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

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

CHARITIES, ENGLAND AND WALES

The Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2009

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) and 97(1)(**1**) of the Charities Act 1993(**2**) and sections 13(4)(b) and (5), 74(2) and 78(6) of the Charities Act 2006(**3**).

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Charities Act 2006 (Principal Regulators of Exempt Charities) Regulations 2009 and come into force immediately after section 11(3) of the Charities Act 2006 comes into force.

(2) In these Regulations—

"Culture Secretary" means the Secretary of State for Culture, Media and Sport;

"Environment Secretary" means the Secretary of State for Environment, Food and Rural Affairs;

"HEFCE" means the Higher Education Funding Council for England.

(**1**) See the definition of "Minister" in section 97(1). The definition was inserted by the Charities Act 2006 (c.50), Schedule 8, paragraph 174.

(**2**) 1993 c.10. Sections 10 to 10C of the 1993 Act were substituted for section 10 of that Act by the Charities Act 2006 (c.50), Schedule 8, paragraph 104. Section 10B(5) of the 1993 Act was amended by S.I. 2006/2951. Schedule 2 to the 1993 Act was amended by the National Lottery Act 1993 (c.39), Schedule 5, paragraph 12, by the Education Act 1996 (c.56), Schedule 38, by the Education Act 1997 (c.44), Schedule 7, paragraph 7, by the Teaching and Higher Education Act 1998 (c.30), Schedule 4, by the School Standards and Framework Act 1998 (c.31), Schedule 31, by S.I. 2005/3239, Schedule 1, paragraph 4, by the National Lottery Act 2006 (c.23), Schedule 3, by the Charities Act 2006, section 11 and Schedule 8, paragraph 177 (not all of the amendments made by section 11 of the Charities Act 2006 are in force) and by the Charities Act 2006 (Changes in Exempt Charities) Order 2009 (S.I. 2009/ XXXX), article 2.

(**3**) 2006 c.50.

Appointment of principal regulators of exempt charities: higher education institutions, Kew institutions and museum and gallery institutions

2.—(1) HEFCE is prescribed as the principal regulator of any exempt charity—

(a) which is included in paragraph (a), (b), (c), (h) or (i) of Schedule 2 to the 1993 Act; or

(b) which—

(i) is administered by or on behalf of an institution included in any of those paragraphs; and

(ii) falls within paragraph (w) of that Schedule.

(2) The Environment Secretary is prescribed as the principal regulator of any exempt charity—

(a) which is included in paragraph (n) of Schedule 2 to the 1993 Act; or

(b) which—

(i) is administered by or on behalf of the institution included in that paragraph; and

(ii) falls within paragraph (w) of that Schedule.

(3) The Culture Secretary is prescribed as the principal regulator of any exempt charity—

(a) which is included in paragraph (k), (l), (m), (o), (p), (q), (r), (s), (t), (u) or (v) of Schedule 2 to the 1993 Act;

(b) which—

(i) is administered by or on behalf of an institution included in any of those paragraphs; and

(ii) falls within paragraph (w) of that Schedule; or

(c) which is included in paragraph (za) of that Schedule.

Transitional provisions

3.—(1) Until such time as section 11(9) of the Charities Act 2006 is brought into force for the purposes of inserting paragraphs (a) and (b) of Note 1 at the end of Schedule 2 to the 1993 Act(**4**), regulation 2 has effect subject to the following modifications.

(2) The references in regulation 2(1) to an exempt charity or institution which is included in paragraph (a) of Schedule 2 to the 1993 Act are to be treated as references to an exempt charity or institution (as the case may be) which—

(a) is included in that paragraph of that Schedule; but

(b) is not—

(i) an Investment Fund or Deposit Fund within the meaning of the Church Investment Funds Measure 1958(**5**); or

(ii) an investment fund or deposit fund within the meaning of the Methodist Church Funds Act 1960(**6**).

(**4**) Note 1 to Schedule 2 to the Charities Act 1993 was inserted by section 11(9) of the Charities Act 2006.

(**5**) 1958 No 1. The 1958 Measure was amended by the Charities Act 1960 (c.58), Schedule 7, by S.I. 1964/490, by the Church of England (Miscellaneous Provisions) Measure 1995 (1995 No 2), the Schedule, by the Church of England (Miscellaneous Provisions) Measure 2000 (2000 No 1), section 14, by the Trustee Act 2000 (c.29), Schedule 2, paragraph 52, by the Charities Act 2006, Schedule 8, paragraph 40 (paragraph 40 of Schedule 8 to the 2006 Act is not yet in force)

(**6**) 1960 c.xxiii

Definition of "responsible person"

4.—(1) The definition of "responsible person" to be substituted, in accordance with section 10B(4) of the 1993 Act, for the definition in section 10A(7) of that Act is specified—

(a) in relation to HEFCE, in paragraph (2);

(b) in relation to the Environment Secretary, in paragraph (3);

(c) in relation to the Culture Secretary, in paragraph (4).

(2) "Responsible person" means a person who is or was—

(a) a member of HEFCE;

(b) a member of the staff of HEFCE;

(c) a person acting on behalf of HEFCE or a member of the staff of HEFCE; or

(d) a member of a committee established by HEFCE.

(3) "Responsible person" means a person who is or was—

(a) the Environment Secretary;

(b) acting on behalf of the Environment Secretary; or

(c) a member of a committee established by the Environment Secretary.

(4) "Responsible person" means a person who is or was—

(a) the Culture Secretary;

(b) acting on behalf of the Culture Secretary; or

(c) a member of a committee established by the Culture Secretary.

Amendments

5. The Schedule (which contains amendments to disclosure provisions (within the meaning of section 10B of the 1993 Act) and other consequential amendments) has effect.

Parliamentary Secretary
Cabinet Office