



Charities Act 1993 (repealed)

1993 CHAPTER 10

PART II

REGISTRATION AND NAMES OF CHARITIES

Registration of charities

[^{F13} Register of charities

- (1) There shall continue to be a register of charities, which shall be kept by the Commission.
- (2) The register shall be kept by the Commission in such manner as it thinks fit.
- (3) The register shall contain—
 - (a) the name of every charity registered in accordance with section 3A below (registration), and
 - (b) such other particulars of, and such other information relating to, every such charity as the Commission thinks fit.
- (4) The Commission shall remove from the register—
 - (a) any institution which it no longer considers is a charity, and
 - (b) any charity which has ceased to exist or does not operate.
- (5) If the removal of an institution under subsection (4)(a) above is due to any change in its trusts, the removal shall take effect from the date of that change.
- (6) A charity which is for the time being registered under section 3A(6) below (voluntary registration) shall be removed from the register if it so requests.
- (7) The register (including the entries cancelled when institutions are removed from the register) shall be open to public inspection at all reasonable times.

Status: Point in time view as at 01/08/2011.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), Cross Heading: Registration of charities. (See end of Document for details)

- (8) Where any information contained in the register is not in documentary form, subsection (7) above shall be construed as requiring the information to be available for public inspection in legible form at all reasonable times.
- (9) If the Commission so determines, subsection (7) shall not apply to any particular information contained in the register that is specified in the determination.
- (10) Copies (or particulars) of the trusts of any registered charity as supplied to the Commission under section 3B below (applications for registration etc.) shall, so long as the charity remains on the register—
- (a) be kept by the Commission, and
 - (b) be open to public inspection at all reasonable times.

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](#))

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 ^{F2}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—

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- (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)[^{F3}(ii)] or (b) of this Act as in force immediately before the appointed day (certain educational institutions); or
 - (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 do 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.

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(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)
- F2** 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\(d\)](#)
- F3** Word in s. 3A(5)(a) inserted (1.8.2011) by [The Charities Act 2006 \(Changes in Exempt Charities\) Order 2011 \(S.I. 2011/1725\)](#), art. 1(2), [Sch. para. 2](#)

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—

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- (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](#))

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 [^{F4}the Commission] in the register, or apply [^{F5}to the Commission] for it to be removed from the register; and provision may be made by regulations made by the [^{F6}Minister] as to the manner in which any such objection or application is to be made, prosecuted or dealt with.
- ^{F7}(3)
- (4) If there is an appeal to the [^{F8}Tribunal] against any decision of [^{F9}the Commission] to enter an institution in the register, or not to remove an institution from the register, then until [^{F10}the Commission is] satisfied whether the decision of [^{F9}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 [^{F11}Schedule 1C to this Act] above, be considered afresh by [^{F12}the Commission] and shall not be concluded by that decision, if it appears to [^{F12}the Commission] that there has been a change of circumstances or that the decision is inconsistent with a later judicial decision^{F13}

Textual Amendments

- F4** 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.](#)
- F5** 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.](#)
- F6** 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\(e\)](#)

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- F7** 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)
- F8** 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)
- F9** 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.
- F10** 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.
- F11** 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)
- F12** 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.
- F13** 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)

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 [^{F14}£10,000].
- (2) Where this section applies to a registered charity, the fact that it is a registered charity shall be stated ^{F15} . . . in legible characters—
- 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;
 - 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
 - in all bills rendered by it and in all its invoices, receipts and letters of credit.
- ^{F16}[(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 [^{F17}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 [^{F18}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 [^{F19}Minister] may by order amend subsection (1) above by substituting a different sum for the sum for the time being specified there.

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Textual Amendments

- F14** Figure in s. 5(1) substituted (1.12.1995) by S.I. 1995/2696, **art. 2(2)**
- F15** Words in s. 5(2) repealed (21.12.1993) by 1993 c. 38, ss. 32(2), 35(1), 36(1), **Sch. 2**
- F16** S. 5(2A) inserted (21.12.1993) by 1993 c. 38, **ss. 32(3)**, 36(1)
- F17** Words in s. 5(4) substituted (21.12.1993) by 1993 c. 38, **ss. 32(4)**, 36(1)
- F18** Words in s. 5(5) substituted (21.12.1993) by 1993 c. 38, **ss. 32(5)**, 36(1)
- F19** 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)**

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