STATUTORY INSTRUMENTS

2025 No. 1191 (C. 59)

CHARITIES

The Charities Act 2022 (Commencement No. 4 and Saving Provision) Regulations 2025

Made - - - - *14th November 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 41(4) and (5) of the Charities Act 2022(**a**).

Citation and extent

1.—(1) These Regulations may be cited as the Charities Act 2022 (Commencement No. 4 and Saving Provision) Regulations 2025.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

"the 2011 Act" means the Charities Act 2011(**b**);

"the 2022 Act" means the Charities Act 2022.

Provisions coming into force on 27th November 2025

3.—(1) The day appointed for the coming into force of the following provisions of the 2022 Act, except in so far as they relate to excluded property of a relevant charity, is 27th November 2025—

(a) section 15 (small ex gratia payments);

(b) section 16 (power of Commission etc to authorise ex gratia payments etc);

(c) section 40, in so far as it relates to the provisions of Schedule 2 being brought into force by sub-paragraph (d);

(d) the following paragraphs of Schedule 2 (minor and consequential amendments)—

(i) paragraph 1, in so far as it relates to paragraphs 26 and 27;

(ii) paragraph 26;

(iii) paragraph 27.

(2) For the purposes of paragraph (1)—

(**a**) 2022 c. 6.
(**b**) 2011 c. 25.

"excluded property" in relation to a relevant charity means the property listed in the corresponding entry in the second column in the table in the Schedule to these Regulations for that relevant charity;

"relevant charity" means a charity listed in the first column in the table in the Schedule to these Regulations.

Saving provision in relation to section 16 of the 2022 Act

4.—(1) Section 106 of the 2011 Act (power to authorise ex gratia payments etc.) continues to have effect on or after the appointed day in relation to an application made to the Charity Commission by the charity trustees of a charity for an order under that section made before the appointed day as if section 16 of the 2022 Act had not been commenced.

(2) Section 322(2) of, and Schedule 6 to, the 2011 Act (reviewable matters) continue to have effect on or after the appointed day in relation to an application made to the Charity Commission by the charity trustees of a charity for an order under section 106(1) of the 2011 Act made before the appointed day as if paragraphs 26 and 27 of Schedule 2 to the 2022 Act had not been commenced.

(3) In this regulation, "appointed day" in relation to a provision means the day appointed for the coming into force of that provision.

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

14th November 2025

SCHEDULE

Regulation 3

Relevant charities and excluded property

Relevant charity	Excluded property
The Board of Trustees of the Armouries	Objects the property in which is vested in the Board of Trustees of the Armouries and which are comprised in their collection.
The British Library Board	Objects transferred to the British Library Board under section 3(1)(a) of the British Library Act 1972(**a**).
The Trustees of the British Museum	Objects vested in the Trustees of the British Museum as part of the collections of the Museum.
The Trustees of the Imperial War Museum	Objects vested in the Board of Trustees of the Imperial War Museum for the purposes of the Museum.
The Board of Trustees of the National Gallery	"Relevant objects" as defined in section 4(2) of the Museums and Galleries Act 1992(**b**), the property in which is vested in the Board of Trustees of the National Gallery and which are comprised in their collection.
The Trustees of the Natural History Museum	Objects vested in the Trustees of the Natural History Museum as part of the collections of the Museum.
The Trustees of the National Maritime Museum	Objects vested in the Trustees of the National Maritime Museum for the purposes of the Museum.
The Board of Trustees of the National Museums and Galleries on Merseyside	"The collections" as defined by article 1(2) of the Merseyside Museums and Galleries Order 1986(**c**).
The Board of Trustees of the National Portrait Gallery	"Relevant objects" as defined in section 4(2) of the Museums and Galleries Act 1992, the property in which is vested in the Board of Trustees of the National Portrait Gallery and which are comprised in their collection.
The Board of Governors of the Museum of London	Objects vested in the Board of the Museum of London and which are comprised in their collections.
The Board of Trustees of the Royal Botanic Gardens, Kew	Objects the property in which is vested in the Board of Trustees of the Royal Botanic Gardens, Kew and which are comprised in their collections.
The Board of Trustees of the Science Museum	Objects the property in which is vested in the Board of Trustees of the Science Museum and which are comprised in their collections.

(**a**) 1972 c. 54.
(**b**) 1992 c. 44.
(**c**) S.I. 1986/226.

Relevant charity	Excluded property
Sir John Soane's Museum	Objects which became vested in the Trustees of Sir John Soane's Museum on the death of Sir John Soane under the Sir John Soane's Museum Act 1833.
The Board of Trustees of the Tate Gallery	"Relevant objects" as defined in section 4(2) of the Museums and Galleries Act 1992, the property in which is vested in the Board of Trustees of the Tate Gallery and which are comprised in their collections.
The Board of Trustees of the Victoria and Albert Museum	Objects the property in which is vested in the Board of Trustees of the Victoria and Albert Museum and which are comprised in their collections.
The Board of Trustees of the Wallace Collection	Objects the property in which is vested in the Board of Trustees of the Wallace Collection and which are comprised in their collection.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fourth set of commencement regulations made under the Charities Act 2022 (c. 6) ("the 2022 Act").

