



Charities Act 2011

CHAPTER 25

CHARITIES ACT 2011

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CHAPTER 1

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Status: Point in time view as at 14/03/2012.

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60 Supply of false or misleading information to Commission etc.

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Procedure etc.

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Performance of functions

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Annual public meeting

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- 6 The Comptroller and Auditor General must— (a) examine, certify and...
- 7 The Commission must publish and lay before Parliament a copy...

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Educational institutions

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- 3 King's College London and Queen Mary and Westfield College in...
- 4 (1) Any of the following, if Her Majesty declares it...
- 5 (1) An English higher education corporation. (2) For the purposes...
- 6 (1) A successor company to a higher education corporation at...
- 7 A further education corporation.
- 8 A qualifying Academy proprietor (as defined in section 12(2) of...
- 9 The governing body of any foundation, voluntary or foundation special...
- 10 Any foundation body established under section 21 of the School...
- 11 A sixth form college corporation (within the meaning of the...

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- 13 The Board of Trustees of the Science Museum.
- 14 The Board of Trustees of the Armouries.
- 15 The Board of Trustees of the Royal Botanic Gardens, Kew....
- 16 The Board of Trustees of the National Museums and Galleries...
- 17 The trustees of the British Museum.
- 18 The trustees of the Natural History Museum.
- 19 The Board of Trustees of the National Gallery.
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- 28 (1) Any institution which— (a) is administered by or on...

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Places of Worship Registration Act 1855 (c. 81)

- 5 (1) In section 9(1)— (a) for “shall, so far as...

Places of Worship Sites Amendment Act 1882 (c. 21)

- 6 In section 1(d) for “except with the consent of the...

Technical and Industrial Institutions Act 1892 (c. 29)

- 7 In section 9(1), for “with the consent of the Charity...

Open Spaces Act 1906 (c. 25)

- 8 (1) In section 4(1A)(b), for “section 36(2) to (8) of...

New Parishes Measure 1943 (No. 1)

- 9 (1) For section 14(1)(b) substitute— (b) any trustees for charitable...
- 10 In section 31, for “the Charities Act 1993” substitute “...

London County Council (General Powers) Act 1947 (c. xlvi)

- 11 For section 6(3) substitute— (3) In relation to any disposition...

London County Council (General Powers) Act 1955 (c. xxix)

- 12 For section 34(3) substitute— (3) In relation to any disposition...

Incumbents and Churchwardens (Trusts) Measure 1964 (No. 2)

- 13 In section 1, in the definition of “permanent trusts” for...

Status: Point in time view as at 14/03/2012.

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Co-operative and Community Benefit Societies and Credit Unions Act 1965 (c. 12)

14 In sections 5A(7)(a) and 7D(5)(a), for “as it has under...

Leasehold Reform Act 1967 (c. 88)

15 In section 23(4), for “section 36 of the Charities Act...

Co-operative and Community Benefit Societies and Credit Unions Act 1968 (c. 55)

16 In section 4A(6), for “as defined by section 1(1) of...

Redundant Churches and other Religious Buildings Act 1969 (c. 22)

17 (1) In section 4, for subsections (6) to (8A) substitute—...

18 In section 7, for subsection (2) substitute—

Sharing of Church Buildings Act 1969 (c. 38)

19 In section 2(4), for “the Charities Act 1993” substitute “...

20 (1) In section 8(1), for “the Charities Act 1993” substitute...

Synodical Government Measure 1969 (No. 2)

21 (1) Amend Schedule 3 as follows. (2) In Rule 46A(a),...

Local Government Act 1972 (c. 70)

22 In section 11(3)(c), for “section 79 of the Charities Act...

23 In section 27F(6), for “section 79 of the Charities Act...

24 In section 27H(6), for “section 79 of the Charities Act...

25 In section 29(6), for “section 79 of the Charities Act...

26 In section 127(4) for “the Charities Act 1993” substitute “...

27 In section 131(3)— (a) for “section 36 of the Charities...

28 In Schedule 12A, for paragraphs 8(f) and 19(f) substitute—

Consumer Credit Act 1974 (c. 39)

29 In section 189(1), in the definition of “charity”, for “the...

Friendly Societies Act 1974 (c. 46)

30 In section 32A(6), for “as defined by section 1(1) of...

House of Commons Disqualification Act 1975 (c. 24)

31 Part 2 of Schedule 1 continues to include, at the...

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

32 Part 2 of Schedule 1 continues to include, at the...

Theatres Trust Act 1976 (c. 27)

33 In section 2(2)(d), for “sections 36 and 38 of the...

Endowments and Glebe Measure 1976 (No. 4)

34 In section 11(2), for “the Charity Commission or in accordance...

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Interpretation Act 1978 (c. 30)

- 35 In Schedule 1, for the definition of “Charity Commission” substitute
—...

