



# Charities Act 1993 (repealed)

## 1993 CHAPTER 10

### PART II

#### REGISTRATION AND NAMES OF CHARITIES

##### *Registration of charities*

### **3 The register of charities.**

- (1) The Commissioners shall continue to keep a register of charities, which shall be kept by them in such manner as they think fit.
- (2) There shall be entered in the register every charity not excepted by subsection (5) below; and a charity so excepted (other than one excepted by paragraph (a) of that subsection) may be entered in the register at the request of the charity, but (whether or not it was excepted at the time of registration) may at any time, and shall at the request of the charity, be removed from the register.
- (3) The register shall contain—
  - (a) the name of every registered charity; and
  - (b) such other particulars of, and such other information relating to, every such charity as the Commissioners think fit.
- (4) Any institution which no longer appears to the Commissioners to be a charity shall be removed from the register, with effect, where the removal is due to any change in its purposes or trusts, from the date of that change; and there shall also be removed from the register any charity which ceases to exist or does not operate.
- (5) The following charities are not required to be registered—
  - (a) any charity comprised in Schedule 2 to this Act (in this Act referred to as an “exempt charity”);
  - (b) any charity which is excepted by order or regulations;
  - (c) any charity which has neither—
    - (i) any permanent endowment, nor

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(ii) the use or occupation of any land,  
and whose income from all sources does not in aggregate amount to more than £1,000 a year;

and no charity is required to be registered in respect of any registered place of worship.

[<sup>F1</sup>(5A) In subsection (5) above, paragraph (a) shall be read as referring also to—

- (a) any higher education corporation within the meaning of the Education Reform Act 1988, and
- (b) any further education corporation within the meaning of the Further and Higher Education Act 1992.]

[<sup>F2</sup>(5B) In addition, in subsection (5) above—

- (a) paragraph (a) shall be read as referring also to—
  - (i) any body to which section 23(1)(a) or (b) of the School Standards and Framework Act 1998 applies, and
  - (ii) any Education Action Forum established by virtue of section 10(1) of that Act; and
- (b) paragraph (b) shall be read as referring also to any foundation to which section 23(3) of that Act applies;

but an order of the Commissioners, or regulations made by the [<sup>F3</sup>Minister] , may provide that section 23(3) of that Act shall cease to apply to any such foundation as is mentioned in that provision or to any such foundation of a description specified in the order or regulations.]

- (6) With any application for a charity to be registered there shall be supplied to the Commissioners copies of its trusts (or, if they are not set out in any extant document, particulars of them), and such other documents or information as may be prescribed by regulations made by the [<sup>F3</sup>Minister] or as the Commissioners may require for the purpose of the application.
- (7) It shall be the duty—
  - (a) of the charity trustees of any charity which is not registered nor excepted from registration to apply for it to be registered, and to supply the documents and information required by subsection (6) above; and
  - (b) of the charity trustees (or last charity trustees) of any institution which is for the time being registered to notify the Commissioners if it ceases to exist, or if there is any change in its trusts or in the particulars of it entered in the register, and to supply to the Commissioners particulars of any such change and copies of any new trusts or alterations of the trusts.
- (8) The register (including the entries cancelled when institutions are removed from the register) shall be open to public inspection at all reasonable times; and copies (or particulars) of the trusts of any registered charity as supplied to the Commissioners under this section shall, so long as it remains on the register, be kept by them and be open to public inspection at all reasonable times, except in so far as regulations made by the [<sup>F3</sup>Minister] otherwise provide.
- (9) Where any information contained in the register is not in documentary form, subsection (8) above shall be construed as requiring the information to be available for public inspection in legible form at all reasonable times.
- (10) If the Commissioners so determine, subsection (8) above shall not apply to any particular information contained in the register and specified in their determination.

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- (11) Nothing in the foregoing subsections shall require any person to supply the Commissioners with copies of schemes for the administration of a charity made otherwise than by the court, or to notify the Commissioners of any change made with respect to a registered charity by such a scheme, or require a person, if he refers the Commissioners to a document or copy already in the possession of the Commissioners, to supply a further copy of the document; but where by virtue of this subsection a copy of any document need not be supplied to the Commissioners, a copy of it, if it relates to a registered charity, shall be open to inspection under subsection (8) above as if supplied to the Commissioners under this section.
- (12) If the [<sup>F3</sup>Minister] thinks it expedient to do so—
- (a) in consequence of changes in the value of money, or
  - (b) with a view to extending the scope of the exception provided for by subsection (5)(c) above,
- he may by order amend subsection (5)(c) by substituting a different sum for the sum for the time being specified there.
- (13) The reference in subsection (5)(b) above to a charity which is excepted by order or regulations is to a charity which—
- (a) is for the time being permanently or temporarily excepted by order of the Commissioners; or
  - (b) is of a description permanently or temporarily excepted by regulations made by the [<sup>F3</sup>Minister] ,
- and which complies with any conditions of the exception.
- (14) In this section “registered place of worship” means any land or building falling within section 9 of the <sup>M1</sup>Places of Worship Registration Act 1855 (that is to say, the land and buildings which if the <sup>M2</sup>Charities Act 1960 had not been passed, would by virtue of that section as amended by subsequent enactments be partially exempted from the operation of the <sup>M3</sup>Charitable Trusts Act 1853), and for the purposes of this subsection “building” includes part of a building.

