

2024 No. 265 (C. 12)

CHARITIES

**The Charities Act 2022 (Commencement No. 3, Consequential,
Saving and Transitional Provisions) Regulations 2024**

Made - - - -

28th February 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by section 41(4) and (5) of the Charities Act 2022^(a).

Citation and extent

1.—(1) These Regulations may be cited as the Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024.

(2) These Regulations extend to England and Wales, subject to paragraph (3).

(3) The amendments brought into effect by paragraphs 2 and 3 of Schedule 2 to these Regulations have the same extent as the provisions that they amend.

Interpretation

2.—(1) In these Regulations—

“the 2011 Act” means the Charities Act 2011^(b);

“the 2022 Act” means the Charities Act 2022;

“the court” means—

(a) the High Court, and

(b) within the limits of its jurisdiction, any other court in England and Wales having a jurisdiction in respect of charities concurrent (within any limit of area or amount) with that of the High Court,

and includes any judge or officer of the court exercising the jurisdiction of the court;

“the Tribunal” means in relation to any appeal made under the 2011 Act—

(a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the appeal, application or reference, or

(b) the First-tier Tribunal, in any other case.

(a) 2022 c. 6.
(b) 2011 c. 25.

(2) For the purposes of regulations 6 to 8, relevant proceedings are commenced when a notice, claim form or other document is sent or delivered to, or filed with, the Tribunal or court for the purpose of commencing the proceedings.

Provisions coming into force on 7th March 2024

3. The day appointed for the coming into force of the provisions of the 2022 Act listed in Schedule 1 is 7th March 2024.

Provisions coming into force on 19th May 2025

4. The day appointed for the coming into force of the provisions of the 2022 Act listed in Schedule 2 is 19th May 2025.

Consequential amendments to the Land Registration Rules 2003

5. Schedule 3 contains amendments to the Land Registration Rules 2003(a), which are consequential on the coming into force of section 23 of the 2022 Act, brought into force by paragraph 5 of Schedule 1 to these Regulations.

Saving provision in relation to section 1 of the 2022 Act

6.—(1) In this regulation—

“regulated alteration” has the meaning given by section 198(2) of the 2011 Act;

“relevant proceedings” means, in relation to a decision of the Charity Commission to give or to withhold consent in relation to a regulated alteration, proceedings—

- (a) on an appeal brought to the Tribunal under section 319 of the 2011 Act(b), or
- (b) on an application for judicial review.

(2) Paragraph (3) applies in relation to a charitable company if, prior to 7th March 2024—

- (a) the charity trustees of the company have applied to the Charity Commission for consent under section 198(1)(a) to make a regulated alteration, and
- (b) any of the following applies—
 - (i) the Charity Commission has not yet made a decision whether to give or to withhold consent to that regulated alteration;
 - (ii) the Charity Commission has informed the charity trustees of the company in writing that it consents or is withholding its consent to that regulated alteration and the period for commencing relevant proceedings has not expired;
 - (iii) relevant proceedings have been commenced.

(3) Sections 198, 199 and 337 of the 2011 Act continue to have effect on and after 7th March 2024 in relation to the charity trustees of the company in respect of the regulated alteration as if section 1 and (as it has effect in relation to section 198 of the 2011 Act) section 37(2)(b) of, and paragraph 43 of Schedule 2 to, the 2022 Act had not come into force.

Saving provision in relation to section 2 of the 2022 Act

7.—(1) In this regulation—

(a) S.I. 2003/1417.

(b) Section 319 of the 2011 Act gives 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 which are subject to appeal to the Tribunals.

“regulated alteration” has the meaning given by section 226(2) of the 2011 Act;

“relevant proceedings” means—

- (a) proceedings on an appeal brought to the Tribunal under section 319 of the 2011 Act in relation to a decision of the Charity Commission under section 227 of the 2011 Act to refuse to register an amendment to the constitution of a charitable incorporated organisation, or
- (b) proceedings on an application for judicial review of a decision of the Charity Commission under section 227 of the 2011 Act to register or to refuse to register an amendment to a constitution of a charitable incorporated organisation.