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

- 36 In section 49(3), for “the Charities Act 1993” substitute “...

Disused Burial Grounds (Amendment) Act 1981 (c. 18)

- 37 For section 6 substitute— Saving for Charity Commission Nothing in this Act affects the charitable jurisdiction of the...

Pastoral Measure 1983 (No. 1)

- 38 For section 55(1) substitute— (1) The power of the court...
39 In section 63(3), for “the Charities Act 1993” substitute “...
40 In section 87(1), in the definition of “charity”, for “section...
41 (1) Amend Schedule 3 as follows. (2) In paragraph 11(6)—...

Greater London Council (General Powers) Act 1984 (c. xxvii)

- 42 In section 10(2)(n), for “the Charities Act 1993” substitute “...

Housing Act 1985 (c. 68)

- 43 In section 6A(5), for “in accordance with section 3A of...
44 In section 525, in the definition of “charity trustees”, for...

Housing Associations Act 1985 (c. 69)

- 45 In section 10(1), for “sections 36 and 38 of the...
46 In section 35(2)(c), for “section 36 of the Charities Act...

Coal Industry Act 1987 (c. 3)

- 47 (1) In section 5(7), for “the Charities Act 1993” substitute...

Reverter of Sites Act 1987 (c. 15)

- 48 For section 4(2) and (4) substitute— (2) Chapter 2 of...

Education Reform Act 1988 (c. 40)

- 49 In section 124(2)(fa), for “(within the meaning of section 69A...
50 For section 125A substitute— Charitable status of a higher education...
51 In section 128(5), for “ “charitable purposes” has the same...

Copyright, Designs and Patents Act 1988 (c. 48)

- 52 In Schedule 6, in paragraph 7(3), for “the Charities Act...

Imperial College Act 1988 (c. xxiv)

- 53 In section 10, for “ “the Commissioners” and “the court”...
54 (1) In section 17(1), for “section 22 of the Charities...

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Courts and Legal Services Act 1990 (c. 41)

55 In Schedule 11, for the entry beginning “Member of the...

London Local Authorities Act 1991 (c. xiii)

56 In section 4, in paragraph (d) of the definition of...

Further and Higher Education Act 1992 (c. 13)

57 In section 19(4)(bc), for “(within the meaning of section 69A...
58 For section 22A substitute— Charitable status of a further education...
59 In section 27(5), for “ “charitable purposes” has the same...
60 In section 33F(6)(d), for “(within the meaning of section 69A...
61 In section 33M, for “(and, as a result of its...
62 In section 33N(10), for “ “charitable purposes” has the same...
63 In section 69— (a) in subsection (1A), for “section 13...
64 In section 79A— (a) for “section 13 of the Charities...

Charities Act 1992 (c. 41)

65 (1) In section 58(1), in the definition of “company” for...
66 In section 63(2), for “section 3 of the Charities Act...

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

67 In section 93(6)(a), for “section 36 of the Charities Act...

Environment Act 1995 (c. 25)

68 In Schedule 9, in paragraph 15, for “Sections 76 to...

Reserve Forces Act 1996 (c. 14)

69 (1) In Schedule 5, in paragraph 2, in the definition...

Trusts of Land and Appointment of Trustees Act 1996 (c. 47)

70 In Schedule 1, in paragraph 4(2)— (a) in paragraph (a),...

Housing Act 1996 (c. 52)

71 In section 58, for subsection (1) substitute—
72 (1) Amend Schedule 1 as follows. (2) In paragraph 4(2)(d),...

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

73 In section 95(6), for “but otherwise has the same meaning...

Education Act 1996 (c. 56)

74 In section 537C— (a) in subsection (1)(a), for “section 13...

School Standards and Framework Act 1998 (c. 31)

75 (1) In section 23, for subsection (1A) substitute—
76 In section 23A(10), in the definitions of “charity trustee” and...
77 In section 23B(2), for “section 18 of the Charities Act...

