
STATUTORY INSTRUMENTS

2013 No. 1764

CHARITIES, ENGLAND AND WALES

**The Charities Act 2011 (Principal Regulators
of Exempt Charities) Regulations 2013**

<i>Made</i>	- - - -	<i>15th July 2013</i>
<i>Laid before Parliament</i>		<i>17th July 2013</i>
<i>Coming into force</i>	- -	<i>1st September 2013</i>

The Minister for the Cabinet Office makes the following Regulations in exercise of the powers conferred by sections 25, 58(4) and 347(3) of the Charities Act 2011⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Charities Act 2011 (Principal Regulators of Exempt Charities) Regulations 2013 and come into force on 1st September 2013.

Interpretation

2. In these Regulations—

“further education corporation” has the same meaning as in the Further and Higher Education Act 1992⁽²⁾.

Appointment of principal regulator: exempt charities in further education sector in England

3. The Secretary of State for Business, Innovation and Skills is prescribed as the principal regulator of any exempt charity which is—

(a) a further education corporation in England;

(b) an institution which is—

(i) administered by or on behalf of a further education corporation in England, and

(ii) established for the general purposes of, or for any special purpose of or in connection with, that further education corporation.

(1) 2011 c.25. For the definition of “the Minister” see section 353(1).

(2) 1992 c.13. For the definition of “further education corporation” see section 17. For the status of further education corporations as exempt charities see section 22A, which was inserted by the Teaching and Higher Education Act 1998 (c.30), section 41(2), and substituted by the Charities Act 2011, Schedule 7, paragraph 58.

Appointment of principal regulator: exempt charities in further education sector in Wales

4. The Welsh Ministers are prescribed as the principal regulator of—
- (a) the governing body of Saint David’s Catholic College (“the College”)(3);
 - (b) any institution which is—
 - (i) administered by or on behalf of that governing body, and
 - (ii) established for the general purposes of, or any special purpose of or in connection with, the governing body or the College;
 - (c) any exempt charity which is—
 - (i) a further education corporation in Wales;
 - (ii) an institution which is—
 - (aa) administered by or on behalf of a further education corporation in Wales, and
 - (bb) established for the general purposes of, or for any special purpose of or in connection with, that further education corporation.

Definition of “responsible person”

5.—(1) In its application to the Secretary of State for Business, Innovation and Skills 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 Business, Innovation and Skills;
- (b) acting on behalf of the Secretary of State for Business, Innovation and Skills; or
- (c) a member of a committee established by the Secretary of State for Business, Innovation and Skills.”.

(2) In its application to the Welsh Ministers 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) a Welsh Minister;
- (b) acting on behalf of the Welsh Ministers; or
- (c) a member of a committee established by the Welsh Ministers.”.

15th July 2013

Nick Hurd
Parliamentary Secretary
Cabinet Office

(3) Saint David’s Catholic College is designated under section 28 of the Further and Higher Education Act 1992 (c.13). The governing body of the College was incorporated and exempt charity status was conferred on it by S.I. 2005/2293 (W. 171).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe, in relation to certain exempt charities in the further education sector, the body or Minister of the Crown who is to be the principal regulator of those charities. Exempt charities are, with a few exceptions such as Saint David's Catholic College, charities within Schedule 3 to the Charities Act 2011. The principal regulator of an exempt charity must do all it reasonably can to meet the compliance objective specified in section 26(3) of the Act in relation to that charity.

Further education corporations and charities connected to them are exempt charities (paragraphs 7 and 28 of Schedule 3 to the Act). The Secretary of State for Business, Innovation and Skills is prescribed as the principal regulator of further education corporations in England and their connected charities. The Welsh Ministers are prescribed as the principal regulator of further education corporations and connected charities in Wales. (The Secretary of State for Education was prescribed as the principal regulator of sixth form college corporations, which are also in the further education sector, on 1 August 2011 (S.I. 2011/1726)). The Welsh Ministers are also prescribed as the principal regulator of Saint David's Catholic College, which is the only other institution in the further education sector in England and Wales which is an exempt charity.

Sections 54 to 57 of the Act, as applied by section 58, regulate the disclosure of information by and to principal regulators. Specific rules apply under these provisions to the disclosure of Revenue and Customs information. A "responsible person" who discloses information contrary to those rules may be found guilty of an offence. Regulation 5 specifies the definition of "responsible person" that applies in relation to the principal regulators prescribed in these Regulations.

An impact assessment of the effect that these Regulations will have on the exempt charities that are affected is published with the Explanatory Memorandum alongside the Regulations on www.legislation.gov.uk.