institution which is for the time being registered to notify the Commissioners if it ceases to exist, or if there is any change in its trusts or in the particulars of it entered in the register, and to supply to the Commissioners particulars of any such change and copies of any new trusts or alterations of the trusts.
 - (8) The register (including the entries cancelled when institutions are removed from the register) shall be open to public inspection at all reasonable times; and copies (or particulars) of the trusts of any registered charity as supplied to the Commissioners under this section shall, so long as it remains on the register, be kept by them and be open to public inspection at all reasonable times, except in so far as regulations made by the [^{F5}Minister] otherwise provide.
 - (9) Where any information contained in the register is not in documentary form, subsection (8) above shall be construed as requiring the information to be available for public inspection in legible form at all reasonable times.
 - (10) If the Commissioners so determine, subsection (8) above shall not apply to any particular information contained in the register and specified in their determination.
 - (11) Nothing in the foregoing subsections shall require any person to supply the Commissioners with copies of schemes for the administration of a charity made otherwise than by the court, or to notify the Commissioners of any change made with respect to a registered charity by such a scheme, or require a person, if he refers the

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Commissioners to a document or copy already in the possession of the Commissioners, to supply a further copy of the document; but where by virtue of this subsection a copy of any document need not be supplied to the Commissioners, a copy of it, if it relates to a registered charity, shall be open to inspection under subsection (8) above as if supplied to the Commissioners under this section.

- (12) If the [^{F5}Minister] thinks it expedient to do so—
- (a) in consequence of changes in the value of money, or
 - (b) with a view to extending the scope of the exception provided for by subsection (5)(c) above,

he may by order amend subsection (5)(c) by substituting a different sum for the sum for the time being specified there.

- (13) The reference in subsection (5)(b) above to a charity which is excepted by order or regulations is to a charity which—
- (a) is for the time being permanently or temporarily excepted by order of the Commissioners; or
 - (b) is of a description permanently or temporarily excepted by regulations made by the [^{F5}Minister],

and which complies with any conditions of the exception.

[^{F6}(13A) In this section any reference to a charity’s “gross income” shall be construed, in relation to a particular time —

- (a) as a reference to the charity’s gross income in its financial year immediately preceding that time, or
- (b) if the Commission so determines, as a reference to the amount which the Commission estimates to be the likely amount of the charity’s gross income in such financial year of the charity as is specified in the determination.]

- (14) In this section “registered place of worship” means any land or building falling within section 9 of the ^{M1}Places of Worship Registration Act 1855 (that is to say, the land and buildings which if the ^{M2}Charities Act 1960 had not been passed, would by virtue of that section as amended by subsequent enactments be partially exempted from the operation of the ^{M3}Charitable Trusts Act 1853), and for the purposes of this subsection “building” includes part of a building.

Textual Amendments

- F1** Ss. 3-3B substituted for s. 3 (27.2.2007 for the insertion of ss. 3A(2)(c)(4)(b)(5), 3B(2)(b) for specified purposes, 31.1.2009 in so far as not already in force except for the insertion of s. 3A(6) by [Charities Act 2006 \(c. 50\)](#), **ss. 9, 79(2)**; S.I. 2007/309, art. 2, Sch.; S.I. 2008/3267, art. 2, Sch. (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)
- F2** S. 3(5)(c) substituted (23.4.2007) by [The Charities Act 2006 \(Interim changes in threshold for registration of small charities\) Order 2007 \(S.I. 2007/789\)](#), arts. 1, **2(2)**
- F3** S. 3(5A) inserted (1.10.1998) by 1998 c. 30, s. 44(1), **Sch. 3 para. 9** (with s. 42(8)); S.I. 1998/2215, **art. 2**
- F4** S. 3(5B) inserted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30**, para. 48 (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1**
- F5** Word in s. 3 substituted (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), art. 1(2), **Sch. para. 4(c)**

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F6 S. 3(13A) inserted (23.4.2007) by [The Charities Act 2006 \(Interim changes in threshold for registration of small charities\) Order 2007 \(S.I. 2007/789\)](#), arts. 1, 2(3)

Marginal Citations

M1 1855 c. 81.
M2 1960 c. 58.
M3 1853 c. 137.

