



Ministry of Defence

Air Command Secretariat
Spitfire Block
Headquarters Air Command
Royal Air Force
High Wycombe
Buckinghamshire
HP14 4UE

Our Ref: [REDACTED]

[REDACTED]
Email: [REDACTED]

20 September 2016

Dear [REDACTED]

Thank you for your email of 20 August 2016 requesting the following information:

Please provide a) an example of an Excepted order, as written and authorised by the Charity Commission, and b) identify any variation to charity law that may be conferred by that Excepted order and which is applicable to the ACO.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held. Please find attached the information that you have requested.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 2nd Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely,

[Original signed]

Air Director Resources Secretariat
Air Command

ROYAL AIR FORCE AIR CADETS the next generation

Headquarters Air Cadets

Royal Air Force Cranwell
Sleaford
Lincolnshire
NG34 8HB

Tel: 01400 267632
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www.raf.mod.uk/aircadets

See distribution

17 Feb 16

AIR TRAINING CORPS SQUADRON EXCEPTED CHARITABLE STATUS

1. Currently most Squadron Welfare Funds hold excepted charity status (distinct from exempt status), which was applied for through HQAC to the Charity Commission of England and Wales who then issued an excepted charity number and an acknowledgement certificate, one for the Squadron (blue paper with a red wax type seal on it) and one copy for HQAC records. This policy stems back from the 1960's when certain charities were excused the requirement to register with the Charity Commission because they were already registered with their own umbrella groups and mainly covered various religious and armed forces charities. This means that Squadron Welfare Funds are exempt from direct Charity Commission supervision because they are considered to be adequately supervised and accountable to HQAC. Excepted charities enjoy the status and fiscal benefits accorded to a registered charity and are required to comply with the key principles of charity law; however, they are not subject to the same administrative requirements as charities registered with the Commission. Instead squadrons submit an Accts Form 60 (ATC summary of receipts and payments) to their Wing for scrutiny and copies must be held for 7 years. However, the Charity Commission can call in the Squadron accounts at any time for checking purposes.
2. Those excepted charities with an annual **income** of £100K or over must register with the charity commission in their own right. The £100K threshold is an interim level and may be reduced in the future but this will not happen until there is a further review of the Charities Act.
3. However, with effect from January 2012 the Charity Commission no longer issues excepted orders/certificates to newly formed squadrons following the legislation change brought in by the Charities Act 2011. Nevertheless, this does not affect the status of current squadron excepted charities or indeed any new squadrons that are formed in the future.
4. Excepted Charities may however apply to HM Revenue and Customs for a Tax Reference, recognising them as Charities for the purposes of Taxation and Gift Aid.
5. New squadron charities can prove their status by having a copy of their constitution, objects and the Royal Warrant. None of the above conflicts with the Royal Warrant, or indeed with the relevant internal administrative regulations governing individual squadrons. What determines if any particular ATC Squadron is a Charity and if it is an Excepted Charity, is quite simply its objects and income level.



6. The Charity Commission of England and Wales have confirmed that the position/status of ATC Squadron charities (both already existing and as newly formed in the future) can be classed as excepted charities.

7. Full details are in ACP 10 – Administration of ATC Public and Non-Public Funds, Chapter 2 and ACP 11 – Administration of Civilian Committees in the ATC – these publications can be accessed via BADER.

8. As an aside the ATC General Purposes Fund is a totally separate charity registered for the benefit of ATC personnel and is managed from HQAC. The income is mainly from subscriptions and investments and the expenditure mainly on sporting/training activities that are not supported from Public Funds. Further detailed information regarding of the types of income and expenditure are laid out in the ACP 300 ACO Finance Manual, Finance Instruction 301. This charity number may not be used by squadrons individually making applications to other charities for grants/donations or to HMRC.

9. I hope this explains where we are now but if you require any further information or clarification please do not hesitate to contact me.

Original signed



for COS AC

Distribution:

Wg ExOs



[REDACTED]
Regional Chairman SW Air
Cadets

By email:

[REDACTED]

Charity Commission
PO Box 211
Liverpool
L20 7YX

T:

Your ref:
Our ref: GCD/ATC/P&C(T)

Date: 25 May 2016

Dear [REDACTED]

Air Training Corps - Regulations

Thank you for your email of 13 May.

You have asked the Commission to confirm its understanding of the regulatory framework relating to the Air Training Corps and in particular the organisation's powers to make regulations such as the F60 process.

The Royal Warrant in relation to the Air Training Corps establishes that regulations governing the ATC "shall be the sole and standing authority on matters whereof they treat." This means that the regulations established under the power (ultimately resting with the Secretary of State for Defence) of the Royal warrant are the sole regulations for the ATC.

The Civilian Committees are a part of the ATC and controlled by regulations made under the power of the Royal Warrant. Civilian Committees hold the trusteeship (under the Charities Act 2011) of the "Non-Public Funds". The non-public funds are essentially charitable funds built up to make grants in support of the aims of the ATC.

The Commission's only role in relation to Civilian Committees is in respect of the non-public funds; specifically the administration of these funds by the trustees. The trustees being the Civilian Committee established under the regulations which stem from the Royal Warrant.

It is the Commission's view that the ATC organisation has the power to make and administer all regulations in relation to ATC. This includes regulations (such as F60) for the regulation and recruitment of for the Civilian Committees.

On track to meet your deadline?

Visit www.gov.uk/charity-commission for help
on filing your annual return and accounts

General enquiries: 0300 066 9197

Textphone: 0300 066 9219

Website: www.gov.uk/charity-commission


The Commission recognises that the legal and technical sufficiency of regulations made by the ATC nationally, are a matter for that organisation acting under the Royal Warrant. The Charity Commission has no jurisdiction over these regulations (except in relation to advice on charitable matters).

I hope that you will find this letter helpful.

Yours sincerely



**Permissions & Compliance Team
Charity Commission**



OperationsTaunton@charitycommission.gsi.gov.uk

U 26/03

**ORDER OF
THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

To except charities from the duty to be registered

dated the

27 JANUARY 2003

for the charity identified in the schedule and consisting of

**NON-PUBLIC SPORTS AND WELFARE FUNDS OF THE 2003 (STRATTON)
SQUADRON AIR TRAINING CORPS (3011063)**

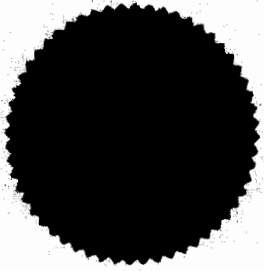
ORDER

By this order the Commissioners except the charity listed in the schedule from the duty to be registered under sub-section (2) of section 3 of the Charities Act 1993.

SCHEDULE

The charity consisting of the Non-Public Sports and Welfare Funds of the Squadron of the Air Training Corps specified below and administered in accordance with the regulations made under Royal Warrant dated 19 February 1990 for the government of the Corps:

2003 (Stratton) Squadron Air Training Corps



ASSISTANT COMMISSIONER

Commission References: 1
 Case No: 324492 27/01/03
 Sealing No: W26/03
 Version: 1.0