



Charities Act 2011

2011 CHAPTER 25

PART 11

CHARITABLE INCORPORATED ORGANISATIONS (CIOS)

CHAPTER 5

SUPPLEMENTARY

245 Regulations about winding up, insolvency and dissolution

(1) CIO regulations may make provision about—

- (a) the winding up of CIOs,
- (b) their insolvency,
- (c) their dissolution, and
- (d) their revival and restoration to the register following dissolution.

[^{F1}(1A) Regulations under subsection (1)(b) may not apply Part A1 of the Insolvency Act 1986 (moratorium) in relation to a CIO that is registered as a social landlord under Part 1 of the Housing Act 1996 (but see section 247A).]

(2) The regulations may, in particular, make provision—

- (a) about the transfer on the dissolution of a CIO of its property and rights (including property and rights held on trust for the CIO) to the official custodian or another person or body;
- (b) requiring any person in whose name any stocks, funds or securities are standing in trust for a CIO to transfer them into the name of the official custodian or another person or body;
- (c) about the disclaiming, by the official custodian or other transferee of a CIO's property, of title to any of that property;
- (d) about the application of a CIO's property *cy-près*;

Changes to legislation: Charities Act 2011, Section 245 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) about circumstances in which charity trustees may be personally liable for contributions to the assets of a CIO or for its debts;
 - (f) about the reversal on a CIO's revival of anything done on its dissolution.
- (3) The regulations may—
- (a) apply any enactment which would not otherwise apply, either without modification or with modifications specified in the regulations,
 - (b) disapply, or modify (in ways specified in the regulations) the application of, any enactment which would otherwise apply.
- [^{F2}(3A) In relation to a CIO that is a private registered provider of social housing, the power under section 347(3)(b) may be used to amend, disapply, or modify (in ways specified in the regulations) any provision made by or under Part 2 of the Housing and Regeneration Act 2008 or Chapter 5 of Part 4 of the Housing and Planning Act 2016.]
- (4) In subsection (3), “enactment” includes a provision of subordinate legislation within the meaning of the Interpretation Act 1978.

Textual Amendments

- F1** S. 245(1A) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 44\(2\)](#) (with ss. 2(2), 5(2))
- F2** S. 245(3A) inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 44\(3\)](#) (with ss. 2(2), 5(2))

Changes to legislation:

Charities Act 2011, Section 245 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)