(2) Paragraph (3) applies in relation to a charitable incorporated institution (“the CIO”) if, prior to 7th March 2024—

- (a) the charity trustees of the CIO have made either of the following applications to the Charity Commission—
 - (i) an application to the Charity Commission for consent in relation to a regulated alteration,
 - (ii) an application to register an amendment to the CIO’s constitution; and
- (b) any of the following applies—
 - (i) the Charity Commission has not yet made a decision whether to give or to withhold consent to a regulated alteration, or to register or to refuse to register an amendment;
 - (ii) the Charity Commission has registered an amendment and the period for commencing proceedings on an application for judicial review in relation to that decision has not expired;
 - (iii) the Charity Commission has made a decision to refuse to register an amendment and the period for commencing relevant proceedings has not expired;
 - (iv) relevant proceedings have been commenced.

(3) Sections 226, 227, 248 and 337 of, and Schedule 6 to, the 2011 Act continue to have effect on and after 7th March 2024 in relation to the charity trustees of the CIO in respect of the amendment to the CIO’s constitution as if section 2 and (as it has effect in relation to section 226 of the 2011 Act) section 37(2)(b) of, and paragraphs 2 and 44 of Schedule 2 to, the 2022 Act had not come into force.

Saving provision in relation to section 3 of the 2022 Act

8.—(1) In this regulation—

“relevant proceedings” mean—

- (a) for the purposes of paragraph (2)—
 - (i) proceedings on an appeal brought to the Tribunal under section 319 of the 2011 Act in relation to a decision of the Charity Commission under section 271(1) of the 2011 Act to object to a section 268(1) resolution, or
 - (ii) proceedings on an application for judicial review—
 - (aa) of a decision of the Charity Commission under section 271(1) of the 2011 Act to object to a section 268(1) resolution, or
 - (bb) in relation to the taking effect of a section 268(1) resolution under section 270 of the 2011 Act;
- (b) for the purposes of paragraph (3)—

- (i) proceedings on an appeal brought to the Tribunal under section 319 of the 2011 Act in relation to a decision of the Charity Commission under section 278(1) of the 2011 Act to object to a section 275(2) resolution, or
- (ii) proceedings on an application for judicial review—
 - (aa) of a decision of the Charity Commission under section 278(1) of the 2011 Act to object to a section 275(2) resolution, or
 - (bb) in relation to the taking effect of a section 275(2) resolution under section 277 of the 2011 Act;

“section 268(1) resolution” means a resolution of the charity trustees of a charity to transfer all of the property of the charity to one or more charities passed in accordance with section 268(1) of the 2011 Act;

“section 275(2) resolution” means a resolution of the charity trustees of a charity to replace all or any of the purposes of the charity with other purposes specified in the resolution passed in accordance with section 275(2) of the 2011 Act.

(2) Paragraph (4) applies to the charity trustees of a charity if, prior to 7th March 2024—

- (a) the charity trustees of the charity have passed a section 268(1) resolution, and
- (b) any of the following applies—
 - (i) the charity trustees of the charity have not yet sent a copy of the section 268(1) resolution, together with a statement of their reasons for passing it, to the Charity Commission, as required by section 268(5) of the 2011 Act;
 - (ii) the charity trustees of the charity have sent a copy of the section 268(1) resolution, together with a statement of their reasons for passing it, to the Charity Commission, and the period under section 270 of the 2011 Act (as may be extended by subsections (4) to (7) of section 271 of the 2011 Act) has not expired;
 - (iii) the section 268(1) resolution has taken effect under section 270 of the 2011 Act and the period for commencing proceedings on an application for judicial review in connection to that has not expired;
 - (iv) the Charity Commission has informed the charity trustees of the charity in writing that it objects to the section 268(1) resolution under section 271(1) of the 2011 Act and the period for commencing relevant proceedings in relation to that decision to object has not expired;
 - (v) relevant proceedings have been commenced.

