

# CHARITIES ACT 2006

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### *Section 5: Special provisions about recreational charities, sports clubs etc.*

32. *Subsections (1) – (3)* of this section make changes to the Recreational Charities Act 1958. The 1958 Act provides that:
  - it is a charitable purpose to provide, in the interests of social welfare, facilities for recreation or other leisure-time occupation where those facilities are made available either to the public as a whole or to women only (section 1(2) of the 1958 Act);
  - certain purposes connected with the provision of facilities for the welfare of miners are charitable purposes (section 2 of the 1958 Act).
33. The Act affects both of these provisions of the 1958 Act, which are now thought to be incompatible with the European Convention on Human Rights.
34. Subsection (2) of the section amends section 1(2) of the 1958 Act so that facilities made available to men only are to be regarded as charitable on the same basis as facilities made available to the public as a whole or to women only. This amendment does not affect the charitable status of any organisation which is currently charitable under the 1958 Act.
35. Subsection (3) repeals section 2 of the 1958 Act. The effect of this will be that miners' welfare organisations that can show that they are charitable under the definition of charity contained in section 1 of the Act will retain their charitable status. Other miners' welfare organisations will not retain their charitable status.
36. *Subsections (4) and (5)* make special provision for sports clubs which are registered with the Her Majesty's Revenue and Customs under the Community Amateur Sports Club (CASC) scheme established by the Finance Act 2002. Some such clubs are established for purposes which would make them charities under the definition in section 1 of this Act. Subsection (4) of this section provides that any club which has charitable purposes and is registered as a CASC is not a charity.