
DRAFT STATUTORY INSTRUMENTS

2026 No. ****

CHARITIES, ENGLAND AND WALES

**The Charities Act 2011 (Amendment) (Trustee Disqualification)
Regulations 2026**

Made - - - -

Coming into force

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 178A(4), 181A(8) and 347(3) of the Charities Act 2011(**a**) (the “2011 Act”).

The Secretary of State has consulted such persons and bodies of persons as the Secretary of State considers appropriate, in accordance with section 348(4)(za) and (zb) of the 2011 Act(**b**).

A draft of these Regulations has been laid before Parliament and approved by resolution of each House of Parliament in accordance with section 348(1)(ba) and (bb) and (2) of the 2011 Act(**c**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Charities Act 2011 (Amendment) (Trustee Disqualification) Regulations 2026.

(2) They come into force on [].

(3) They extend to England and Wales.

Amendments to the Charities Act 2011

2.—(1) The Charities Act 2011 is amended as follows.

(2) In section 178A(1) (case A: specified offences)—

(a) for entry 5 substitute—

(a) 2011 c. 25. Section 178A was inserted by section 9(7) of the Charities (Protection and Social Investment) Act 2016 (c. 4) (“the 2016 Act”). Section 181A was inserted by section 10(2) of the 2016 Act and amended by S.I. 2016/997. Section 347(3) was amended by S.I. 2016/997.

(b) Paragraph (za) was inserted by section 9(21) of the 2016 Act. Paragraph (zb) was inserted by section 10(8) of the 2016 Act.

(c) Paragraph (ba) was inserted by section 9(19) of the 2016 Act. Paragraph (bb) was inserted by section 10(6) of the 2016 Act.

- “5 An offence under either of the following provisions of this Act—
- (a) section 60 (supply of false or misleading information to Commission etc.);
 - (b) section 77 (offence of contravening certain orders under s.76).”;

(b) after entry 5, insert—

- “5A An offence under any of the following provisions of the Public Order Act 1986^(a)—
- (a) section 18 (stirring up racial hatred: use of words or behaviour or display of written material)^(b);
 - (b) section 19 (stirring up racial hatred: publishing or distributing written material);
 - (c) section 20 (stirring up racial hatred: public performance of a play);
 - (d) section 21 (stirring up racial hatred: distributing, showing or playing a recording);
 - (e) section 22 (stirring up racial hatred: including in a programme service);
 - (f) section 29B (stirring up religious hatred or hatred on grounds of sexual orientation: use of words or behaviour or display of written material)^(c);
 - (g) section 29C (stirring up religious hatred or hatred on grounds of sexual orientation: publishing or distributing written material)^(d);
 - (h) section 29D (stirring up religious hatred or hatred on grounds of sexual orientation: public performance of a play)^(e);
 - (i) section 29E (stirring up religious hatred or hatred on grounds of sexual orientation: distributing, showing or playing a recording)^(f);
 - (j) section 29F (stirring up religious hatred or hatred on grounds of sexual orientation: including in a programme service)^(g);
 - (k) section 29G (possession of inflammatory material)^(h).
- 5B An offence under any of the following provisions of the Crime and Disorder Act 1998⁽ⁱ⁾—
- (a) section 29 (aggravated assaults)^(j);
 - (b) section 30 (aggravated criminal damage);
 - (c) section 31 (aggravated public order offences)^(k);
 - (d) section 32 (aggravated harassment etc.)^(l).
- 5C An offence under section 1 of the Official Secrets Act 1911 (penalties for spying)^(m).
- 5D An offence under section 7 of the Official Secrets Act 1920 (attempts, incitements, etc)⁽ⁿ⁾.

^(a) 1986 c. 64.

^(b) Section 18 was amended by Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15). Sections 18, 20, 21 and 22 were amended by section 164(2) and (3) of the Broadcasting Act 1990 (c. 42), and section 22 was also amended by Schedule 21 to that Act.

^(c) Sections 29A to 29G were inserted with Part 3A by the Schedule to the Racial and Religious Hatred Act 2006 (c. 1). Section 29B was amended by paragraph 6 of Schedule 16, and Part 5 of Schedule 28, to the Criminal Justice and Immigration Act 2008 (c. 4).