[^{F1}3A Registration of charities

- (1) Every charity must be registered in the register of charities unless subsection (2) below applies to it.
- (2) The following are not required to be registered—
 - (a) any exempt charity (see Schedule 2 to this Act);
 - (b) any charity which for the time being—
 - (i) is permanently or temporarily excepted by order of the Commission, and
 - (ii) complies with any conditions of the exception, and whose gross income does not exceed £100,000;
 - (c) any charity which for the time being—
 - (i) is, or is of a description, permanently or temporarily excepted by regulations made by the [^{F7}Minister], and
 - (ii) complies with any conditions of the exception, and whose gross income does not exceed £100,000; and
 - (d) any charity whose gross income does not exceed £5,000.
- (3) For the purposes of subsection (2)(b) above—
 - (a) any order made or having effect as if made under section 3(5)(b) of this Act (as originally enacted) and in force immediately before the appointed day has effect as from that day as if made under subsection (2)(b) (and may be varied or revoked accordingly); and
 - (b) no order may be made under subsection (2)(b) so as to except on or after the appointed day any charity that was not excepted immediately before that day.
- (4) For the purposes of subsection (2)(c) above—
 - (a) any regulations made or having effect as if made under section 3(5)(b) of this Act (as originally enacted) and in force immediately before the appointed day have effect as from that day as if made under subsection (2)(c) (and may be varied or revoked accordingly);
 - (b) such regulations shall be made under subsection (2)(c) as are necessary to secure that all of the formerly specified institutions are excepted under that provision (subject to compliance with any conditions of the exception and the financial limit mentioned in that provision); but
 - (c) otherwise no regulations may be made under subsection (2)(c) so as to except on or after the appointed day any description of charities that was not excepted immediately before that day.
- (5) In subsection (4)(b) above “formerly specified institutions” means—
 - (a) any institution falling within section 3(5B)(a) or (b) of this Act as in force immediately before the appointed day (certain educational institutions); or

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- (b) any institution ceasing to be an exempt charity by virtue of section 11 of the Charities Act 2006 or any order made under that section.
- (6) A charity within—
- (a) subsection (2)(b) or (c) above, or
 - (b) subsection (2)(d) above,
- must, if it so requests, be registered in the register of charities.
- (7) The Minister may by order amend—
- (a) subsection (2)(b) and (c) above, or
 - (b) subsection (2)(d) above,
- by substituting a different sum for the sum for the time being specified there.
- (8) The Minister may only make an order under subsection (7) above—
- (a) so far as it amends subsection (2)(b) and (c), if he considers it expedient to so with a view to reducing the scope of the exception provided by those provisions;
 - (b) so far as it amends subsection (2)(d), if he considers it expedient to do so in consequence of changes in the value of money or with a view to extending the scope of the exception provided by that provision,
- and no order may be made by him under subsection (7)(a) unless a copy of a report under section 73 of the Charities Act 2006 (report on operation of that Act) has been laid before Parliament in accordance with that section.
- (9) In this section “the appointed day” means the day on which subsections (1) to (5) above come into force by virtue of an order under section 79 of the Charities Act 2006 relating to section 9 of that Act (registration of charities).
- (10) In this section any reference to a charity's “gross income” shall be construed, in relation to a particular time—
- (a) as a reference to the charity's gross income in its financial year immediately preceding that time, or
 - (b) if the Commission so determines, as a reference to the amount which the Commission estimates to be the likely amount of the charity's gross income in such financial year of the charity as is specified in the determination.
- (11) The following provisions of this section—
- (a) subsection (2)(b) and (c),
 - (b) subsections (3) to (5), and
 - (c) subsections (6)(a), (7)(a), (8)(a) and (9),
- shall cease to have effect on such day as the Minister may by order appoint for the purposes of this subsection.

