
STATUTORY INSTRUMENTS

2023 No. 643

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

Saving provision in relation to section 14 of the 2022 Act

5.—(1) In this regulation—

“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 291 of the 2011 Act not to concur with a section 289(2) resolution, or
- (b) proceedings on an application for judicial review of the Charity Commission’s decision under section 291 of the 2011 Act to concur or not to concur with a section 289(2) resolution;

“section 289(2) resolution” means a resolution of the charity trustees of a charity passed in accordance with section 289(2) of the 2011 Act.

(2) Paragraphs (3) and (4) apply in relation to a charity (“the charity”) if, before the appointed day—

- (a) the charity trustees of the charity have passed a section 289(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 289(2) resolution, together with a statement of their reasons for passing it to the Charity Commission, as required by section 289(4);
 - (ii) the charity trustees of the charity have complied with section 289(4), and the period, specified in section 291(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 289(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 289(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 289(2) resolution and the period for commencing relevant proceedings has not expired;
 - (v) relevant proceedings have been commenced.

(3) Sections 288(7), 289 to 291 and 353 of the 2011 Act continue to have effect on or after the appointed day in relation to the charity trustees of the charity in respect of the section 289(2) resolution as if sections 9 and 14 of the 2022 Act had not been commenced.

(4) Schedules 6 and 11 of the 2011 Act continue to have effect on or after the appointed day in relation to the section 289(2) resolution as if paragraphs 24 and 25 of Schedule 2 to the 2022 Act had not been commenced.