^(d) Section 29C was amended by paragraph 7 of Schedule 16 to the Criminal Justice and Immigration Act 2008.

^(e) Section 29D was amended by paragraph 8 of Schedule 16 to the Criminal Justice and Immigration Act 2008.

^(f) Section 29E was amended by paragraph 9 of Schedule 16 to the Criminal Justice and Immigration Act 2008.

^(g) Section 29F was amended by paragraph 10 of Schedule 16 to the Criminal Justice and Immigration Act 2008.

^(h) Section 29G was amended by paragraph 11 of Schedule 16 to the Criminal Justice and Immigration Act 2008.

⁽ⁱ⁾ 1998 c. 37. Sections 29 to 32 were amended by section 39 of the Anti-terrorism, Crime and Security Act 2001 (c. 24).

^(j) Section 29 was also amended by paragraph 4(2) and (3) of Schedule 2 to the Domestic Abuse Act 2021 (c. 17).

^(k) Section 31 was also amended by Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005.

^(l) Section 32 was also amended by Schedule 8 to the Police Reform Act 2002 (c. 30), Schedule 11 to the Domestic Violence, Crime and Victims Act 2004 (c. 28), paragraph 144 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9), and section 175(2) of the Policing and Crime Act 2017 (c. 3).

^(m) 1911 c. 28. Section 1 was repealed by paragraph 1 of Schedule 18 to the National Security Act 2023.

⁽ⁿ⁾ 1920 c. 75. Section 7 was repealed by paragraph 2 of Schedule 18 to the National Security Act 2023.

- 5E An offence under any of the following provisions of the National Security Act 2023(a)—
- (a) section 1 (obtaining or disclosing protected information);
 - (b) section 2 (obtaining or disclosing trade secrets);
 - (c) section 3 (assisting a foreign intelligence service);
 - (d) section 4 (entering etc a prohibited place for a purpose prejudicial to the UK);
 - (e) section 12 (sabotage);
 - (f) section 13 (foreign interference: general);
 - (g) section 17 (obtaining etc material benefits from a foreign intelligence service);
 - (h) section 17A (supporting a designated body)(b);
 - (i) section 17B (assisting a designated body);
 - (j) section 17C (obtaining etc material benefits from a designated body);
 - (k) section 18 (preparatory conduct).
- 5F An offence—
- (a) to which subsection (1)(a) of section 16 of the National Security Act 2023 applies (relevant electoral offences committed on or after specified day), and
 - (b) in relation to which it is determined for the purposes of subsection (1)(b) of that section that the foreign power condition or the designated body condition(c) is met.”.
- (3) In section 181A (disqualification orders)—
- (a) in subsection (7), insert after condition E—
- “EA that the person has been—
- (a) deprived of their citizenship status by an order made under section 40 of the British Nationality Act 1981 (deprivation of citizenship)(d), or
 - (b) excluded from the United Kingdom by—
 - (i) an exclusion order made under regulation 23(5) of the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (exclusion and removal from the United Kingdom)(e), or
 - (ii) a direction of the Secretary of State on the ground that their exclusion is conducive to the public good.
- EB that the person holds, or has held, a relevant office, and has, while holding that office or at any other time, engaged in conduct, or expressed views, which—
- (a) promote or encourage violence or racial or religious hatred, or
 - (b) would be reasonably likely to promote or encourage violence or racial or religious hatred.”;
- (b) after subsection (12), insert—
- “(13) For the purposes of condition EB—
- (a) a person holds a relevant office if that person is—

(a) 2023 c. 32

(b) Section 17A was inserted, with sections 17B and 17C, by section 2(1) of the National Security (State Threats) Act 2026 (c. 24).

(c) The “foreign power condition” is defined in section 31 of the National Security Act 2023; the “designated body condition” is defined in section 33B of that Act, as inserted by section 1(2) of the National Security (State Threats) Act 2026.