Textual Amendments

- F1** Ss. 3-3B substituted for s. 3 (27.2.2007 for the insertion of ss. 3A(2)(c)(4)(b)(5), 3B(2)(b) for specified purposes, 31.1.2009 in so far as not already in force except for the insertion of s. 3A(6) by [Charities Act 2006 \(c. 50\), ss. 9, 79\(2\)](#); [S.I. 2007/309, art. 2, Sch.](#); [S.I. 2008/3267, art. 2, Sch.](#) (with arts. 3-27) (as amended: (29.9.2009) by [S.I. 2009/2648, art. 3](#); (26.7.2010) by [S.I. 2010/1942, art. 2](#); and (1.8.2011) by [S.I. 2011/1725, arts. 1\(2\), 3, Sch. para. 6](#))

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F7 Words in s. 3A(2)(c) substituted (13.12.2006) by [The Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), art. 1(2), **Sch. para. 4(d)**

3B Duties of trustees in connection with registration

- (1) Where a charity required to be registered by virtue of section 3A(1) above is not registered, it is the duty of the charity trustees—
 - (a) to apply to the Commission for the charity to be registered, and
 - (b) to supply the Commission with the required documents and information.
- (2) The “required documents and information” are—
 - (a) copies of the charity's trusts or (if they are not set out in any extant document) particulars of them,
 - (b) such other documents or information as may be prescribed by regulations made by the Minister, and
 - (c) such other documents or information as the Commission may require for the purposes of the application.
- (3) Where an institution is for the time being registered, it is the duty of the charity trustees (or the last charity trustees)—
 - (a) to notify the Commission if the institution ceases to exist, or if there is any change in its trusts or in the particulars of it entered in the register, and
 - (b) (so far as appropriate), to supply the Commission with particulars of any such change and copies of any new trusts or alterations of the trusts.
- (4) Nothing in subsection (3) above requires a person—
 - (a) to supply the Commission with copies of schemes for the administration of a charity made otherwise than by the court,
 - (b) to notify the Commission of any change made with respect to a registered charity by such a scheme, or
 - (c) if he refers the Commission to a document or copy already in the possession of the Commission, to supply a further copy of the document.
- (5) Where a copy of a document relating to a registered charity—
 - (a) is not required to be supplied to the Commission as the result of subsection (4) above, but
 - (b) is in the possession of the Commission,
 a copy of the document shall be open to inspection under section 3(10) above as if supplied to the Commission under this section.]

Textual Amendments

F1 Ss. 3-3B substituted for s. 3 (27.2.2007 for the insertion of ss. 3A(2)(c)(4)(b)(5), 3B(2)(b) for specified purposes, 31.1.2009 in so far as not already in force except for the insertion of s. 3A(6) by [Charities Act 2006 \(c. 50\)](#), **ss. 9, 79(2)**; [S.I. 2007/309](#), art. 2, **Sch.**; [S.I. 2008/3267](#), art. 2, **Sch.** (with arts. 3-27) (as amended: (29.9.2009) by [S.I. 2009/2648](#), art. 3; (26.7.2010) by [S.I. 2010/1942](#), art. 2; and (1.8.2011) by [S.I. 2011/1725](#), arts. 1(2), 3, **Sch. para. 6**)

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4 Effect of, and claims and objections to, registration.

- (1) An institution shall for all purposes other than rectification of the register be conclusively presumed to be or to have been a charity at any time when it is or was on the register of charities.
- (2) Any person who is or may be affected by the registration of an institution as a charity may, on the ground that it is not a charity, object to its being entered by [^{F8}the Commission] in the register, or apply [^{F9}to the Commission] for it to be removed from the register; and provision may be made by regulations made by the [^{F10}Minister] as to the manner in which any such objection or application is to be made, prosecuted or dealt with.
- ^{F11}(3)
- (4) If there is an appeal to the [^{F12}Tribunal] against any decision of [^{F13}the Commission] to enter an institution in the register, or not to remove an institution from the register, then until [^{F14}the Commission is] satisfied whether the decision of [^{F13}the Commission] is or is not to stand, the entry in the register shall be maintained, but shall be in suspense and marked to indicate that it is in suspense; and for the purposes of subsection (1) above an institution shall be deemed not to be on the register during any period when the entry relating to it is in suspense under this subsection.
- (5) Any question affecting the registration or removal from the register of an institution may, notwithstanding that it has been determined by a decision on appeal under [^{F15}Schedule 1C to this Act] above, be considered afresh by [^{F16}the Commission] and shall not be concluded by that decision, if it appears to [^{F16}the Commission] that there has been a change of circumstances or that the decision is inconsistent with a later judicial decision^{F17}....

