



Charities Act 2011

2011 CHAPTER 25

PART 3

EXEMPT CHARITIES AND THE PRINCIPAL REGULATOR

Exempt charities

22 Meaning of “exempt charity” and Sch.3

- (1) In this Act “exempt charity” means any institution, so far as it is a charity, that is within Schedule 3.
- (2) Subsection (1) is subject to any other enactment by virtue of which a charity is an exempt charity.

23 Power to amend Sch.3 so as to add or remove exempt charities

- (1) The [^{F1}Secretary of State] may by order make such amendments of Schedule 3 as the [^{F1}Secretary of State] considers appropriate for securing—
 - (a) that (so far as they are charities) institutions of a particular description become or (as the case may be) cease to be exempt charities, or
 - (b) that (so far as it is a charity) a particular institution becomes or (as the case may be) ceases to be an exempt charity.
- (2) An order under subsection (1) may be made only if the [^{F2}Secretary of State] is satisfied that the order is desirable in the interests of ensuring appropriate or effective regulation of the charities or charity concerned in connection with compliance by the charity trustees of the charities or charity with their legal obligations in exercising control and management of the administration of the charities or charity.
- (3) The [^{F3}Secretary of State] may by order make such amendments or other modifications of any enactment as the [^{F3}Secretary of State] considers appropriate in connection with—

Changes to legislation: Charities Act 2011, Part 3 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) charities of a particular description becoming, or ceasing to be, exempt charities, or
 - (b) a particular charity becoming, or ceasing to be, an exempt charity,
- as a result of provision made under subsection (1).
- (4) In subsection (3), “enactment” includes—
- (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978), and
 - (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England,
- and references to enactments include enactments whenever passed or made.

Textual Amendments

- F1** Words in s. 23(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(b)** (with art. 12)
- F2** Words in s. 23(2) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(b)** (with art. 12)
- F3** Words in s. 23(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(b)** (with art. 12)

24 Power to remove defunct institutions from Sch.3

The [^{F4}Secretary of State] may by order make such amendments of Schedule 3 as the [^{F4}Secretary of State] considers appropriate for removing from that Schedule an institution that has ceased to exist.

Textual Amendments

- F4** Words in s. 24 substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(2)(c)** (with art. 12)

The principal regulator

25 Meaning of “the principal regulator”

In this Act “the principal regulator”, in relation to an exempt charity, means such body or Minister of the Crown as is prescribed as its principal regulator by regulations made by the [^{F5}Secretary of State].

Textual Amendments

- F5** Words in s. 25 substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 25(3)** (with art. 12)

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26 General duty of principal regulator in relation to exempt charity

- (1) This section applies to any body or Minister of the Crown who is the principal regulator in relation to an exempt charity.
- (2) The body or Minister must do all that the body or Minister reasonably can to meet the compliance objective in relation to the charity.
- (3) The compliance objective is to promote compliance by the charity trustees with their legal obligations in exercising control and management of the administration of the charity.

27 Power to make amendments in connection with s.26

- (1) Regulations under section 25 may make such amendments or other modifications of any enactment as the [^{F6}Secretary of State] considers appropriate for the purpose of facilitating, or otherwise in connection with, the discharge by a principal regulator of the duty under section 26(2).
- (2) In subsection (1), “enactment” includes—
 - (a) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978), and
 - (b) a provision of a Measure of the Church Assembly or of the General Synod of the Church of England,and references to enactments include enactments whenever passed or made.

Textual Amendments

- F6** Words in s. 27(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), [Sch. 2 para. 25\(2\)\(d\)](#) (with art. 12)

28 Commission to consult principal regulator

Before exercising in relation to an exempt charity any specific power exercisable by it in relation to the charity, the Commission must consult the charity's principal regulator.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)