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- 78 In Schedule 1, for paragraph 10 substitute— An Education Action Forum shall be a charity and is...
- 79 In Schedule 22, in paragraph 8A(2)(c), for “removed under subsection...

National Institutions Measure 1998 (No. 1)

- 80 (1) In section 3(1), for “Part VI of the Charities...

Finance Act 1999 (c. 16)

- 81 In Schedule 19, in paragraph 15— (a) in sub-paragraph (a),...

Cathedrals Measure 1999 (No. 1)

- 82 In section 4(4), for “section 72(1) of the Charities Act...
- 83 In section 15(1), in paragraph (iii) of the proviso, for...
- 84 In section 27(1), for “section 43 of the Charities Act...
- 85 In section 34, for “same meaning as in the Charities...

Financial Services and Markets Act 2000 (c. 8)

- 86 In Schedule 11A, in paragraph 7(2)(a), for the words from...
- 87 In Schedule 11B, in paragraph 12(4)(b), for “or section 24...

Learning and Skills Act 2000 (c. 21)

- 88 In section 143(6)(d), for “the Charities Act 1993)” substitute “...

Trustee Act 2000 (c. 29)

- 89 In section 38— (a) in paragraph (a), for “section 24...
- 90 In section 39(1)— (a) in the definition of “charitable purposes”,...

Criminal Justice and Court Services Act 2000 (c. 43)

- 91 In section 42(1), for “ “charity trustee” has the same...

Criminal Justice and Police Act 2001 (c. 16)

- 92 In Part 1 of Schedule 1, for paragraph 56A and...

Churchwardens Measure 2001 (No. 1)

- 93 In section 2(1), for “under section 72(1) of the Charities...

Land Registration Act 2002 (c. 9)

- 94 In section 4(1)(aa), for “section 83 of the Charities Act...

Licensing Act 2003 (c. 17)

- 95 In section 16(3), omit the definition of “charity”.
- 96 In Schedule 2, for paragraph 5(4) substitute—

Higher Education Act 2004 (c. 8)

- 97 In section 40— (a) in subsection (1A), for “section 13...

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Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27)

- 98 In section 54C(3), for “ “exempt charity” has the same...
- 99 In section 63(1), in the definition of “English charity” for...
- 100 In Schedule 3, for paragraph 4 substitute— The person appointed to chair the Charity Commission may make...

Pensions Act 2004 (c. 35)

- 101 In Schedule 3, for the entry relating to the Charity...
- 102 In Schedule 8, for the entry relating to the Charity...

Serious Organised Crime and Police Act 2005 (c. 15)

- 103 In section 146(3)(b), for “charity trustee (within the meaning of...

Education Act 2005 (c. 18)

- 104 In section 92(5), for “section 13 of the Charities Act...

Gambling Act 2005 (c. 19)

- 105 In section 19(2)(a), for “purposes which are exclusively charitable according...

Charities and Trustee Investment (Scotland) Act 2005 (asp 10)

- 106 In section 36(1), for paragraphs (a) and (b) substitute—
- 107 In section 69(2)(d)(i), after “Wales under” insert “ section 79(2)(a)...
- 108 In section 96(3), for “sections 24 and 25 of the...

Natural Environment and Rural Communities Act 2006 (c. 16)

- 109 In section 81(2)(h), for “section 13 of the Charities Act...

Education and Inspections Act 2006 (c. 40)

- 110 In Schedule 2, in paragraph 10(2)(b), for “charity trustee (within...

National Health Service Act 2006 (c. 41)

- 111 In section 217(5), for “the court (as defined in the...

National Health Service (Wales) Act 2006 (c. 42)

- 112 In section 165(5), for “the court (as defined in the...

Companies Act 2006 (c. 46)

- 113 In section 21(2)(a), for “section 64 of the Charities Act...
- 114 In section 31(4)(a), for “section 64 of the Charities Act...
- 115 In— (a) section 1140(2)(c)(ii), and (b) section 1154(1)(b) and (2)(b),...
- 116 In Schedule 1, in paragraph 6(4)(b) for “or section 24...

