

2022 No. 1290

CHARITIES, ENGLAND AND WALES

The Charities Act 2006 (Principal Regulators of Exempt Charities) (Amendment) Regulations 2022

<i>Made</i>	- - - -	<i>5th December 2022</i>
<i>Laid before Parliament</i>		<i>12th December 2022</i>
<i>Coming into force</i>	- -	<i>9th January 2023</i>

The Secretary of State, in exercise of the powers conferred by sections 25, 58(4) and 347(3) of the Charities Act 2011(a) makes the following Regulations:

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Charities Act 2006 (Principal Regulators of Exempt Charities) (Amendment) Regulations 2022 and come into force on 9th January 2023.
- (2) These Regulations extend to England and Wales.

Amendments to the Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2011

- 2.—(1) The Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2011 (b) are amended as follows.
- (2) For Regulation 5 (appointment of principal regulator of exempt charities: academies), substitute—

“Appointment of principal regulator of exempt charities: academies

5.—(1) Subject to paragraph (2), the Secretary of State for Education is prescribed as the principal regulator of any qualifying Academy proprietor (within the meaning of section 12 of the Academies Act 2010).

(2) Where a qualifying Academy proprietor has entered into academy arrangements for the purpose of the setting up, establishment and running of a secure 16 to 19 academy (as defined by section 1B(7) of the Academies Act 2010), the principal regulator is prescribed as the Secretary of State for Justice.”

- (3) In Regulation 6 (Definition of “responsible person”)—
- (a) in paragraph (1)—

(a) 2011 c. 25. Sections 25 and 347(3) were amended by paragraphs 25(2) and (3) of Schedule 2 to the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997).

(b) S.I. 2011/1726.

- (i) for “section 10A of the Charities Act 1993” substitute “section 57 of the Charities Act 2011”;
- (ii) for “subsection (7)” substitute “subsection (8)”;
- (b) in paragraph (2)—
 - (i) for “section 10A of the Charities Act 1993” substitute “section 57 of the Charities Act 2011”;
 - (ii) for “subsection (7)” substitute “subsection (8)”;
- (c) after paragraph (2) insert—

“(3) In its application to the Secretary of State for Justice as principal regulator of an exempt charity by virtue of these Regulations, section 57 of the Charities Act 2011 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 Justice;
- (b) acting on behalf of the Secretary of State for Justice; or
- (c) a member of a committee established by the Secretary of State for Justice.””

5th December 2022

Damian Hinds
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2011 (S.I. 2011/1726).

Regulation 2 substitutes regulation 5 of the 2011 Regulations in order insert a new regulation 5 which prescribes that the Secretary of State for Education is the principal regulator of any qualifying academy proprietor who enters into academy arrangements except for those to establish and maintain a secure 16 to 19 academy.

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 2(3)(c) specifies the definition of “responsible person” that applies where the Secretary of State for Justice is principal regulator and regulations 2(3)(a) and (b) amend regulations 6(1) and (2) of the 2011 Regulations to replace the reference to section 10A of the Charities Act 1993 which has been repealed and is now covered by section 57 of the Charities Act 2011.

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

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