



Charities Act 1993 (repealed)

1993 CHAPTER 10

PART II

REGISTRATION AND NAMES OF CHARITIES

Registration of charities

3 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;
 - (c) any charity which has neither—
 - (i) any permanent endowment, nor

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(ii) the use or occupation of any land,
and whose income from all sources does not in aggregate amount to more than £1,000 a year;

and no charity is required to be registered in respect of any registered place of worship.

[^{F1}(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.]

[^{F2}(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 Secretary of State, 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 Secretary of State 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 Secretary of State 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.

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- (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 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 Secretary of State 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 Secretary of State,
- and which complies with any conditions of the exception.
- (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** 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**
- F2** 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**

Marginal Citations

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

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