Textual Amendments

- F8** Words in s. 4(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 99(2)(a)**; S.I. 2007/309, art. 2, Sch.
- F9** Words in s. 4(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 99(2)(b)**; S.I. 2007/309, art. 2, Sch.
- F10** Word in s. 4(2) substituted (13.12.2006) by Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951), art. 1(2), **Sch. para. 4(e)**
- F11** S. 4(3) repealed (18.3.2008) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 99(3), **Sch. 9** (with Sch. 10 para. 18); S.I. 2008/751, art. 2, Sch. (with art. 4)
- F12** Words in s. 4(4) substituted (18.3.2008) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 99(4)(a)** (with Sch. 10 para. 18); S.I. 2008/751, art. 2, Sch. (with art. 4)
- F13** Words in s. 4(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 99(4)(b)**; S.I. 2007/309, art. 2, Sch.
- F14** Words in s. 4(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 99(4)(c)**; S.I. 2007/309, art. 2, Sch.
- F15** Words in s. 4(5) substituted (18.3.2008) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 99(5)(a)**; S.I. 2008/751, art. 2, Sch. (with art. 4)
- F16** Words in s. 4(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 99(5)(b)**; S.I. 2007/309, art. 2, Sch.
- F17** Words in s. 4(5) repealed (18.3.2008) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 99(5)(c)**; S.I. 2008/751, art. 2, Sch. (with art. 4)

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5 Status of registered charity (other than small charity) to appear on official publications etc.

- (1) This section applies to a registered charity if its gross income in its last financial year exceeded [^{F18}£10,000].
- (2) Where this section applies to a registered charity, the fact that it is a registered charity shall be stated ^{F19} . . . in legible characters—
 - (a) in all notices, advertisements and other documents issued by or on behalf of the charity and soliciting money or other property for the benefit of the charity;
 - (b) in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed on behalf of the charity; and
 - (c) in all bills rendered by it and in all its invoices, receipts and letters of credit.
- ^{F20}[(2A) The statement required by subsection (2) above shall be in English, except that, in the case of a document which is otherwise wholly in Welsh, the statement may be in Welsh if it consists of or includes the words “elusen cofrestredig” (the Welsh equivalent of “registered charity”).]
- (3) Subsection (2)(a) above has effect whether the solicitation is express or implied, and whether the money or other property is to be given for any consideration or not.
- (4) If, in the case of a registered charity to which this section applies, any person issues or authorises the issue of any document falling within paragraph (a) or (c) of subsection (2) above [^{F21}which does not contain the statement] required by that subsection, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) If, in the case of any such registered charity, any person signs any document falling within paragraph (b) of subsection (2) above [^{F22}which does not contain the statement] required by that subsection, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) The [^{F23}Minister] may by order amend subsection (1) above by substituting a different sum for the sum for the time being specified there.

Textual Amendments

- F18** Figure in s. 5(1) substituted (1.12.1995) by S.I. 1995/2696, art. 2(2)
- F19** Words in s. 5(2) repealed (21.12.1993) by 1993 c. 38, ss. 32(2), 35(1), 36(1), Sch. 2
- F20** S. 5(2A) inserted (21.12.1993) by 1993 c. 38, ss. 32(3), 36(1)
- F21** Words in s. 5(4) substituted (21.12.1993) by 1993 c. 38, ss. 32(4), 36(1)
- F22** Words in s. 5(5) substituted (21.12.1993) by 1993 c. 38, ss. 32(5), 36(1)
- F23** Word in s. 5(6) substituted (13.12.2006) by Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951), art. 1(2), Sch. para. 4(f)

Charity names

6 Power of [^{F24}Commission] to require charity’s name to be changed.

- (1) Where this subsection applies to a charity, the [^{F25}Commission] may give a direction requiring the name of the charity to be changed, within such period as is specified

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in the direction, to such other name as the charity trustees may determine with the approval of the [F²⁵Commission].

