



Charities Act 2011

2011 CHAPTER 25

PART 4

REGISTRATION AND NAMES OF CHARITIES

The register

29 The register

- (1) There continues to be a register of charities, to be kept by the Commission in such manner as it thinks fit.
- (2) The register must contain—
 - (a) the name of every charity registered in accordance with section 30, and
 - (b) such other particulars of, and such other information relating to, every such charity as the Commission thinks fit.
- (3) In this Act, except in so far as the context otherwise requires, “the register” means the register of charities kept under this section and “registered” is to be read accordingly.

Charities required to be registered

30 Charities required to be registered: general

- (1) Every charity must be registered in the register unless subsection (2) applies to it.
- (2) The following are not required to be registered—
 - (a) an exempt charity (see section 22 and Schedule 3),
 - (b) a charity which for the time being—
 - (i) is permanently or temporarily excepted by order of the Commission, and
 - (ii) complies with any conditions of the exception, and whose gross income does not exceed £100,000,

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- (c) a charity which for the time being—
 - (i) is, or is of a description, permanently or temporarily excepted by regulations made by the Minister, and
 - (ii) complies with any conditions of the exception, and whose gross income does not exceed £100,000, and
 - (d) a charity whose gross income does not exceed £5,000.
- (3) A charity within—
- (a) subsection (2)(b) or (c), or
 - (b) subsection (2)(d),
- must, if it so requests, be registered in the register.
- (4) In this section any reference to a charity's gross income is to be read, in relation to a particular time—
- (a) as a reference to the charity's gross income in its financial year immediately preceding that time, or
 - (b) if the Commission so determines, as a reference to the amount which the Commission estimates to be the likely amount of the charity's gross income in such financial year of the charity as is specified in the determination.

31 Restrictions on extending the range of excepted charities etc.

- (1) No order may be made under section 30(2)(b) so as to except any charity that was not excepted immediately before 31 January 2009.
- (2) Subject to subsection (3), no regulations may be made under section 30(2)(c) so as to except any charity or description of charities that was not excepted immediately before 31 January 2009.
- (3) Such regulations must be made under section 30(2)(c) as are necessary to secure that any institution ceasing to be an exempt charity by virtue of an order made under section 23 is excepted under section 30(2)(c) (subject to compliance with any conditions of the exception and the financial limit mentioned in section 30(2)(c)).
- (4) Subsection (1) does not prevent an order which—
 - (a) was in force immediately before 31 January 2009, and
 - (b) has effect (by virtue of paragraph 4 of Schedule 8) as if made under section 30(2)(b),
 from being varied or revoked.
- (5) Subsection (2) does not prevent regulations which—
 - (a) were in force immediately before 31 January 2009, and
 - (b) have effect (by virtue of paragraph 4 of Schedule 8) as if made under section 30(2)(c),
 from being varied or revoked.

32 Power to alter sums specified in s.30(2)

- (1) The Minister may by order amend—
 - (a) section 30(2)(b) and (c), or
 - (b) section 30(2)(d),

by substituting a different sum for the sum for the time being specified there.

- (2) The Minister may only make an order under subsection (1)—
- (a) so far as it amends section 30(2)(b) and (c), if the Minister considers it expedient to do so with a view to reducing the scope of the exceptions provided by section 30(2)(b) and (c);
 - (b) so far as it amends section 30(2)(d), if the Minister considers it expedient to do so—
 - (i) in consequence of changes in the value of money, or
 - (ii) with a view to extending the scope of the exception provided by section 30(2)(d).
- (3) No order may be made by the Minister under subsection (1)(a) unless a copy of a report under section 73 of the Charities Act 2006 has been laid before Parliament in accordance with that section.

33 Power to repeal provisions relating to excepted charities

The following provisions—

- (a) section 30(2)(b) and (c) and (3)(a),
- (b) section 31,
- (c) section 32(1)(a), (2)(a) and (3), and
- (d) this section,

cease to have effect on such day as the Minister may by order appoint for the purposes of this section.

Removal of charities from register

34 Removal of charities from register

- (1) The Commission must remove from the register—
- (a) any institution which it no longer considers is a charity, and
 - (b) any charity which has ceased to exist or does not operate.
- (2) If the removal of an institution under subsection (1)(a) is due to any change in its trusts, the removal takes effect from the date of the change.
- (3) A charity which is for the time being registered under section 30(3) (voluntary registration) must be removed from the register if it so requests.

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—

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- (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,
 - (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.

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.

Effect of registration and right to inspect register

37 Effect of registration

- (1) An institution is, for all purposes other than rectification of the register, conclusively presumed to be or to have been a charity at any time when it is or was on the register.
- (2) For the purposes of subsection (1) an institution is to be treated as not being on the register during any period when the entry relating to it is in suspense under section 36(4).

