
STATUTORY INSTRUMENTS

2012 No. 3012

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

PART 7

MEETINGS AND PROCEDURE

Notice of resolutions to be proposed at a general meeting

35.—(1) Subject to paragraph (3) and any more restrictive provision included in the CIO's constitution, where a resolution to which this regulation applies is to be proposed at a general meeting of a CIO—

- (a) notice of not less than 14 days of the general meeting must be given by the person calling the meeting to—
 - (i) all members of the CIO entitled to vote at the meeting or, where the CIO's constitution permits the members to make decisions otherwise than by voting, all members entitled to take part in the decision to be made at the meeting; and
 - (ii) any charity trustee of the CIO who is not also a member entitled to vote at the meeting or, where the CIO's constitution permits the members to make decisions otherwise than by voting, who is not also a member entitled to take part in the decision to be made at the meeting;
- (b) the notice referred to in sub-paragraph (a) must contain particulars of the resolution that is to be proposed at that meeting.

(2) This regulation applies to a resolution under section 224 (amendment of constitution and procedure) or 235 (application for amalgamation of CIOs) or 240 (resolutions about transfer of CIO's undertaking to another CIO) of the 2011 Act⁽¹⁾.

(3) For the purpose of calculating the period of notice to be given under paragraph (1)(a) the following are to be excluded—

- (a) the day of the meeting; and
- (b) the day on which notice is given.

(4) If a qualifying majority agrees, a resolution which is to be proposed at a general meeting may be passed without the requirements of paragraph (1) being satisfied.

(5) In this regulation—

“qualifying majority” means—

- (a) in relation to a CIO whose members take decisions by voting, a majority in number of the members having a right to attend and vote at the meeting, who together represent not less than the requisite percentage of the total voting rights at that meeting of all the members;

Status: This is the original version (as it was originally made).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

- (b) in relation to a CIO where the CIO's constitution permits the members to make decisions otherwise than by voting, all of the members having the right to attend the meeting and take part in the decisions to be made at the meeting;
- “requisite percentage” means 90% or such higher percentage (not exceeding 95%) as may be specified in the CIO's constitution for the purposes of this regulation.