

2010 No. 502

CHARITIES, ENGLAND AND WALES

The Charities (Exception from Registration) Regulations 2010

Made - - - - *27th February 2010*

Laid before Parliament *8th March 2010*

Coming into force - - *1st June 2010*

The Minister for the Cabinet Office makes the following Regulations in exercise of the powers conferred by sections 3A(2)(c), 86 and 97(1)(a) of the Charities Act 1993(b):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Charities (Exception from Registration) Regulations 2010 and come into force on 1st June 2010.

(2) In these Regulations, “the 1993 Act” means the Charities Act 1993.

Exception from registration for particular institutions ceasing to be exempt charities

2.—(1) Subject to the financial limit specified in section 3A(2)(c) of the 1993 Act, the institutions specified in paragraph (2) are, in so far as they are charities, excepted from the duty to be registered under section 3A(1) of that Act.

(2) The specified institutions are—

- (a) the Church Commissioners;
- (b) the representative body of the Welsh church or property administered by it;
- (c) Eton College;
- (d) Winchester College; and
- (e) the Board of Governors of the Museum of London.

Exception from registration for institutions of a particular description ceasing to be exempt charities

3.—(1) Subject to the financial limit specified in section 3A(2)(c) of the 1993 Act, any institution to which paragraph (2) applies is, in so far as it is a charity, excepted from the duty to be registered under section 3A(1) of that Act.

(2) This paragraph applies to any institution which—

(a) See the definition of “Minister” in section 97(1).

(b) 1993 c. 10. Section 3A was inserted by the Charities Act 2006 (c.50), section 9. Section 86 was amended by the Charities Act 2006, Schedule 8, paragraph 165, and S.I. 2006/2951, Schedule, paragraph 4(y). Section 97 was amended by the Charities Act 2006, Schedule 8, paragraph 174.

- (a) is a college in the university of Oxford;
 - (b) is a college or hall in the university of Cambridge or Durham;
 - (c) was an exempt charity by virtue of an Order in Council made under paragraph (c) of Schedule 2 to the 1993 Act but ceased to be so when that Order was amended or revoked by the Charities Act 2006 (Changes in Exempt Charities) Order 2010(a);
 - (d) is a Welsh higher education corporation;
 - (e) is a successor company to a higher education corporation (within the meaning of subsection (5) of section 129 of the Education Reform Act 1988(b)) at a time when the institution conducted by the company is eligible, by virtue of an order made under that section, to receive support from funds administered by the Higher Education Funding Council for Wales;
 - (f) is a students' union falling within paragraph (3);
 - (g) is administered by the Church Commissioners; or
 - (h) is an institution falling within paragraph (4).
- (3) A students' union falls within this paragraph if it—
- (a) is administered by or on behalf of an institution—
 - (i) included in any of paragraphs (a) to (v) of Schedule 2 to the 1993 Act(c); or
 - (ii) to which sub-paragraph (a), (b), (c), (d) or (e) of paragraph (2) above applies; and
 - (b) is established for the general purposes of, or for any special purpose of or in connection with, that institution.
- (4) An institution falls within this paragraph if it is—
- (a) administered by or on behalf of an institution—
 - (i) which is specified in regulation 2(2)(b), (c) or (d); or
 - (ii) to which sub-paragraph (a), (b), (c), (d) or (e) of paragraph (2) above applies; and
 - (b) established for the general purposes of, or for any special purpose of or in connection with, that institution.
- (5) For the purposes of this regulation a higher education corporation is a “Welsh higher education corporation” if the activities of the institution conducted by that corporation are carried on, or principally carried on, in Wales.

Angela E. Smith
Minister of State
Cabinet Office

27th February 2010

(a) S.I. 2010/500.
 (b) 1988 c.40. Section 129 was amended by the Further and Higher Education Act 1992 (c.13), section 72 and Schedule 9.
 (c) Schedule 2 to the Charities Act 1993 was amended by the National Lottery Act 1993 (c.39), Schedule 5, paragraph 12, by the Education Act 1996 (c.56), Schedule 38, by the Education Act 1997 (c.44), Schedule 7, paragraph 7, by the School Standards and Framework Act 1998 (c.30), Schedule 4, by S.I. 2005/3239, Schedule 1, paragraph 4, by the National Lottery Act 2006 (c.23), Schedule 3, by the Charities Act 2006, section 11 and Schedule 8, paragraph 177 (not all of the amendments made by section 11 of the 2006 Act are in force) and by S.I. 2010/500, article 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 3A(1) of the Charities Act 1993 (“the 1993 Act”) imposes a general requirement that every charity in England and Wales must be registered in the register of charities which is maintained by the Charity Commission.

Section 3A(4)(b) of the 1993 Act requires the Minister for the Cabinet Office to make regulations to ensure that certain charities are, subject to the financial limit in section 3A(2)(c) of that Act, excepted from this requirement. This duty extends to charities which cease to be exempt charities by virtue of section 11 of the Charities Act 2006 or an order made under that section (section 3(5)(b) of the 1993 Act).

These Regulations are made in accordance with that duty. They ensure that the institutions which, in so far as they are charities, cease to be exempt charities:

- (a) on the commencement of section 11 of the Charities Act 2006 for the purposes specified in article 2 of the Charities Act 2006 (Commencement No. 7, Transitional and Transitory Provisions and Savings) Order 2010 (S.I. 2010/503 (C.36)); or
- (b) on the coming into force, on that date, of the Charities Act 2006 (Changes in Exempt Charities) Order 2010 (S.I. 2010/500),

are excepted, subject to the financial limit mentioned above, from the duty to register with the Charity Commission.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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