
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 3A(1) of the Charities Act 1993 (“the 1993 Act”) imposes a general requirement that every charity in England and Wales must be registered in the register of charities which is maintained by the Charity Commission. Section 3A(2) of the 1993 Act makes provision for various charities to be excepted from this general requirement to register. The charities excepted from this requirement include those which are so excepted by regulations made by the Minister for the Cabinet Office. Section 3A(4)(b) of the 1993 Act requires the Minister to make regulations to ensure that certain charities are excepted from this requirement.

These Regulations are made in accordance with that duty and ensure that certain educational institutions which were, before 31st January 2009, exempt charities are now excepted from the requirement to register with the Charity Commission. The relevant institutions are those falling within section 3A(5)(a) of the 1993 Act (regulation 2(1) and 2(2)(a) and (b)).

These Regulations also ensure that certain other educational institutions and registered places of worship which are to be treated as institutions to which the duty in section 3A(4)(b) applies are also excepted from the requirement to register (regulation 2(1) and (2)(c) to (e)).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.