- (2) Subsection (1) above applies to a charity if—
- (a) it is a registered charity and its name (“the registered name”)—
 - (i) is the same as, or
 - (ii) is in the opinion of the [F²⁵Commission] too like, the name, at the time when the registered name was entered in the register in respect of the charity, of any other charity (whether registered or not);
 - (b) the name of the charity is in the opinion of the [F²⁵Commission] likely to mislead the public as to the true nature—
 - (i) of the purposes of the charity as set out in its trusts, or
 - (ii) of the activities which the charity carries on under its trusts in pursuit of those purposes;
 - (c) the name of the charity includes any word or expression for the time being specified in regulations made by the [F²⁶Minister] and the inclusion in its name of that word or expression is in the opinion of the [F²⁵Commission] likely to mislead the public in any respect as to the status of the charity;
 - (d) the name of the charity is in the opinion of the [F²⁵Commission] likely to give the impression that the charity is connected in some way with Her Majesty’s Government or any local authority, or with any other body of persons or any individual, when it is not so connected; or
 - (e) the name of the charity is in the opinion of the [F²⁵Commission] offensive;
- and in this subsection any reference to the name of a charity is, in relation to a registered charity, a reference to the name by which it is registered.
- (3) Any direction given by virtue of subsection (2)(a) above must be given within twelve months of the time when the registered name was entered in the register in respect of the charity.
- (4) Any direction given under this section with respect to a charity shall be given to the charity trustees; and on receiving any such direction the charity trustees shall give effect to it notwithstanding anything in the trusts of the charity.
- (5) Where the name of any charity is changed under this section, then (without prejudice to section 3(7)(b) above) it shall be the duty of the charity trustees forthwith to notify the [F²⁵Commission] of the charity’s new name and of the date on which the change occurred.
- (6) A change of name by a charity under this section does not affect any rights or obligations of the charity; and any legal proceedings that might have been continued or commenced by or against it in its former name may be continued or commenced by or against it in its new name.
- (7) Section 26(3) of the ^{M4}Companies Act 1985 (minor variations in names to be disregarded) shall apply for the purposes of this section as if the reference to section 26(1)(c) of that Act were a reference to subsection (2)(a) above.
- (8) Any reference in this section to the charity trustees of a charity shall, in relation to a charity which is a company, be read as a reference to the directors of the company.
- (9) Nothing in this section applies to an exempt charity.

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Textual Amendments

- F24** Word in s. 6 heading substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 100(2)**; S.I. 2007/309, art. 2, Sch.
- F25** Words in s. 6 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 100(2)**; S.I. 2007/309, art. 2, Sch.
- F26** Word in s. 6(2)(c) substituted (13.12.2006) by Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951), art. 1(2), **Sch. para. 4(g)**

Marginal Citations

- M4** 1985 c. 6.

7 Effect of direction under s. 6 where charity is a company.

- (1) Where any direction is given under section 6 above with respect to a charity which is a company, the direction shall be taken to require the name of the charity to be changed by resolution of the directors of the company.
- [^{F27}(2) Where a resolution of the directors is passed in accordance with subsection (1), the company must give notice of the change to the registrar of companies.]
- (3) Where the name of such a charity is changed in compliance with any such direction, the registrar of companies—
- (a) shall, subject to section 26 of the Companies Act 1985 (prohibition on registration of certain names), enter the new name on the register of companies in place of the former name, and
 - (b) shall issue a certificate of incorporation altered to meet the circumstances of the case;
- and the change of name has effect from the date on which the altered certificate is issued.

Textual Amendments

- F27** S. 7(2) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), art. 1(3)(a), **Sch. 4 para. 78** (with art. 12)

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