(3) Paragraph (4) also applies to the charity trustees of a charity if, prior to 7th March 2024—

- (a) the charity trustees of the charity have passed a section 275(2) resolution, and
- (b) any of the following applies—
 - (i) the charity trustees of the charity have not yet sent a copy of the section 275(2) resolution, together with a statement of their reasons for passing it, to the Charity Commission, as required by section 275(6) of the 2011 Act;
 - (ii) the charity trustees of the charity have sent a copy of the section 275(2) resolution, together with a statement of their reasons for passing it, to the Charity Commission, and the period under section 277 of the 2011 Act (as may be extended by subsections (4) to (7) of section 278 of the 2011 Act) has not expired;
 - (iii) the section 275(2) resolution has taken effect under section 277 of the 2011 Act and the period for commencing proceedings on an application for judicial review in connection to that has not expired;

(iv) the Charity Commission has informed the charity trustees of the charity in writing that it objects to the section 275(2) resolution under section 278(1) of the 2011 Act and the period for commencing relevant proceedings in relation to that decision to object has not expired;

(v) relevant proceedings have been commenced.

(4) Section 328 of, and Schedules 6 and 11 to, the 2011 Act continue to have effect on and after 7th March 2024 in relation to the charity trustees of the charity in respect of either or both the section 268(1) resolution and the section 275(2) resolution (as the case may be), as if paragraphs 4, 8(a) and (b) and 10(e) of Schedule 2 to, the 2022 Act had not come into force.

Saving provision in relation to section 23 of the 2022 Act

9.—(1) Paragraph (4) applies in relation to a contract for the sale, or for a lease or other disposition, of land which is held by or in trust for a charity, entered into before 7th March 2024, if the disposition of the relevant land has not taken place before 7th March 2024.

(2) Paragraph (4) also applies in relation to—

(a) a conveyance, transfer, lease or other instrument effecting a disposition of land held by or in trust for a charity,

(b) a mortgage of land held by or in trust for a charity,

entered into before 7th March 2024.

(3) For the purposes of paragraph (2), a mortgage includes a charge.

(4) Sections 122 and 125 of the 2011 Act, and paragraph 4(2)(b) of Schedule 1 to the Trusts of Land and Appointment of Trustees Act 1996(a), continue to have effect on and after 7th March 2024 as if section 23 of, and paragraph 29 of Schedule 2 to, the 2022 Act had not come into force.

Transitional provision in relation to section 23 of the 2022 Act

10.—(1) This regulation applies throughout the period beginning with 7th March 2024 and ending with 19th May 2025.

(2) Section 122(2) of the 2011 Act(b) is to be read as if—

(a) in paragraph (c) after “(aa),” there were inserted “(b),”; and

(b) in paragraph (d) after “(aa),” there were inserted “(b),”.

(3) Rule 180 of the Land Registration Rules 2003(c), is to be read as if—

(a) in paragraph (b) after “(aa),” there were inserted “(b),”; and

(b) in paragraph (c) after “(aa),” there were inserted “(b),”; and

(c) in paragraph (d) after “(aa),” there were inserted “(b),”.

28th February 2024

Stuart Andrew
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

(a) 1996 c. 47. Paragraph 4(2)(b) of Schedule 1 was amended by paragraph 70(b) of Schedule 7 to the Charities Act 2011.

(b) As substituted by section 23(2) of the 2022 Act.

(c) As amended by paragraphs 5 to 7 of Schedule 3 to these Regulations.

