

## Academies: exempt charities

### Exempt charities

A recent order to the Academies Act 2010 (Commencement No. 2 Order 2011 SI 2011/1149) means that all academies will become exempt charities with effect from 1 August 2011. Exempt charities are not required to (and cannot) register with the Charity Commission to obtain charitable status and are not subject to the Commission's monitoring and investigative powers.

The order completes the gap in charitable cover for Academy bodies that existed following the introduction of the Academies Act 2010. As it was clear from the Act that Academies would ultimately be exempt charities, the Charity Commission took the view that it was not appropriate for the Commission to complete any additional Academy Trust charitable registrations pending the change to exempt charity status.

However, because the exempt charity provisions were not given legal effect when the rest of the Act was introduced, the Academy Trusts already registered with the Charity Commission remained on the Charity Commission's registers while Academies set up between 1 January 2011 and 1 August 2011 existed in a state of limbo – they were not registered with the Charity Commission but were also not automatically exempt charities.

This order means that the problem disappears on 1 August and academies which are currently registered with the Charity Commission will be automatically de-registered from the Charity Commission registers.

### Regulator

Every charity is subject to regulation by a principal regulator. On 30 March 2011, the Government announced that the Secretary of State for Education would be appointed as principal regulator of academy proprietors.

If you would like to discuss any of the above, a proposed school's conversion or the establishment of a Free School or UTC, please contact Jonathan Greenwood.



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