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 117 In Schedule 4, in— (a) paragraph 4(7) and

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Charities Act 2006 (c. 50)

- 118 In section 54(2), for “section 9 of the 1993 Act”...
- 119 In section 72(3), for “section 10(2) to (4) of the...
- 120 (1) In section 73(5)(b), for “the appointed day (within the...
- 121 (1) In section 74(4), omit— (a) paragraphs (a) and (b),...
- 122 Omit section 76.
- 123 (1) In section 78(2)— (a) omit paragraph (a);
- 124 In section 79(1), omit— (a) paragraph (a), and
- 125 In section 80— (a) omit subsections (3)(a), (b) and (d)...

Income Tax Act 2007 (c. 3)

- 126 (1) Amend section 558 as follows. (2) Under the heading...

Legal Services Act 2007 (c. 29)

- 127 In section 194(9)(a), for “in accordance with section 3A of...

Dioceses, Pastoral and Mission Measure 2007 (No. 1)

- 128 In section 62(1), in the definition of “charity”, for “section...
- 129 In Schedule 2, in paragraph 13(2), for “charity trustee within...

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

- 130 In Schedule 3, omit “Charities Act 1993 (c. 10), sections...

Housing and Regeneration Act 2008 (c. 17)

- 131 In section 135(6), for “sections 41 to 45 of the...
- 132 In section 136— (a) in subsection (4), for “section 43(1)(a)...
- 133 In section 138(3)(a), for “the Charities Act 1993” substitute “...
- 134 In section 266(6), for “section 72 of the Charities Act...
- 135 In section 275— (a) in the definition of “non-registrable charity”,...

Planning Act 2008 (c. 29)

- 136 (1) Amend section 210 as follows. (2) In subsection (1)(b),...

Charities Act (Northern Ireland) 2008 (c. 12 (N.I.))

- 137 In section 56(1)(a), for “under section 3 of the Charities...
- 138 In section 86(1)(e)— (a) in sub-paragraph (i), after “under” insert...

Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)

- 139 In section 71A(1), for “section 13 of the Charities Act...
- 140 In Schedule 3, in paragraph 19(4)(c), for “(within the meaning...
- 141 In Schedule 4, in paragraph 9(4)(c), for “(within the meaning...

Corporation Tax Act 2010 (c. 4)

- 142 (1) Amend section 511 as follows. (2) Under the heading...

Finance Act 2010 (c. 13)

- 143 (1) Amend Schedule 6 as follows. (2) In paragraph 1(4)—...

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Equality Act 2010 (c. 15)

144 In section 194(3)(a), for “section 1(1) of the Charities Act...

Church of England (Miscellaneous Provisions) Measure 2010 (No. 1)

145 In section 10(1), for “section 96(2) of the Charities Act...

Mission and Pastoral Measure 2011 (No. 3)

146 For section 67(1) substitute— (1) The power of the court...

147 In section 77(3), for “the Charities Act 1993” substitute “...

148 In section 106(1), in the definition of “charity”, for “section...

149 (1) Amend Schedule 3 as follows. (2) In paragraph 9(6)—...

SCHEDULE 8 — Transitionals and savings

Part 1 — GENERAL

Continuity of the law

1 The repeal and re-enactment of provisions by this Act does...

2 A reference, express or implied, in this Act, another enactment...

3 (1) A reference, express or implied, in any enactment, instrument...

4 Anything done, or having effect as if done, under (or...

5 Paragraphs 1 to 4 have effect in place of section...

Effect of old transitionals and savings

6 The repeals made by this Act do not affect the...

7 (1) The repeal by this Act of an enactment previously...

Use of existing forms etc.

8 Any reference to an enactment repealed by this Act which...

Part 2 — RECREATIONAL ETC. PURPOSES

General

9 In this Part of this Schedule “the 1958 Act” means...

10 (1) Where section 2 of the 1958 Act applied to...

11 The repeal by this Act of subsections (2) and (3)...

Scotland

12 Sections 1 and 2 of the 1958 Act as in...

Northern Ireland

13 Sections 1 and 2 of the 1958 Act as in...

Part 3 — MISCELLANEOUS

Regulations relating to fees

14 Despite the revocation by this Act of the Charities (Pre-consolidation...

Exempt charities

15 (1) Despite the repeal by this Act of section 11(13)...

