

*Draft Regulations laid before Parliament under section 349(1)(a) and (2) of the Charities Act 2011, for approval by resolution of each House of Parliament.*

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## DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

# CHARITIES

## The Charities Act 2011 (Exempt Charities) (British Council) Regulations 2021

<i>Made</i>	-	-	-	-	***
<i>Coming into force</i>	-	-			***

These Regulations are made in exercise of the powers conferred by sections 23(1)(b) and (3)(b), 25, 58(4) and 347(3) of the Charities Act 2011<sup>(1)</sup> (“the Act”).

In so far as these Regulations make provision to secure that the British Council<sup>(2)</sup> becomes an exempt charity, the Secretary of State is satisfied, in accordance with section 23(2) of the Act, that these Regulations are desirable in the interests of ensuring appropriate or effective regulation of the British Council in connection with compliance by its trustees with their legal obligations in exercising control and management of its administration.

A draft of these Regulations has been laid before Parliament in accordance with section 349(1)(a) and (2) of the Act and approved by resolution of each House of Parliament.

### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Charities Act 2011 (Exempt Charities) (British Council) Regulations 2021.

(2) These Regulations come into force 7 days after the day on which they are made.

(3) Regulations 2, 3 and 5 and the Schedule extend to England and Wales.

(4) Regulation 4 and this regulation extend to the whole of the United Kingdom.

### Amendment of the Act

2.—(1) Schedule 3 to the Charities Act 2011 (exempt charities)<sup>(3)</sup> is amended as follows.

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- (1) [2011 c. 25](#). Section 23 was amended by article 13 of, and paragraph 25(2)(b) of Schedule 2 to, [S.I. 2016/997](#) and section 25 was amended by paragraph 25(3) of that Schedule.
- (2) The British Council is an executive non-departmental public body, sponsored by the Foreign, Commonwealth and Development Office. It was incorporated by Royal Charter in 1940: <https://www.britishcouncil.org/sites/default/files/royalcharter.pdf>.
- (3) There have been amendments to Schedule 3, none of which are relevant.

(2) After paragraph 25 insert—

“**25A.** The British Council.”.

**Appointment of principal regulator**

**3.** The Secretary of State for Foreign, Commonwealth and Development Affairs is prescribed as the principal regulator of the British Council.

**Definition of “responsible person”**

**4.** In its application to the Secretary of State for Foreign, Commonwealth and Development Affairs as principal regulator of an exempt charity by virtue of these Regulations, section 57 of the Act has effect as if, for the definition of “responsible person” in subsection (8), there were substituted—

““responsible person” means a person who is or was—

- (a) the Secretary of State for Foreign, Commonwealth and Development Affairs;
- (b) acting on behalf of the Secretary of State for Foreign, Commonwealth and Development Affairs; or
- (c) a member of a committee established by the Secretary of State for Foreign, Commonwealth and Development Affairs.”.

**Transitory modifications in Schedule 9 to the Charities Act 2011**

**5.** The modifications of the Charities Act 2011 in paragraphs 6, 7, 10, 11, 13, 15, 16, 17, 18, 20, 21, 22 and 25 of Schedule 9 to that Act (transitory modifications) are not to be taken as applying in relation to the British Council.

Date

*Name*  
Minister of State  
Foreign, Commonwealth and Development  
Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Secretary of State has the power, under section 23 of the Charities Act 2011 (c. 25) (“the Act”), to amend Schedule 3 to the Act to confer exempt charity status on a particular charity, and to prescribe the principal regulator of an exempt charity under section 25 of the Act.

Regulation 2 confers exempt charity status on the British Council.

Regulation 3 prescribes the Secretary of State for Foreign, Commonwealth and Development Affairs as the principal regulator of the British Council.

Sections 54 to 57 of the Act, as applied by section 58 of the Act, regulate the disclosure of information by and to principal regulators. A “responsible person” who discloses information contrary to those rules may be found guilty of an offence. Regulation 4 specifies the definition of “responsible person” that applies in relation to the Secretary of State for Foreign, Commonwealth and Development Affairs as principal regulator of the British Council.

Regulation 5 provides that the transitory modifications in specified paragraphs of Schedule 9 to the Act do not apply to the British Council. This ensures that the regulatory regime for exempt charities under the Act applies to the British Council.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.