38 Right to inspect register

- (1) The register (including the entries cancelled when institutions are removed from the register) must be open to public inspection at all reasonable times.
- (2) If any information contained in the register is not in documentary form, subsection (1) is to be read as requiring the information to be available for public inspection in legible form at all reasonable times.
- (3) If the Commission so determines, subsection (1) does not apply to any particular information contained in the register that is specified in the determination.
- (4) Copies (or particulars) of the trusts of any registered charity as supplied to the Commission under section 35 (duties of trustees in connection with registration) must, so long as the charity remains on the register—
 - (a) be kept by the Commission, and
 - (b) be open to public inspection at all reasonable times.
- (5) If a copy of a document relating to a registered charity—
 - (a) is not required to be supplied to the Commission as the result of section 35(4), but
 - (b) is in the Commission's possession,a copy of the document must be open to inspection under subsection (4) as if supplied to the Commission under section 35.

Disclosure of registered charity status

39 Statement required to be made in official publications etc.

- (1) This section applies to a registered charity if its gross income in its last financial year exceeded £10,000.
- (2) If this section applies to a registered charity, the fact that it is a registered charity must be stated in legible characters—
 - (a) in all notices, advertisements and other documents issued by or on behalf of the charity and soliciting money or other property for the benefit of the charity,
 - (b) in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed on behalf of the charity, and
 - (c) in all bills rendered by it and in all its invoices, receipts and letters of credit.
- (3) The statement required by subsection (2) must be in English, except that, in the case of a document which is otherwise wholly in Welsh, the statement may be in Welsh

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if it consists of or includes “elusen cofrestredig” (the Welsh equivalent of “registered charity”).

- (4) Subsection (2)(a) has effect—
- (a) whether the solicitation is express or implied, and
 - (b) whether or not the money or other property is to be given for any consideration.

40 Power to alter sum specified in s.39(1)

The Minister may by order amend section 39(1) by substituting a different sum for the sum for the time being specified there.

41 Offences

- (1) It is an offence for a person, in the case of a registered charity to which section 39 applies, to issue or authorise the issue of any document falling within section 39(2)(a) or (c) which does not contain the statement required by section 39(2).
- (2) It is an offence for a person, in the case of a registered charity to which section 39 applies, to sign any document falling within section 39(2)(b) which does not contain the statement required by section 39(2).
- (3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Power to require charity’s name to be changed

42 Power to require name to be changed

- (1) If this subsection applies to a charity, the Commission may give a direction requiring the name of the charity to be changed, within such period as is specified in the direction, to such other name as the charity trustees may determine with the approval of the Commission.
- (2) Subsection (1) applies to a charity if—
 - (a) it is a registered charity and its name (“the registered name”)—
 - (i) is the same as, or
 - (ii) is in the opinion of the Commission too like,

the name, at the time when the registered name was entered in the register in respect of the charity, of any other charity (whether registered or not),
 - (b) the name of the charity is in the opinion of the Commission likely to mislead the public as to the true nature of—
 - (i) the purposes of the charity as set out in its trusts, or
 - (ii) the activities which the charity carries on under its trusts in pursuit of those purposes,
 - (c) the name of the charity includes any word or expression for the time being specified in regulations made by the Minister and the inclusion in its name of that word or expression is in the opinion of the Commission likely to mislead the public in any respect as to the status of the charity,

- (d) the name of the charity is in the opinion of the Commission likely to give the impression that the charity is connected in some way with Her Majesty's Government or any local authority, or with any other body of persons or any individual, when it is not so connected, or
 - (e) the name of the charity is in the opinion of the Commission offensive.
- (3) Any direction given by virtue of subsection (2)(a) must be given within 12 months of the time when the registered name was entered in the register in respect of the charity.
- (4) In subsection (2) any reference to the name of a charity is, in relation to a registered charity, a reference to the name by which it is registered.
- (5) Any direction given under this section with respect to a charity must be given to the charity trustees.

43 Duty of charity trustees on receiving direction under s.42

- (1) On receiving a direction under section 42 the charity trustees must give effect to it regardless of anything in the trusts of the charity.
- (2) If the name of any charity is changed by virtue of section 42, the charity trustees must without delay notify the Commission of—
- (a) the charity's new name, and
 - (b) the date on which the change occurred.
- (3) Subsection (2) does not affect section 35(3) (duty of charity trustees to notify changes in registered particulars).

44 Change of name not to affect existing rights and obligations etc.

A change of name by a charity by virtue of section 42 does not affect any rights or obligations of the charity; and any legal proceedings that might have been continued or commenced by or against it in its former name may be continued or commenced by or against it in its new name.

45 Change of name where charity is a company

- (1) In relation to a charitable company, any reference in section 42 or 43 to the charity trustees of a charity is to be read as a reference to the directors of the company.
- (2) Subsections (3) to (5) apply if a direction is given under section 42 with respect to a charitable company.
- (3) The direction is to be treated as requiring the name of the company to be changed by resolution of the directors of the company.
- (4) Where a resolution of the directors is passed in accordance with subsection (3), the company must give notice of the change to the registrar of companies.
- (5) Where the name of the company is changed in compliance with the direction, the registrar of companies must—
- (a) if satisfied that the new name complies with the requirements of Part 5 of the Companies Act 2006, enter the new name on the register of companies in place of the former name, and

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- (b) issue a certificate of incorporation altered to meet the circumstances of the case;
- and the change of name has effect from the date on which the altered certificate is issued.