SCHEDULES

SCHEDULE 1

Regulation 3

Provisions of the 2022 Act coming into force on 7th March 2024

1. Section 1 (alteration of charitable company's purposes).
2. Section 2 (amendments to constitution of CIOs).
3. Section 3 (powers of unincorporated charities).
4. In section 18 (exceptions to restrictions on dispositions or mortgages of charity land)—
 - (a) subsection (1), in so far as it relates to the provisions of section 18 mentioned in sub-paragraphs (b) to (d) of this paragraph,
 - (b) subsection (2)(a),
 - (c) subsection (2)(c), and
 - (d) subsection (3)(a).
5. Section 23 (information to be included in certain instruments).
6. Section 29 (powers relating to appointments of trustees).
7. Section 31 (remuneration etc of charity trustees etc).
8. Section 33 (gifts to merged charity).
9. Section 34 (vesting declarations: exclusions).
10. Section 35 (vesting permanent endowment following a merger) for the remaining purposes.
11. Section 37 (public notice as regards Commission orders etc) for the remaining purposes.
12. Section 40 (minor and consequential provision), in so far as it relates to the provisions brought into force by paragraph 13 of this Schedule 1.
13. The following paragraphs of Schedule 2 (minor and consequential amendments)—
 - (a) paragraph 1, in so far as it relates to paragraphs 2 to 10 of Schedule 2,
 - (b) paragraph 2,
 - (c) paragraph 3,
 - (d) paragraph 4,
 - (e) paragraph 5,
 - (f) paragraph 6,
 - (g) paragraph 7,
 - (h) paragraph 8,
 - (i) paragraph 9,
 - (j) paragraph 10,
 - (k) paragraph 29,
 - (l) paragraph 38, for the remaining purposes,

- (m) paragraph 42,
- (n) paragraph 43, and
- (o) paragraph 44.

SCHEDULE 2

Regulation 4

Provisions of the 2022 Act coming into force on 19th May 2025

1. Section 18 (exceptions to restrictions on dispositions or mortgages of charity land) so far as not in force in accordance with paragraph 4 of Schedule 1 to these Regulations.
2. Section 24 (amendments of the Universities and College Estates Act 1925).
3. Schedule 1 (amendments of the Universities and College Estates Act 1925: consequential amendments).

SCHEDULE 3

Regulation 5

Consequential amendments to the Land Registration Rules 2003

1. The Land Registration Rules 2003 are amended in accordance with paragraphs 5 to 9, subject to paragraphs 2 to 4.
2. The amendments made by this Schedule have no effect in relation to a contract for the sale, or for a lease or other disposition, of land which is held by or in trust for a charity, entered into before 7th March 2024, if the disposition of the relevant land has not taken place before 7th March 2024.
3. The amendments made by this Schedule also have no effect in relation to—
 - (a) a conveyance, transfer, lease or other instrument effecting a disposition of land held by or in trust for a charity,
 - (b) a mortgage of land held by or in trust for a charity,entered into before 7th March 2024.
4. For the purposes of paragraph 3, a mortgage includes a charge.
5. In rule 176(2)(a), for “or (c)” substitute “, (c) or (d)”.
6. In rule 180(1)—
 - (a) in the words before paragraph (a) for “section 37(1) of the Charities Act 1993” substitute “section 122(2) of the Charities Act 2011”;
 - (b) in the words before paragraph (a) for “section 37(7)” substitute “section 123(1)”;
 - (c) in paragraph (b) for “(b) or (c) *as the case may be*) of section 36(9) of the Charities Act 1993” substitute “(c) or (d) *as the case may be*) of section 117(3) of the Charities Act 2011”;
 - (d) in paragraph (c) from “(b)” to the end substitute “(c) or (d) of section 117(3) of the Charities Act 2011, but the disposition has been sanctioned by an order of the court or of the Charity Commission.”;
 - (e) after paragraph (c) insert—

“(d) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, and this transfer (*or as the case may be*) is not one falling within paragraph (a), (aa), (c) or (d) of section 117(3) of the Charities Act 2011, but there is power under the trusts of the charity to effect the disposition and sections 117 to 121 of that Act have been complied with.””.

7. In rule 180(2)—

- (a) in the words before paragraph (a) for “section 39(1) of the Charities Act 1993” substitute “section 125(1) of the Charities Act 2011”;
- (b) in paragraph (b) for “section 38(5) of the Charities Act 1993” substitute “section 124(9) of the Charities Act 2011”;
- (c) in paragraph (c) from “section 38(5)” to the end substitute “section 124(9) of the Charities Act 2011, but the charge (*or mortgage*) has been sanctioned by an order of the court or of the Charity Commission.””;
- (d) after paragraph (c) insert—

“(d) “The land charged is held by (or in trust for) (*charity*), a non-exempt charity, and this charge (*or mortgage*) is not one falling within section 124(9) of the Charities Act 2011, but there is power under the trusts of the charity to grant the charge (*or mortgage*) and the requirements of section 124(2) of that Act have been complied with.””.

