
STATUTORY INSTRUMENTS

2012 No. 3012

**The Charitable Incorporated
Organisations (General) Regulations 2012**

PART 5

REGISTERS OF MEMBERS AND CHARITY TRUSTEES

Requirement to keep registers

26.—(1) Every association CIO must keep a register of members in accordance with Part 1 of Schedule 1 and a register of charity trustees in accordance with Part 2 of Schedule 1.

(2) Every foundation CIO must keep a register of charity trustees (who are also the members of the CIO) in accordance with Part 2 of Schedule 1.

(3) Part 3 of Schedule 1 makes further provision about maintenance of and access to a CIO's register or registers.

(4) If a CIO fails to comply with a requirement imposed by Schedule 1 the Commission may, by order, give the charity trustees of the CIO such directions as it considers appropriate for securing that the default is made good.

(5) Sections 336 and 337 of the 2011 Act (enforcement of and other provisions as to orders of the Commission)⁽¹⁾ apply to an order made under paragraph (4) as they apply to an order made under section 52(1) of that Act (power to call for documents).

(6) No order may be made under section 335 of the 2011 Act in respect of a CIO's failure to comply with any requirement imposed by Schedule 1.

(7) In regulations 27 to 30 a reference to a CIO's register of members is, in the case of a foundation CIO, a reference to its register of charity trustees kept in accordance with Part 2 of Schedule 1.

Power of Commission to order rectification of register of members

27.—(1) Where—

- (a) the Commission, or a person appointed by the Commission, makes a determination under section 111 of the 2011 Act (power to determine membership of a charity); and
- (b) the determination reveals the membership of a CIO to be different from the membership specified in its register of members,

the Commission may, by order, require the CIO, or the charity trustees of the CIO, to rectify the register.

(2) Sections 336 and 337 of the 2011 Act (enforcement of and other provisions as to orders of the Commission) apply to an order made under paragraph (1) as they apply to an order made under section 52(1) of that Act (power to call for documents).

(1) 2011 c.25.

Power of court to order rectification of register of members

28.—(1) If—

- (a) the name of any person is, without sufficient cause, entered in or omitted from a CIO’s register of members; or
- (b) default is made or unnecessary delay takes place in entering in the register the fact that any person has ceased to be a member,

a relevant person may apply to the court for the rectification of the register.

(2) The court may either—

- (a) refuse the application; or
- (b) order the rectification of the register and payment by the CIO of any damages sustained by a party aggrieved.

(3) On such an application the court may decide the title of persons who are parties to the application to have their names entered in or omitted from the register, whether the question arises—

- (a) between members;
- (b) between members and the CIO;
- (c) between members and the Commission; or
- (d) between the CIO and the Commission.

(4) On such an application the court may also decide any question necessary or expedient to be decided for rectification of the register.

(5) For the purposes of paragraph (3) references to members of a CIO include references to alleged members of a CIO.

(6) In this regulation “relevant person” means—

- (a) the person aggrieved by the entry, omission, default or delay;
- (b) a member of the CIO;
- (c) the CIO; or
- (d) the Commission.

Register of members to be evidence

29. A CIO’s register of members is to be prima facie evidence of any matters which are by these Regulations required to be inserted in it.

Time limit for claims arising from entry in register of members

30.—(1) Liability incurred by a CIO from—

- (a) the making or deletion of an entry in its register of members; or
- (b) a failure to make or delete such an entry,

is not enforceable more than 10 years after the date on which the entry was made or deleted or, as the case may be, the failure first occurred.

(2) This is without prejudice to any lesser period of limitation.