(d) 1981 c. 61. Section 40 was amended by section 4 of the Nationality, Immigration and Asylum Act 2002 (c. 41), section 56(1) of the Immigration, Asylum and Nationality Act 2006 (c. 13), section 66(1) of the Immigration Act 2014 (c. 22), and section 10(2) of the Nationality and Borders Act 2022 (c. 36).

(e) The Regulations have been revoked by paragraph 2(2) of Schedule 1 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20), with savings made by S.I. 2020/1209, 1210 and 1309.

- (i) a trustee for a charity, charity trustee or an officer, agent or employee of a charity, or
- (ii) an officer or employee of a body corporate that is a charity trustee or trustee for a charity;
- (b) “racial or religious hatred” means hatred against any group of people defined by reference to their race, religion or belief (and for these purposes, “race,” “religion” and “belief” have the meanings given in sections 9 and 10 of the Equality Act 2010(a)).”.

Transitional provisions

3.—(1) Where a person is disqualified from being a charity trustee or trustee for a charity under section 178(1) of the Charities Act 2011 (“the 2011 Act”) (persons disqualified from being charity trustees or trustees for a charity) by virtue of an amendment made by regulation 2(2), that disqualification is of no effect during the period of six months beginning with the day on which these Regulations come into force (“the relevant period”).

(2) Where a person to whom paragraph (1) applies makes an application to the Commission under section 181(2) of the 2011 Act (power to waive disqualification) during the relevant period and the application is not determined before the end of the relevant period, that person’s disqualification is of no effect before the determination of their application.

(3) Subject to paragraph (1), where a person to whom that paragraph applies makes an application to the Commission under section 181(2) of the 2011 Act during the relevant period and that application is rejected, the person’s disqualification is to take effect—

- (a) if the person appeals to the Tribunal(b) against the decision to reject the application on or before the day on which the appeal period ends, on the day after the day on which any appeal the effect of which is to uphold the decision is finally determined;
- (b) in any other case, on the day after the day on which the appeal period ends.

(4) In this regulation, the “appeal period” means the period during which a person may appeal to the Tribunal against a decision of the Commission to reject an application under section 181(2) of the 2011 Act.

(5) For the purposes of paragraph (3), an appeal is not finally determined until the decision on the appeal, or on any further appeal, may not be overturned on a further appeal (ignoring the possibility of an appeal out of time with permission).

Date

Name
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

(a) 2010 c. 15. Section 9(5) of the Equality Act 2010 was amended by section 97 of the Enterprise and Regulatory Reform Act 2013 (c. 24)

(b) “Tribunal” is defined in section 315 of the Charities Act 2011.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend sections 178A and 181A of the Charities Act 2011 (c. 25) (“the 2011 Act”).

Regulation 2 amends section 178A of the 2011 Act to add to the list of offences for which conviction means that the person convicted is automatically disqualified from being a charity trustee or trustee for a charity, and from holding an office or employment in the charity with senior management functions. The new offences are an offence under section 60 of the 2011 Act in connection with the supply of false or misleading information to the Charity Commission; offences under the Public Order Act 1986 (c. 64) in connection with stirring up racial hatred, religious hatred or hatred on grounds of sexual orientation or possessing inflammatory material, an aggravated offence under any of sections 29 to 32 of the Crime and Disorder Act 1998 (c. 37), and offences under the Official Secrets Act 1911 (c. 28), the Official Secrets Act 1920 (c. 75) and various offences under the National Security Act 2023 (c. 32),

It also amends section 181A of the 2011 Act to extend the power of the Charity Commission to disqualify a person from being a charity trustee or trustee for a charity by order to cases where the person concerned has been deprived of their citizenship status under the British Nationality Act 1981 or excluded from the United Kingdom, or has acted in a way which has promoted or encouraged violence or religious or racial hatred. A person who has received a disqualification order is also disqualified from holding an office or employment in the charity with senior management functions.

Regulation 3 makes transitional provision allowing a six month period, beginning with the date on which the Regulations come into force, before disqualification takes effect in relation to a person who would be automatically disqualified as a result of the amendments made by regulation 2(2). Within that period, a person may apply to the Charity Commission for the disqualification to be waived.

A full Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.