



# Charities Act 2011

## 2011 CHAPTER 25

### PART 4

#### REGISTRATION AND NAMES OF CHARITIES

##### *Registration: duties of trustees and claims and objections*

#### **36 Claims and objections to registration**

- (1) A 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—
  - (a) object to its being entered by the Commission in the register, or
  - (b) apply to the Commission for it to be removed from the register.
- (2) Provision may be made by regulations made by the Minister as to the manner in which any such objection or application is to be made, prosecuted or dealt with.
- (3) Subsection (4) applies if there is an appeal to the Tribunal against any decision of the Commission—
  - (a) to enter an institution in the register, or
  - (b) not to remove an institution from the register.
- (4) Until the Commission is satisfied whether the decision of the Commission is or is not to stand, the entry in the register—
  - (a) is to be maintained, but
  - (b) is in suspense and must be marked to indicate that it is in suspense.
- (5) Any question affecting the registration or removal from the register of an institution—
  - (a) may be considered afresh by the Commission, even though it has been determined by a decision on appeal under Chapter 2 of Part 17 (appeals and applications to Tribunal), and
  - (b) is not concluded by that decision, if it appears to the Commission that—
    - (i) there has been a change of circumstances, or

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*Status: This is the original version (as it was originally enacted).*

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(ii) the decision is inconsistent with a later judicial decision.