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STATUTORY INSTRUMENTS

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**2012 No. 3012**

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

**PART 6**

**CHARITY TRUSTEES: APPOINTMENT, POWERS AND DUTIES**

**Delegation and appointment of nominees etc. by charity trustees**

**33.**—(1) The provisions of the Trustee Act 2000<sup>(1)</sup> (“the 2000 Act”) specified in paragraph (2) apply in relation to a CIO as they apply to a charitable trust but with the modifications specified in paragraph (3).

(2) The provisions of the 2000 Act which apply are—

- (a) Part 4 (agents, nominees and custodians) other than sections 11(2), 12(3), 13(3) to (5), 18, 25(2) and 27; and
- (b) section 32 (remuneration of agents, nominees and custodians).

(3) The modifications are—

- (a) any reference to a charitable trust or a trust is to be read as a reference to a CIO;
- (b) any reference to the trustees of a trust or to the trustees is to be read as a reference to the charity trustees of a CIO;
- (c) any reference to property or assets subject to the trust, or of the trust, is to be read as a reference to the property or assets of a CIO;
- (d) any reference to the acquisition of property which is to be subject to the trust is to be read as a reference to the acquisition of property by a CIO;
- (e) any reference to the trust instrument is to be read as a reference to CIO’s constitution;
- (f) any reference to a provision of the 2000 Act is to be read as a reference to a provision of that Act as it applies in relation to CIOs;
- (g) any reference to trust funds is to be read as a reference to the funds of a CIO;
- (h) any reference to section 12(3), 13(5) or 18 is omitted;
- (i) in sections 14(1) and 20(1) the reference to sections 29 to 32 is to be read as a reference to section 32;
- (j) in sections 14(3)(b) and 20(3)(b) the words “or any beneficiary” are omitted;
- (k) in sections 16(3) and 17(4) references to a CIO having a custodian trustee are omitted;
- (l) any reference to the duty of care applicable to a trustee under paragraph 3 of Schedule 1 to the 2000 Act is to be read as a reference to the duty of care in section 221(2) of the 2011 Act (duties of charity trustees);

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<sup>(1)</sup> 2000 c. 29. There are amendments to the Act not relevant to these Regulations.

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

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- (m) the reference in section 11(3)(d) to any other function prescribed by an order made by the Secretary of State is to be read as a reference to any function prescribed by an order made by the Secretary of State under that provision in relation to a charitable trust and any such order applies in relation to a CIO in so far as it applies to a charity which is not an exempt charity with appropriate modifications;
- (n) in section 19(4) the words “which is not an exempt charity” are omitted;
- (o) in section 25(1) the words “subject to subsection (2)” are omitted.