



Charities Act 2011

2011 CHAPTER 25

PART 3 **E+W**

EXEMPT CHARITIES AND THE PRINCIPAL REGULATOR

Exempt charities

22 Meaning of “exempt charity” and Sch.3 **E+W**

- (1) In this Act “exempt charity” means any institution, so far as it is a charity, that is within Schedule 3.
- (2) Subsection (1) is subject to any other enactment by virtue of which a charity is an exempt charity.

23 Power to amend Sch.3 so as to add or remove exempt charities **E+W**

- (1) The Minister may by order make such amendments of Schedule 3 as the Minister considers appropriate for securing—
 - (a) that (so far as they are charities) institutions of a particular description become or (as the case may be) cease to be exempt charities, or
 - (b) that (so far as it is a charity) a particular institution becomes or (as the case may be) ceases to be an exempt charity.
- (2) An order under subsection (1) may be made only if the Minister is satisfied that the order is desirable in the interests of ensuring appropriate or effective regulation of the charities or charity concerned in connection with compliance by the charity trustees of the charities or charity with their legal obligations in exercising control and management of the administration of the charities or charity.
- (3) The Minister may by order make such amendments or other modifications of any enactment as the Minister considers appropriate in connection with—
 - (a) charities of a particular description becoming, or ceasing to be, exempt charities, or

Status: Point in time view as at 14/03/2012.

Changes to legislation: Charities Act 2011, Part 3 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) a particular charity becoming, or ceasing to be, an exempt charity, as a result of provision made under subsection (1).

(4) In subsection (3), “enactment” includes—

- (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978), and
- (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England,

and references to enactments include enactments whenever passed or made.

24 Power to remove defunct institutions from Sch.3 E+W

The Minister may by order make such amendments of Schedule 3 as the Minister considers appropriate for removing from that Schedule an institution that has ceased to exist.

The principal regulator

25 Meaning of “the principal regulator” E+W

In this Act “the principal regulator”, in relation to an exempt charity, means such body or Minister of the Crown as is prescribed as its principal regulator by regulations made by the Minister.

26 General duty of principal regulator in relation to exempt charity E+W

- (1) This section applies to any body or Minister of the Crown who is the principal regulator in relation to an exempt charity.
- (2) The body or Minister must do all that the body or Minister reasonably can to meet the compliance objective in relation to the charity.
- (3) The compliance objective is to promote compliance by the charity trustees with their legal obligations in exercising control and management of the administration of the charity.

27 Power to make amendments in connection with s.26 E+W

- (1) Regulations under section 25 may make such amendments or other modifications of any enactment as the Minister considers appropriate for the purpose of facilitating, or otherwise in connection with, the discharge by a principal regulator of the duty under section 26(2).
- (2) In subsection (1), “enactment” includes—
 - (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978), and
 - (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England,
 and references to enactments include enactments whenever passed or made.

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28 Commission to consult principal regulator **E+W**

Before exercising in relation to an exempt charity any specific power exercisable by it in relation to the charity, the Commission must consult the charity's principal regulator.

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