8. For rule 180(3) substitute—

“The statement required by section 126(2)(b) of the Charities Act 2011 must be in the following form—

“The restrictions on disposition imposed by sections 117 to 121 of the Charities Act 2011 also apply to the land (subject to section 117(3) of that Act).””.

9. In Schedule 4 (standard forms of restrictions) in the entry relating to Form E—

- (a) for “section 36 or section 38 of the Charities Act 1993 applies” substitute “sections 117 to 121 of the Charities Act 2011 apply, or section 124 of that Act applies,”;
- (b) for “certificate” substitute “statement”;
- (c) for “section 37(2) or section 39(2)” substitute “section 122(2A) or section 125(1A)”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the third set of commencement regulations made under the Charities Act 2022 (c. 6) (“the 2022 Act”).

Regulation 2 defines terms used in the Regulations.

Regulations 3 and 4 bring into force a number of sections of, and paragraphs of Schedules 1 and 2 to, the 2022 Act, listed in Schedules 1 and 2 to these Regulations, which implement recommendations made by the Law Commission of England and Wales as to technical improvements that could be made to charity law. Many of these improvements are made by way of amendment of the Charities Act 2011 (c. 25) (“the 2011 Act”). The provisions listed in Schedule 1 will come into force on 7th March 2024, whilst the provisions listed in Schedule 2 will come into force on 19th May 2025.

Paragraph 1 of Schedule 1 brings into force section 1 of the 2022 Act, which amends section 198 of the 2011 Act in respect of regulated alterations that require the consent of the Charity Commission. Section 1(3) inserts a new section 198(2A), which sets out the matters which the Charity Commission must consider in deciding whether or not to give consent to an alteration of a charitable company’s purposes, which amounts to a regulated alteration.

Paragraph 2 of Schedule 1 brings into force section 2 of the 2022 Act. This amends sections 226 and 227 of the 2011 Act to bring the process for amending the constitution of a charitable incorporated organisation in line with the process for amending the articles of association of a charitable company. This includes inserting a new section 226(2A), which sets out the matters which the Charity Commission must consider in deciding whether or not to give consent to an alteration to a charitable incorporated organisation’s purposes, which amounts to a regulated alteration.

Paragraph 3 of Schedule 1 brings into force section 3 of the 2022 Act. Section 3(1) repeals sections 267 to 280 of the 2011 Act, whilst section 3(2) replaces the powers within those sections with a general power in new section 280A of the 2011 Act enabling unincorporated charities to make amendments to the trusts of their charity. Some amendments will require the consent of the Charity Commission. New section 280B of the 2011 Act, also inserted by section 3(2), makes provision supplemental to new section 280A.

Paragraph 4 of Schedule 1 brings into force, in part, section 18 of the 2022 Act, which makes amendments to sections 117 and 124 of the 2011 Act, amending the general exceptions to the restrictions on dispositions and mortgages of charity land set out in those sections.

Paragraph 5 of Schedule 1 brings into force section 23 of the 2022 Act, which amends sections 122 and 125 of the 2011 Act to amend the wording that must be included in an instrument concerning a disposition or mortgage of charity land, and sets out protections for purchasers.

Paragraph 6 of Schedule 1 brings into force section 29 of the 2022 Act, which inserts a new section 184B into the 2011 Act. This new section gives the Charity Commission powers to confirm the appointment or election of trustees to resolve defects in the appointment or election.

Paragraph 7 of Schedule 1 brings into force section 31 of the 2022 Act, which inserts a new section 186A into the 2011 Act. This new section will enable the Charity Commission to order a charity to remunerate a charity trustee for work which that trustee has carried out for the charity

or to authorise a trustee to retain a benefit already received where the Charity Commission considers it would be inequitable not to do so.

Paragraph 8 of Schedule 1 brings into force section 33 of the 2022 Act, which makes amendments to sections 239, 244 and 311 of the 2011 Act. These amendments enable gifts to a charity which has since merged (as part of a “relevant charity merger” within the meaning of section 306 and where the merger has been registered in the register of charity mergers) to take effect as a gift to the transferee charity (section 311) and similar provision where two or more charitable incorporated organisations amalgamate (section 239), or where a charitable incorporated organisation transfers its operations to another charitable incorporated organisation (section 244). The amendments will apply to any gift made after section 33 is commenced, even if the instrument which gives rise to the gift (typically a will) was executed before commencement.