Regulation 2 defines terms used in the Regulations.

Regulation 3 brings into force a number of sections of, and paragraphs of Schedule 2 to, the 2022 Act, which implement recommendations made by the Law Commission of England and Wales as to technical improvements that could be made to charity law. These improvements are made by way of amendment of the Charities Act 2011 (c. 25) ("the 2011 Act"). The provisions will come into force on 27th November 2025.

Regulation 3(1)(a) brings into force section 15 of the 2022 Act. Section 15 inserts a new section 331A into the 2011 Act. This creates a new power for charity trustees to make small ex gratia payments where there is a moral obligation to do so, but no legal power (outside section 106 or 331A of the 2011 Act) to do so. This power is exercisable without the need to seek authorisation from the Charity Commission, court or Attorney General where the legal tests are met. The maximum amount for an ex gratia payment made under the new powers is set by reference to the gross annual income of the charity in the previous financial year, and can be amended by regulations made under the new section 331B (also inserted by section 15).

Regulation 3(1)(b) brings into force section 16 of the 2022 Act, which amends section 106 of the 2011 Act, so as to codify the powers of the court, Attorney General and the Charity Commission to authorise ex gratia payments, putting them on a statutory footing. The test to be applied is an objective one, which does not require a personal decision by the charity trustees. They may therefore delegate decision-making in relation to ex gratia payments, although the charity trustees remain responsible for any such decisions.

Regulation 3(1)(c) and (d) bring into force section 40 of, and paragraphs 1, 26 and 27 of Schedule 2 to, the 2022 Act, which make consequential amendments in relation to the changes being made by sections 15 and 16 of the 2022 Act.

Regulation 3(2) excludes certain property from the commencement of sections 15, 16 and 40 of, and paragraphs 1, 26 and 27 of Schedule 2 to, the 2022 Act, by preserving the current prohibition on removing objects from the collections of a number of museums and galleries. The Schedule lists the institutions and property which are subject to the relevant prohibitions.

Regulation 4 makes saving provision in relation to the commencement of section 16 of the 2022 Act. This is to ensure that where the charity trustees of a charity have applied to the Charity Commission for authorisation under section 106 of the 2011 Act to make an ex gratia payment prior to the commencement of section 16, section 106 will continue to apply to that application as if section 16 had not been commenced.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Charities Act 2022 have been brought into force by commencement Regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.I. No.*
Section 1	7 March 2024	2024/265
Section 2	7 March 2024	2024/265
Section 3	7 March 2024	2024/265
Section 4	31 October 2022	2022/1109
Section 5	31 October 2022	2022/1109
Section 6	31 October 2022	2022/1109
Section 7	31 October 2022	2022/1109
Section 8	31 October 2022	2022/1109
Section 9	14 June 2023	2023/643
Section 10	14 June 2023	2023/643
Section 11	14 June 2023	2023/643
Section 12	14 June 2023	2023/643
Section 13	14 June 2023	2023/643
Section 14	14 June 2023	2023/643
Section 17	14 June 2023	2023/643
Section 18 (partially)	7 March 2024	2024/265
Section 18 (for remaining purposes)	19 May 2025	2024/265
Section 19	14 June 2023	2023/643
Section 20	14 June 2023	2023/643
Section 21	14 June 2023	2023/643
Section 22	14 June 2023	2023/643
Section 23	7 March 2024	2024/265
Section 24	19 May 2025	2024/265
Section 25	14 June 2023	2023/643
Section 26	14 June 2023	2023/643
Section 27	14 June 2023	2023/643
Section 28	14 June 2023	2023/643
Section 29	7 March 2024	2024/265
Section 30	31 October 2022	2022/1109
Section 31	7 March 2024	2024/265
Section 32	31 October 2022	2022/1109
Section 33	7 March 2024	2024/265
Section 34	7 March 2024	2024/265
Section 35 (partially)	14 June 2023	2023/643
Section 35 (for remaining purposes)	7 March 2024	2024/265
Section 36	31 October 2022	2022/1109
Section 37 (partially)	31 October 2022	2022/1109
Section 37 (for remaining purposes)	7 March 2024	2024/265
Section 38	14 June 2023	2023/643
Section 39	14 June 2023	2023/643
Section 40 (partially)	31 October 2022	2022/1109
Section 40 (partially)	14 June 2023	2023/643
Section 40 (partially)	7 March 2024	2024/265
Schedule 1	19 May 2025	2024/265
Schedule 2 (partially)	31 October 2022	2022/1109
Schedule 2 (partially)	14 June 2023	2023/643

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