#### Textual Amendments

- F1** S. 3(5A) inserted (1.10.1998) by 1998 c. 30, s. 44(1), **Sch. 3 para. 9** (with s. 42(8)); S.I. 1998/2215, **art. 2**
- F2** S. 3(5B) inserted (1.2.1999) by 1998 c. 31, s. 140(1), **Sch. 30**, para. 48 (with ss. 138(9), 144(6)); S.I. 1999/120, art. 2(1), **Sch. 1**
- F3** Word in s. 3 substituted (13.12.2006) by Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951), art. 1(2), **Sch. para. 4(c)**

#### Marginal Citations

- M1** 1855 c. 81.  
**M2** 1960 c. 58.  
**M3** 1853 c. 137.

## 4 Effect of, and claims and objections to, registration.

- (1) An institution shall for all purposes other than rectification of the register be conclusively presumed to be or to have been a charity at any time when it is or was on the register of charities.

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- (2) Any 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, object to its being entered by the Commissioners in the register, or apply to them for it to be removed from the register; and provision may be made by regulations made by the [<sup>F4</sup>Minister] as to the manner in which any such objection or application is to be made, prosecuted or dealt with.
- (3) An appeal against any decision of the Commissioners to enter or not to enter an institution in the register of charities, or to remove or not to remove an institution from the register, may be brought in the High Court by the Attorney General, or by the persons who are or claim to be the charity trustees of the institution, or by any person whose objection or application under subsection (2) above is disallowed by the decision.
- (4) If there is an appeal to the High Court against any decision of the Commissioners to enter an institution in the register, or not to remove an institution from the register, then until the Commissioners are satisfied whether the decision of the Commissioners is or is not to stand, the entry in the register shall be maintained, but shall be in suspense and marked to indicate that it is in suspense; and for the purposes of subsection (1) above an institution shall be deemed not to be on the register during any period when the entry relating to it is in suspense under this subsection.
- (5) Any question affecting the registration or removal from the register of an institution may, notwithstanding that it has been determined by a decision on appeal under subsection (3) above, be considered afresh by the Commissioners and shall not be concluded by that decision, if it appears to the Commissioners that there has been a change of circumstances or that the decision is inconsistent with a later judicial decision, whether given on such an appeal or not.

#### Textual Amendments

- F4** Word in s. 4(2) substituted (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), art. 1(2), [Sch. para. 4\(e\)](#)

## 5 Status of registered charity (other than small charity) to appear on official publications etc.

- (1) This section applies to a registered charity if its gross income in its last financial year exceeded [<sup>F5</sup>£10,000].
- (2) Where this section applies to a registered charity, the fact that it is a registered charity shall be stated <sup>F6</sup> . . . in legible characters—
  - (a) in all notices, advertisements and other documents issued by or on behalf of the charity and soliciting money or other property for the benefit of the charity;
  - (b) in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed on behalf of the charity; and
  - (c) in all bills rendered by it and in all its invoices, receipts and letters of credit.

<sup>F7</sup>[(2A) The statement required by subsection (2) above shall be in English, except that, in the case of a document which is otherwise wholly in Welsh, the statement may be in Welsh if it consists of or includes the words “elusen cofrestredig” (the Welsh equivalent of “registered charity”).]

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- (3) Subsection (2)(a) above has effect whether the solicitation is express or implied, and whether the money or other property is to be given for any consideration or not.
- (4) If, in the case of a registered charity to which this section applies, any person issues or authorises the issue of any document falling within paragraph (a) or (c) of subsection (2) above [<sup>F8</sup>which does not contain the statement] required by that subsection, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) If, in the case of any such registered charity, any person signs any document falling within paragraph (b) of subsection (2) above [<sup>F9</sup>which does not contain the statement] required by that subsection, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) The [<sup>F10</sup>Minister] may by order amend subsection (1) above by substituting a different sum for the sum for the time being specified there.

