



Charities Act 2011

2011 CHAPTER 25

PART 4

REGISTRATION AND NAMES OF CHARITIES

Registration: duties of trustees and claims and objections

35 Duties of trustees in connection with registration

- (1) If a charity required to be registered by virtue of section 30(1) is not registered, the charity trustees must—
 - (a) apply to the Commission for the charity to be registered, and
 - (b) supply the Commission with the required documents and information.
- (2) The required documents and information are—
 - (a) copies of the charity's trusts or (if they are not set out in any extant document) particulars of them,
 - (b) such other documents or information as may be prescribed by regulations made by the Minister, and
 - (c) such other documents or information as the Commission may require for the purposes of the application.
- (3) If an institution is for the time being registered, the charity trustees (or the last charity trustees) must—
 - (a) notify the Commission if the institution ceases to exist, or if there is any change in its trusts or in the particulars of it entered in the register, and
 - (b) so far as appropriate, supply the Commission with particulars of any such change and copies of any new trusts or alterations of the trusts.
- (4) Nothing in subsection (3) requires a person—
 - (a) to supply the Commission with copies of schemes for the administration of a charity made otherwise than by the court,

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Changes to legislation: Charities Act 2011, Cross Heading: Registration: duties of trustees and claims and objections is up to date with all changes known to be in force on or before 23 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)

- (b) to notify the Commission of any change made with respect to a registered charity by such a scheme, or
- (c) if the person refers the Commission to a document or copy already in the Commission's possession, to supply a further copy of the document.

Modifications etc. (not altering text)

C1 S. 35 modified (2.1.2013) by [The Charitable Incorporated Organisations \(General\) Regulations 2012](#) (S.I. 2012/3012), regs. 1, **6(4)**

36 Claims and objections to registration

- (1) A 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—
 - (a) object to its being entered by the Commission in the register, or
 - (b) apply to the Commission for it to be removed from the register.
- (2) Provision may be made by regulations made by the Minister as to the manner in which any such objection or application is to be made, prosecuted or dealt with.
- (3) Subsection (4) applies if there is an appeal to the Tribunal against any decision of the Commission—
 - (a) to enter an institution in the register, or
 - (b) not to remove an institution from the register.
- (4) Until the Commission is satisfied whether the decision of the Commission is or is not to stand, the entry in the register—
 - (a) is to be maintained, but
 - (b) is in suspense and must be marked to indicate that it is in suspense.
- (5) Any question affecting the registration or removal from the register of an institution—
 - (a) may be considered afresh by the Commission, even though it has been determined by a decision on appeal under Chapter 2 of Part 17 (appeals and applications to Tribunal), and
 - (b) is not concluded by that decision, if it appears to the Commission that—
 - (i) there has been a change of circumstances, or
 - (ii) the decision is inconsistent with a later judicial decision.

Modifications etc. (not altering text)

C2 S. 36 modified (2.1.2013) by [The Charitable Incorporated Organisations \(General\) Regulations 2012](#) (S.I. 2012/3012), regs. 1, **6(5)(a)**

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