Paragraph 9 of Schedule 1 brings into force section 34 of the 2022 Act, which amends section 310(3) of the 2011 to remove references to a type of mortgage no longer used and to ensure that leases containing an absolute covenant against assignment (as well as leases containing a qualified covenant against assignment) are expressly excluded from being transferred by a section 310 vesting declaration.

Paragraph 10 of Schedule 1 brings into force section 35(b) of the 2022 Act, which amends section 306(2) of the 2011 Act to remove text which was difficult to understand and unnecessary. This means that in a rare case where the governing document of a charity with permanent endowment contains provision for termination of the charity, a merger can still be a “relevant charity merger” even if the original charity continues to exist.

Paragraph 11 of Schedule 1 brings into force section 37(1) and (2)(b) of the 2022 to the extent that the amendments made by these provisions apply to sections 198, 226 and 280A of the 2011 Act. Section 37(2)(b) makes amendments to section 337 of the 2011 Act by inserting new subsections (3A) and (3B). The effect of subsections (3A) and (3B) is to extend the power to give notice (both prior to and after) of the giving by the Charity Commission of written consent. In both cases, the Charity Commission can require the charity which has applied for the written consent to give notice (in place of the Charity Commission).

Paragraphs 12 and 13 of Schedule 1 bring into force section 40 (in part) and a number of paragraphs of Schedule 2 to the 2022 Act, which make consequential provision relevant to other sections of the 2022 Act commenced by Schedule 1 to these Regulations.

Paragraph 1 of Schedule 2 brings into force the remaining provisions of section 18 of the 2022 Act as they make amendments to sections 117 and 124 of the 2011 Act that arise as a consequence of the changes being made by section 24 of the 2022 Act.

Paragraph 2 of Schedule 2 brings into force section 24 of the 2022 Act, which replaces a large number of specific powers in the Universities and College Estates Act 1925 (“UCEA 1925”) with a general power in relation to land transactions in new section 1A of that Act.

Paragraph 3 of Schedule 2 brings into force Schedule 1 of the 2022 Act, which contains amendments to other enactments consequential upon the amendments to UCEA 1925 under section 24.

Regulation 5 and Schedule 3 make amendments to the Land Registration Rules 2003 consequential to the amendments being made to the 2011 Act by section 23 of the 2022 Act. Regulation 10 makes transitional provision for the changes to the Land Registration Rules 2003 made by regulation 5 and Schedule 3, and to section 122(2) of the 2011 Act (as substituted by section 23(2) of the 2022 Act), for the period of time before sections 18(2)(b) and (3)(b) and 24 of, and Schedule 1 to, the 2022 Act are commenced so as not to remove references to certain dispositions of land made under UCEA prior to the repeal of the powers under which those dispositions are made.

Regulation 6 makes saving provision in relation to the power of charity trustees of charitable companies to make amendments to their articles of association. This is to ensure that where, prior to the commencement of section 1 of the 2022 Act, the charity trustees of a charitable company have applied to the Charity Commission for consent to make a regulated alteration to their articles of association, section 198 of the 2011 Act will continue to apply as though it had not been amended by section 1.

Section 198 will also continue to apply as it had effect prior to the commencement of section 1 of the 2022 Act where the Charity Commission has made a decision to consent or withhold consent to a regulated alteration, or legal proceedings have been commenced in relation to any such decision of the Charity Commission.

In addition, regulation 6 ensures that the meaning of benefit that applied to section 198 prior to the commencement of paragraph 43 of Schedule 2 to the 2022 Act continues to apply, and that amendments to the Charity Commission's powers to give written notice under section 337 of the 2011 Act will not have effect in relation to the application for consent.