#### Textual Amendments

- F5** Figure in s. 5(1) substituted (1.12.1995) by S.I. 1995/2696, art. 2(2)
- F6** Words in s. 5(2) repealed (21.12.1993) by 1993 c. 38, ss. 32(2), 35(1), 36(1), Sch. 2
- F7** S. 5(2A) inserted (21.12.1993) by 1993 c. 38, ss. 32(3), 36(1)
- F8** Words in s. 5(4) substituted (21.12.1993) by 1993 c. 38, ss. 32(4), 36(1)
- F9** Words in s. 5(5) substituted (21.12.1993) by 1993 c. 38, ss. 32(5), 36(1)
- F10** Word in s. 5(6) substituted (13.12.2006) by Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951), art. 1(2), Sch. para. 4(f)

### Charity names

## 6 Power of Commissioners to require charity's name to be changed.

- (1) Where this subsection applies to a charity, the Commissioners may give a direction requiring the name of the charity to be changed, within such period as is specified in the direction, to such other name as the charity trustees may determine with the approval of the Commissioners.
- (2) Subsection (1) above applies to a charity if—
  - (a) it is a registered charity and its name (“the registered name”)—
    - (i) is the same as, or
    - (ii) is in the opinion of the Commissioners too like,  
the name, at the time when the registered name was entered in the register in respect of the charity, of any other charity (whether registered or not);
  - (b) the name of the charity is in the opinion of the Commissioners likely to mislead the public as to the true nature—
    - (i) of the purposes of the charity as set out in its trusts, or
    - (ii) of the activities which the charity carries on under its trusts in pursuit of those purposes;
  - (c) the name of the charity includes any word or expression for the time being specified in regulations made by the [<sup>F11</sup>Minister] and the inclusion in its name of that word or expression is in the opinion of the Commissioners likely to mislead the public in any respect as to the status of the charity;

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- (d) the name of the charity is in the opinion of the Commissioners likely to give the impression that the charity is connected in some way with Her Majesty's Government or any local authority, or with any other body of persons or any individual, when it is not so connected; or
- (e) the name of the charity is in the opinion of the Commissioners offensive;
- and in this subsection any reference to the name of a charity is, in relation to a registered charity, a reference to the name by which it is registered.
- (3) Any direction given by virtue of subsection (2)(a) above must be given within twelve months of the time when the registered name was entered in the register in respect of the charity.
- (4) Any direction given under this section with respect to a charity shall be given to the charity trustees; and on receiving any such direction the charity trustees shall give effect to it notwithstanding anything in the trusts of the charity.
- (5) Where the name of any charity is changed under this section, then (without prejudice to section 3(7)(b) above) it shall be the duty of the charity trustees forthwith to notify the Commissioners of the charity's new name and of the date on which the change occurred.
- (6) A change of name by a charity under this section does not affect any rights or obligations of the charity; and any legal proceedings that might have been continued or commenced by or against it in its former name may be continued or commenced by or against it in its new name.
- (7) Section 26(3) of the <sup>M4</sup>Companies Act 1985 (minor variations in names to be disregarded) shall apply for the purposes of this section as if the reference to section 26(1)(c) of that Act were a reference to subsection (2)(a) above.
- (8) Any reference in this section to the charity trustees of a charity shall, in relation to a charity which is a company, be read as a reference to the directors of the company.
- (9) Nothing in this section applies to an exempt charity.

#### Textual Amendments

- F11** Word in s. 6(2)(c) substituted (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), art. 1(2), **Sch. para. 4(g)**

#### Marginal Citations

- M4** 1985 c. 6.

## 7 Effect of direction under s. 6 where charity is a company.

- (1) Where any direction is given under section 6 above with respect to a charity which is a company, the direction shall be taken to require the name of the charity to be changed by resolution of the directors of the company.
- (2) Section 380 of the <sup>M5</sup>Companies Act 1985 (registration etc. of resolutions and agreements) shall apply to any resolution passed by the directors in compliance with any such direction.

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- (3) Where the name of such a charity is changed in compliance with any such direction, the registrar of companies—
- (a) shall, subject to section 26 of the Companies Act 1985 (prohibition on registration of certain names), enter the new name on the register of companies in place of the former name, and
  - (b) shall issue a certificate of incorporation altered to meet the circumstances of the case;
- and the change of name has effect from the date on which the altered certificate is issued.

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**Marginal Citations**

**M5** 1985 c. 6.

**Status:**

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**Changes to legislation:**

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