



Charities Act 2011

2011 CHAPTER 25

PART 18

MISCELLANEOUS AND SUPPLEMENTARY

Regulations and orders

348 Regulations subject to affirmative procedure etc.

- (1) Section 347(2) (negative procedure) does not apply to—
- (a) regulations under section 19 (fees and other amounts payable to Commission) which require the payment of a fee in respect of any matter for which no fee was previously payable;
 - (b) regulations under section 25 (meaning of “principal regulator”) which amend any provision of an Act;
 - [^{F1}(ba) regulations under section 178A(4) (offences specified for automatic disqualification of charity trustees);]
 - [^{F2}(ba) regulations under section 181A(8) (conditions for disqualification by order);]
 - (c) regulations under section 245 (regulations about winding up, insolvency and dissolution of CIOs).
 - [^{F3}(d) regulations under section 285(3) (power to amend period or multiplier specified);]
 - [^{F4}(e) regulations under section 352A (power to amend definition of “connected person”).]
- (2) No regulations within subsection (1)(a) [^{F5}, (ba)] [^{F6}, (bb)] [^{F7}, (c), (d)] [^{F8} or (e)] may be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.
- (3) No regulations within subsection (1)(b) may be made (whether alone or with other provisions) unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.

Changes to legislation: Charities Act 2011, Section 348 is up to date with all changes known to be in force on or before 03 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

- (4) Before making any regulations under—
- [^{F9}(za) section 178A(4), if the regulations add an offence,]
 - [^{F10}(zb) section 181A(8), if the regulations add a condition,]
 - (a) Part 8 (charity accounts, reports and returns), or
 - (b) section 245 or 246 (certain powers to make regulations about CIOs),
- the [^{F11}Secretary of State] must consult such persons or bodies of persons as the [^{F11}Secretary of State] considers appropriate.

Textual Amendments

- F1** S. 348(1)(ba) inserted (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(19)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)
- F2** S. 348(1)(ba) inserted (1.10.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 10(6)**, 17(4); S.I. 2016/815, reg. 3(a)
- F3** S. 348(1)(d) inserted (14.6.2023) by Charities Act 2022 (c. 6), **ss. 12(4)(a)**, 41(4); S.I. 2023/643, Sch. para. 4
- F4** S. 348(1)(e) inserted (14.6.2023) by Charities Act 2022 (c. 6), **ss. 39(2)(a)**, 41(4); S.I. 2023/643, Sch. para. 18
- F5** Word in s. 348(2) inserted (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(20)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)
- F6** Word in s. 348(2) inserted (1.10.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 10(7)**, 17(4); S.I. 2016/815, reg. 3(a)
- F7** Words in s. 348(2) substituted (14.6.2023) by Charities Act 2022 (c. 6), **ss. 12(4)(b)**, 41(4); S.I. 2023/643, Sch. para. 4
- F8** Words in s. 348(2) inserted (14.6.2023) by Charities Act 2022 (c. 6), **ss. 39(2)(b)**, 41(4); S.I. 2023/643, Sch. para. 18
- F9** S. 348(4)(za) inserted (1.2.2018 for specified purposes, 1.8.2018 in so far as not already in force) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 9(21)**, 17(4); S.I. 2018/47, regs. 2, 3(a) (with reg. 4)
- F10** S. 348(4)(zb) inserted (1.10.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), **ss. 10(8)**, 17(4); S.I. 2016/815, reg. 3(a)
- F11** Words in s. 348(4) 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)(nn)** (with art. 12)

Modifications etc. (not altering text)

- C1** S. 348(4) restricted (temp.) (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), **ss. 43(3)**, 49(1) (with ss. 2(2), 5(2))

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](#)