
STATUTORY INSTRUMENTS

2012 No. 3013

**The Charitable Incorporated Organisations
(Insolvency and Dissolution) Regulations 2012**

PART 3

DISSOLUTION OTHERWISE THAN UNDER THE INSOLVENCY ACT 1986

Application not to be made if CIO procedures not completed

8.—(1) The charity trustees must not make an application for dissolution if—

- (a) the CIO has any debts or other liabilities which have not been settled or otherwise provided for in full; or
- (b) any decision which must be taken for the purpose of giving effect to the constitutional directions has not been taken.

(2) Subsections (5) to (7) of section 1004 of the Companies Act 2006 (offence of applying for a company to be struck off in contravention of requirements of that section)⁽¹⁾ apply in relation to an application by a charity trustee in contravention of paragraph (1) as they apply in relation to an application in contravention of that section.

(3) Section 1004(6) of that Act, in its application by virtue of paragraph (2), has effect as if for “that he did not know, and could not reasonably have known, of the existence of the facts that led to the contravention” there were substituted—

- “(a) if the CIO had outstanding debts or other liabilities at the time the application was made, that the accused reasonably believed all of the CIO’s debts or other liabilities had been settled in full or otherwise provided for;
- (b) if a decision required to be taken for the purpose of the constitutional directions had not been taken, that the accused reasonably believed the necessary decision had been properly taken.”.