
STATUTORY INSTRUMENTS

2008 No. 3268

CHARITIES, ENGLAND AND WALES

**The Charities Act 1993 (Exception
from Registration) Regulations 2008**

Made - - - - 19th December 2008
Laid before Parliament 7th January 2009
Coming into force - - 31st January 2009

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)(1) of the Charities Act 1993(2):

Citation and commencement

1. These Regulations may be cited as the Charities Act 1993 (Exception from Registration) Regulations 2008 and come into force on 31st January 2009.

Exception from registration: educational institutions and places of worship

2.—(1) A charity to which this regulation applies is, subject to the financial limit specified in section 3A(2)(c) of the Charities Act 1993, excepted from the duty to be registered under section 3A(1) of that Act.

(2) This regulation applies to any charity which is—

- (a) a body to which section 23(1)(a) or (b) of the School Standards and Framework Act 1998(3) applies;
- (b) an Education Action Forum established by virtue of section 10(1) of that Act(4);
- (c) an institution to which section 23(2) of that Act applies;
- (d) a foundation to which section 23(3) of that Act applies; or

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

(2) 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.

(3) 1998 c. 31. Section 23 was amended by the Charities Act 2006 (c.50), Schedule 8, paragraph 194. Paragraph 10 of Schedule 1 was amended by the Charities Act 2006, Schedule 8, paragraph 195.

(4) Section 11 of the School Standards and Framework Act 1998 requires an order made by the Secretary of State under section 10(1) of that Act to establish an education action zone to provide for the establishment of an Education Action Forum for that zone.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(e) a registered place of worship.

(3) In this regulation, “registered place of worship” means a place of meeting for religious worship to which section 9(1) of the Places of Worship Registration Act 1855⁽⁵⁾ applies.

19th December 2008

Kevin Brennan
Parliamentary Secretary
Cabinet Office

⁽⁵⁾ 1855 c.81. Section 9 was amended by the Charities Act 1960 (c.58), Schedule 6, the Charities Act 1993 (c.10), Schedule 6, paragraph 1, and the Charities Act 2006 (c. 50), Schedule 8, paragraph 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(2) of the 1993 Act makes provision for various charities to be excepted from this general requirement to register. The charities excepted from this requirement include those which are so excepted by regulations made by the Minister for the Cabinet Office. Section 3A(4)(b) of the 1993 Act requires the Minister to make regulations to ensure that certain charities are excepted from this requirement.

These Regulations are made in accordance with that duty and ensure that certain educational institutions which were, before 31st January 2009, exempt charities are now excepted from the requirement to register with the Charity Commission. The relevant institutions are those falling within section 3A(5)(a) of the 1993 Act (regulation 2(1) and 2(2)(a) and (b)).

These Regulations also ensure that certain other educational institutions and registered places of worship which are to be treated as institutions to which the duty in section 3A(4)(b) applies are also excepted from the requirement to register (regulation 2(1) and (2)(c) to (e)).

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