Regulation 7 makes saving provision in relation to the power of charitable incorporated organisations to make amendments to their constitutions. This is to ensure that where, prior to the commencement of section 2 of the 2022 Act, the charity trustees of a charitable incorporated organisation have applied to the Charity Commission for consent to make a regulated alteration or to register an amendment of the constitution, sections 226 and 227 of the 2011 Act continue to apply to that application as though they had not been amended by section 2.

Sections 226 and 227 will also continue to apply as they had effect prior to the commencement of section 2 of the 2022 Act where the Charity Commission has registered or refused to register an amendment, or legal proceedings have been commenced in relation to any such decision of the Charity Commission.

Additionally, regulation 7 ensures that the meaning of benefit that applied to section 226 prior to the commencement of paragraph 44 of Schedule 2 to the 2022 Act continues to apply, and that amendments to the Charity Commission's powers to give written notice under section 337 of the 2011 Act will not have effect in relation to the application for consent.

Regulation 8 makes saving provision in relation to various powers of unincorporated charities to transfer all of their property or to amend all or any of their charitable purposes. Section 3(3) of the 2022 Act makes saving provision in relation to resolutions made prior to the commencement of section 3 under sections 268(1), 275(2) and 280(2) of the 2011 Act, such that the repeal of sections 267 to 280 does not have effect in relation to those resolutions. Regulation 8 therefore ensures that consequential repeals of relevant provisions in section 328 of, and Schedules 6 and 11 to, the 2011 Act do not apply in respect of resolutions made under sections 268(1) and 275(2). (None of these repeals are relevant to resolutions made under section 280(2) of the 2011 Act.)

Regulation 9 makes saving provision in relation to instruments concerning a disposition of charity land and mortgages of charity land that were entered into before the commencement of section 23, so that the updated wording that must be included in such an instrument or mortgage does not apply.

A de minimis impact assessment has been published on gov.uk alongside the 2022 Act at

https://www.legislation.gov.uk/ukpga/2022/6/pdfs/ukpgaod_20220006_en.pdf

The consequential and saving provisions in these Regulations do not materially change that assessment.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Charities Act 2022 (c. 6) have been brought into force by commencement Regulations made before the date of these Regulations.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------------|-----------------------------|-----------------|
| Section 4 | 31 October 2022 | 2022/1109 |
| Section 5 | 31 October 2022 | 2022/1109 |
| Section 6 | 31 October 2022 | 2022/1109 |
| Section 7 | 31 October 2022 | 2022/1109 |
| Section 8 | 31 October 2022 | 2022/1109 |
| Section 9 | 14 June 2023 | 2023/643 |
| Section 10 | 14 June 2023 | 2023/643 |
| Section 11 | 14 June 2023 | 2023/643 |
| Section 12 | 14 June 2023 | 2023/643 |
| Section 13 | 14 June 2023 | 2023/643 |
| Section 14 | 14 June 2023 | 2023/643 |
| Section 17 | 14 June 2023 | 2023/643 |
| Section 19 | 14 June 2023 | 2023/643 |
| Section 20 | 14 June 2023 | 2023/643 |
| Section 21 | 14 June 2023 | 2023/643 |
| Section 22 | 14 June 2023 | 2023/643 |
| Section 25 | 14 June 2023 | 2023/643 |
| Section 26 | 14 June 2023 | 2023/643 |
| Section 27 | 14 June 2023 | 2023/643 |
| Section 28 | 14 June 2023 | 2023/643 |
| Section 30 | 31 October 2022 | 2022/1109 |
| Section 32 | 31 October 2022 | 2022/1109 |
| Section 35 (partially) | 14 June 2023 | 2023/643 |
| Section 36 | 31 October 2022 | 2022/1109 |
| Section 37 (partially) | 31 October 2022 | 2022/1109 |
| Section 38 | 14 June 2023 | 2023/643 |
| Section 39 | 14 June 2023 | 2023/643 |
| Section 40 (partially) | 31 October 2022 | 2022/1109 |
| Section 40 (partially) | 14 June 2023 | 2023/643 |
| Schedule 2 (partially) | 31 October 2022 | 2022/1109 |

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£8.14

<http://www.legislation.gov.uk/id/uksi/2024/265>

ISBN 978-0-34-825839-4



9 780348 258394