STATUTORY INSTRUMENTS

2012 No. 3012

CHARITIES, ENGLAND AND WALES

The Charitable Incorporated Organisations (General) Regulations 2012

Made - - - - 5th December 2012

Laid before Parliament 10th December 2012

Coming into force 2nd January 2013

THE CHARITABLE INCORPORATED ORGANISATIONS (GENERAL) REGULATIONS 2012

PART 1

- 1. Citation and commencement
- 2. Interpretation: general
- 3. Interpretation: bodies corporate and associated bodies corporate
- 4. Interpretation: hard copy, electronic form and related expressions

PART 2

- 5. CIO not to be exempt
- 6. Application of registration provisions in 2011 Act
- 7. Applications for registration: communications with Commission
- 8. Applications for registration: information to be included
- 9. Applications for amalgamation: information to be included
- 10. Transfer of accounting records on amalgamation
- 11. Retention of accounting records after amalgamation
- 12. Interpretation

PART 3

- 13. Matters to be provided for in constitution
- 14. Constitution not to restrict ability to dispose of property
- 15. Provision for entrenchment
- 16. Date of resolution amending constitution
- 17. Provision for entrenchment: statement of compliance

18. Effect of amendment of constitution on members

PART 4

CIO

- 19. CIO contracts
- 20. Execution of documents
- 21. Execution of deeds
- 22. Execution of deeds or other documents by attorney
- 23. Common seal
- 24. Official seal for use abroad
- 25. Bills of exchange and promissory notes

PART 5

- 26. Requirement to keep registers
- 27. Power of Commission to order rectification of register of members
- 28. Power of court to order rectification of register of members
- 29. Register of members to be evidence
- 30. Time limit for claims arising from entry in register of members

PART 6

- 31. Eligibility for appointment as charity trustee
- 32. Validity of acts of charity trustee
- 33. Delegation and appointment of nominees etc. by charity trustees
- 34. Duty not to accept benefits from third parties

PART 7

- 35. Notice of resolutions to be proposed at a general meeting
- 36. Charity trustee with personal interest in decision
- 37. Records to be kept of charity trustees' decisions
- 38. Charity trustee minutes as evidence
- 39. Charity trustee decision records as evidence
- 40. Power of court or Commission to order meeting
- 41. Records to be kept of members' decisions
- 42. Records as evidence of members' decisions
- 43. Records of decisions by sole member
- 44. Inspection of records of decisions and meetings
- 45. Records of resolutions and meetings of classes of members
- 46. CIO records

PART 8

- 47. Service of documents on CIO
- 48. Service of documents on charity trustees etc

PART 9

- 49. The CIO communications provisions
- 50. Sending or supplying documents or information
- 51. CIO's implied agreement to receive information in electronic form

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 52. Member's right to hard copy
- 53. Information sent by CIO: time of receipt
- 54. Commission's requirements as to form etc of document
- 55. Agreement with Commission to send by electronic means
- 56. Requirements for proper delivery to Commission
- 57. Commission's power to accept document not properly delivered
- 58. Replacement of document not properly delivered to Commission
- 59. Interpretation of the CIO communications provisions

PART 10

- 60. Fraudulent trading
- 61. Pre-merger vesting declarations
- 62. Notes to CIO's accounts and statement

PART 11

63. Consequential amendments to secondary legislation Signature

SCHEDULE 1 — REGISTERS

DUCE I REGISTERS

- PART 1 REGISTER OF MEMBERS
- 1. Register of members
- 2. Single member CIO
- 3. Removal of entries relating to former members after 10 years

PART 2 — REGISTER OF CHARITY TRUSTEES

4. Register of charity trustees

PART 3 — MAINTENANCE OF AND ACCESS TO REGISTERS

- 5. Updating registers
- 6. Registers to be kept available for inspection
- 7. Members register: rights of access
- 8. Trustees register: rights of access
- 9. Information relating to charity trustees: grounds for refusal
- 10. Information as to state of register

PART 4 — INTERPRETATION

11. Names and former names

SCHEDULE 2 — DOCUMENTS AND INFORMATION SENT OR SUPPLIED TO A CIO

- 1. Application of this Schedule
- 2. Communications in hard copy form: introduction
- 3. Method of communication in hard copy form
- 4. Address for communications in hard copy form
- 5. Communications in electronic form: introduction
- 6. Conditions for use of communications in electronic form
- 7. Address for communications in electronic form

SCHEDULE 3 — COMMUNICATIONS BY A CIO

- 1. Application of this Schedule
- 2. Communications in hard copy form: introduction
- 3. Method of communication in hard copy form

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 4. Address for communications in hard copy form
- 5. Communications in electronic form: introduction
- 6. Conditions for use of communications in electronic form
- 7. Address for communications in electronic form
- 8. Communications by means of a website: introduction
- 9. Agreement to use of website
- 10. Implicit agreement of members to use of website
- 11. Availability of document or information on website
- 12. Notification of availability on website
- 13. Period of availability of website

SCHEDULE 4 — CONSEQUENTIAL AMENDMENTS

- 1. Amendment of the Charities (Exception from Registration and Accounts) Regulations 1965
- 2. Amendment of the Charities (Exception of Universities from Registration) Regulations 1966
- 3. Amendment of the Charities (Misleading Names) Regulations 1992
- 4. Amendment of the Charities (Exception from Registration) Regulations 1996
- 5. Amendment of the Charities (Exception from Registration) Regulations 2008
- 6. Amendment of the Charities (Exception from Registration) Regulations 2010

Explanatory Note