

*These notes refer to the Charities Act 2006 (c.50)
which received Royal Assent on 8 November 2006*

CHARITIES ACT 2006

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Section 74: Orders and regulations

253. The Act contains a number of provisions giving the Secretary of State or Minister for the Cabinet Office power to make orders and regulations. Section 74 applies to any orders and regulations the Secretary of State or Minister for the Cabinet Office makes under the Act.
254. *Subsection (2)* is a common-form provision setting out matters for which orders or regulations may provide.
255. *Subsections (3) to (5)* distinguish between regulations which are subject to the “negative resolution” procedure and those which are subject to “affirmative resolution”. The distinction is essentially that “negative resolution” regulations take effect as soon as they are made, but can be cancelled if Parliament passes a resolution striking them down, while “affirmative resolution” regulations need a positive resolution from Parliament to bring them into effect. Regulations and orders made under powers listed in paragraphs (a) to (e) of subsection (4) require the “affirmative resolution” procedure; all other orders and regulations except for commencement orders made under section 79, are to be made by the “negative resolution” procedure.