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16 The repeal and re-enactment by this Act of—

Application cy-prs: donors unknown or disclaiming or treated as disclaiming

17 Sections 63, 64 and 67 apply to property given for...

*Official custodian as successor to official trustee of
charity lands and official trustees of charity funds*

18 (1) Despite the repeal by this Act of paragraph 26...

Savings for consequential amendments

19 (1) The repeal by this Act of paragraph 23(a) of...

Universities of Durham and Newcastle-upon-Tyne Act 1963

20 Despite the revocation by this Act of the Charities (Pre-consolidation...

SCHEDULE 9 — Transitory modifications

Commission's general functions—public charitable collections

1 (1) Sub-paragraph (2) applies if Chapter 1 of Part 3...

“Exempt charity” and common investment and deposit funds

2 (1) Sub-paragraph (2) applies if— (a) section 11(10) of the...

“Exempt charity” and church funds

3 (1) Sub-paragraph (2) applies if section 11(9) of the 2006...

“Exempt charity” and registered societies etc.

4 (1) Sub-paragraph (2) applies if section 11(8) of the 2006...

5 (1) Sub-paragraph (2) applies if section 2 of the Co-operative...

Power to amend enactments in connection with changes in exempt charities

6 (1) Sub-paragraph (2) applies if paragraph 2, 3 or 4...

Exempt charities and the principal regulator

7 (1) Sub-paragraph (2) applies if, in relation to charities of...

Voluntary registration

8 (1) Sub-paragraph (2) applies if section 3A(6) of the 1993...

*Regulations to secure that any institution ceasing to be an
exempt charity on the relevant commencement date is excepted*

9 (1) Sub-paragraph (2) applies if paragraph 2, 3 or 4...

Change of name and exempt charities

10 (1) Sub-paragraph (2) applies if, in relation to charities of...

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Power to institute inquiries and exempt charities

11 (1) Sub-paragraph (2) applies if, in relation to charities of...

Maximum term of imprisonment for offence under section 49(8)

12 In relation to an offence committed before the commencement of...

Power to call for documents etc. and exempt charities

13 (1) Sub-paragraph (2) applies if, in relation to charities of...

Maximum term of imprisonment for offence under section 57(3)

14 In relation to an offence committed before the commencement of...

Exempt charities and disclosure to and by principal regulator

15 (1) Sub-paragraph (2) applies if, in relation to charities of...

Exempt charities and Commission's concurrent jurisdiction with High Court

16 (1) Sub-paragraph (2) applies if, in relation to charities of...

Exempt charities and restriction on expenditure on promoting Bills

17 (1) Sub-paragraph (2) applies if, in relation to charities of...

Exempt charities and power to act for protection of charities

18 (1) Sub-paragraph (2) applies if, in relation to charities of...

Reference to Mission and Pastoral Measure 2011

19 (1) Sub-paragraph (2) applies if the Mission and Pastoral Measure...

Exempt charities and power to give directions about dormant bank accounts

20 (1) Sub-paragraph (2) applies if, in relation to charities of...

Exempt charities and Commission's consent to proceedings etc.

21 (1) Sub-paragraph (2) applies if, in relation to charities of...

Exempt charities and duty of auditors etc. to report matters to Commission

22 (1) Sub-paragraph (2) applies if, in relation to charities of...

Disqualification and references to section 429(2) of Insolvency Act 1986

23 (1) This paragraph applies if paragraph 7 of Schedule 16...

Maximum term of imprisonment for offence under section 183(1)

24 In relation to an offence committed before the commencement of...

Exempt charities and power to order disqualified trustee to repay sums

25 (1) Sub-paragraph (2) applies if, in relation to charities of...

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CIOs

- 26 (1) Sub-paragraph (2) applies if any provision of the 1993...
27 (1) Sub-paragraph (2) applies if section 2 of the Co-operative...

References to re-named Acts in Schedule 7

- 28 (1) Sub-paragraph (2) applies if section 2 of the Co-operative...

Meaning of “the relevant commencement date”

- 29 (1) Subject to sub-paragraph (2), in this Schedule “the relevant...

References to Acts

- 30 In this Schedule— “the 1993 Act” means the Charities Act...

SCHEDULE 10 — Repeals and revocations

SCHEDULE 11 — Index of defined expressions

Status:

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