

*Draft Regulations laid before Parliament under section 74(5) of the Charities Act 2006, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

**CHARITIES, ENGLAND AND WALES**

**The Charities Act 2006 (Principal Regulators  
of Exempt Charities) Regulations 2011**

*Made - - - -*

*Coming into force in accordance with regulation 1*

These Regulations are made in exercise of the powers conferred by sections 10B(4) and (5) of the Charities Act 1993<sup>(1)</sup> and sections 13(4)(b) and (5) and 74(2) of the Charities Act 2006<sup>(2)</sup>.

A draft of these Regulations has been laid before Parliament in accordance with section 74(5) of the Charities Act 2006 and approved by resolution of each House of Parliament.

Accordingly, the Minister for the Cabinet Office makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2011.

(2) These Regulations come into force on 1st August 2011.

**Appointment of principal regulator of exempt charities: maintained schools etc. in England**

2. The Secretary of State for Education is prescribed as the principal regulator of any exempt charity which is—

- (a) the governing body of a foundation, voluntary or foundation special school in England;
- (b) a foundation body for schools in England established under section 21 of the School Standards and Framework Act 1998<sup>(3)</sup>;

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(1) 1993 c.10. For the definition of “the Minister” see section 97(1). The definition was inserted by the Charities Act 2006 (c.50), Schedule 8, paragraphs 96 and 174. Sections 10, 10A, 10B and 10C of the 1993 Act were substituted for section 10 as originally enacted by the Charities Act 2006 (c.50), Schedule 8, paragraph 104. Section 10B is in force in so far as it confers power to make regulations (Charities Act 2006, section 79(1)(g)) and for other specific purposes (S.I. 2010/503) . Section 10B(5) was amended by S.I. 2006/2951.

(2) 2006 c.50. For the definition of “relevant Minister” see section 74(7) and for “the Minister” see section 78(6).

(3) 1998 c.31. Section 21 was amended by the Education and Inspections Act 2006 (c.40), Schedule 3, paragraph 14 and Schedule 18, Part 3.

- (c) an institution which—
  - (i) is administered by or on behalf of a body to which paragraph (a) or (b) applies; and
  - (ii) is established for the general purposes of, or for any special purpose of or in connection with that body or any foundation, voluntary or foundation special school or schools.

#### **Appointment of principal regulator of exempt charities: maintained schools etc. in Wales**

3. The Welsh Ministers are prescribed as the principal regulator of any exempt charity which is—
- (a) the governing body of a foundation, voluntary or foundation special school in Wales;
  - (b) a foundation body for schools in Wales established under section 21 of the School Standards and Framework Act 1998;
  - (c) an institution which—
    - (i) is administered by or on behalf of a body to which paragraph (a) or (b) applies; and
    - (ii) is established for the general purposes of, or for any special purpose of or in connection with that body or any foundation, voluntary or foundation special school or schools.

#### **Appointment of principal regulator of exempt charities: sixth form college corporations**

4. The Secretary of State for Education is prescribed as the principal regulator of any exempt charity which is a sixth form college corporation (within the meaning of the Further and Higher Education Act 1992(4)).

#### **Appointment of principal regulator of exempt charities: academies**

5. The Secretary of State for Education is prescribed as the principal regulator of any exempt charity which is a qualifying Academy proprietor (within the meaning of section 12 of the Academies Act 2010(5)).

#### **Definition of “responsible person”**

6.—(1) In its application to the Secretary of State for Education as principal regulator of an exempt charity by virtue of these Regulations, section 10A of the Charities Act 1993 has effect as if, for the definition of “responsible person” in subsection (7), there were substituted—

““responsible person” means a person who is or was—

- (a) the Secretary of State for Education;
- (b) acting on behalf of the Secretary of State for Education; or
- (c) a member of a committee established by the Secretary of State for Education.”

(2) In its application to the Welsh Ministers as principal regulator of an exempt charity by virtue of these Regulations, section 10A of the Charities Act 1993 has effect as if, for the definition of “responsible person” in subsection (7), 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

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(4) 1992 c.13. See the definition of “sixth form college corporation” in section 90(1). The definition was inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), Schedule 8, paragraphs 1 and 12.

(5) 2010 c.32.