



Charities Act 2022

2022 CHAPTER 6

PART 3 **E+W**

CHARITY NAMES

26 Power to delay registration of unsuitably named charity **E+W**

After section 45 of the Charities Act 2011 insert—

“45A Power to delay registration following s. 42 direction

- (1) The Commission may delay the registration of a charity if the Commission has given a direction under section 42 (“the section 42 direction”) requiring the name of the charity to be changed.
- (2) A delay under subsection (1) may last until the first to occur of—
 - (a) the charity trustees notifying the Commission of the charity’s new name and the date of the name change, or
 - (b) the expiry of the maximum postponement period.
- (3) The “maximum postponement period” is the period of 60 days beginning at the end of the period specified in the section 42 direction for giving effect to the direction.
- (4) If any relevant proceedings are commenced, any day on which the relevant proceedings are ongoing is to be disregarded for the purposes of determining whether the period of 60 days mentioned in subsection (3) has elapsed.
- (5) Each of the following are “relevant proceedings”—
 - (a) proceedings on an appeal brought to the Tribunal under section 319 against the section 42 direction or against any steps taken by the Commission with a view to securing compliance with the section 42 direction;
 - (b) proceedings on an application made to the Tribunal under section 321 for the review of the Commission’s decision to institute an inquiry

Changes to legislation: There are currently no known outstanding effects for the Charities Act 2022, Section 26. (See end of Document for details)

- under section 46 in respect of matters connected with the section 42 direction;
- (c) proceedings on an application for judicial review of the Commission's decision to give the section 42 direction or to take any steps with a view to securing compliance with the section 42 direction;
 - (d) proceedings on an application under section 336 in respect of disobedience to the section 42 direction.
- (6) Relevant proceedings are commenced when a notice, claim form or other document is sent or delivered to, or filed with, the Tribunal or court for the purpose of commencing the proceedings.
- (7) Relevant proceedings are ongoing until—
- (a) the proceedings (including any proceedings on appeal or further appeal) have been concluded, and
 - (b) any period during which an appeal (or further appeal) may ordinarily be made has passed.”

Commencement Information

- I1** S. 26 not in force at Royal Assent, see [s. 41\(4\)](#)
- I2** S. 26 in force at 14.6.2023 by [S.I. 2023/643](#), [Sch. para. 13](#)

Changes to legislation:

There are currently no known outstanding effects for the Charities Act 2022, Section 26.