
STATUTORY INSTRUMENTS

2023 No. 643

**The Charities Act 2022 (Commencement No. 2
and Saving Provisions) Regulations 2023**

Saving provision in relation to sections 10 and 11 of the 2022 Act

4.—(1) In this regulation—

“relevant proceedings” means—

- (a) proceedings on an appeal brought to the Tribunal under section 319 of the 2011 Act⁽¹⁾ in relation to a decision of the Charity Commission under section 284 of the 2011 Act not to concur with a section 282(2) resolution, or
- (b) proceedings on an application for judicial review of the Charity Commission’s decision under section 284 of the 2011 Act to concur or not concur with a section 282(2) resolution;

“section 282(2) resolution” means a resolution of the charity trustees of a charity passed in accordance with section 282(2) of the 2011 Act.

(2) Paragraph (3) applies in relation to a charity (“the charity”) if before the appointed day—

- (a) the charity trustees of the charity have passed a section 282(2) resolution, and
- (b) any one of the following applies—
 - (i) the charity trustees of the charity have not sent a copy of the section 282(2) resolution, together with a statement of their reasons for passing it to the Charity Commission, as required by section 282(4) of the 2011 Act;
 - (ii) the charity trustees of the charity have complied with section 282(4) of the 2011 Act, and the period, specified in section 284(5)(b) of the 2011 Act, within which the Charity Commission must notify the charity trustees of the charity in writing that it concurs or does not concur with the section 282(2) resolution, has not expired;
 - (iii) the Charity Commission has informed the charity trustees of the charity in writing that it concurs with the section 282(2) resolution and the period for commencing proceedings on an application for judicial review in relation to that decision has not expired;
 - (iv) the Charity Commission has informed the charity trustees of the charity in writing that it does not concur with the section 282(2) resolution and the period for commencing relevant proceedings has not expired;
 - (v) relevant proceedings have been commenced.

(3) Sections 282, 284 and 353 of the 2011 Act continue to have effect on or after the appointed day in relation to the section 282(2) resolution as if sections 9, 10 and 11 of, and paragraph 17 of Schedule 2 to, the 2022 Act had not been commenced.

(1) Section 319 of the 2011 Act has effect to give the Upper and First-tier Tribunals powers to hear appeals against certain decisions, directions or orders of the Charity Commission. Schedule 6 to the 2011 Act lists those decisions, directions or orders of the Charity Commission which are subject to appeal to the Tribunals.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
