

SCHEDULE 3

Regulation 50

COMMUNICATIONS BY A CIO

Application of this Schedule

1. This Schedule applies to documents or information sent or supplied by a CIO, including documents or information sent or supplied by one CIO to another.

Communications in hard copy form: introduction

2. A document or information is validly sent or supplied by a CIO if it is sent or supplied in hard copy form in accordance with this Schedule.

Method of communication in hard copy form

3.—(1) A document or information in hard copy form must be—

- (a) handed to the intended recipient; or
- (b) sent or supplied by hand or by post to an address in accordance with paragraph 4.

(2) For the purposes of this Schedule, a person sends a document or information by post if the person posts a prepaid envelope containing the document or information.

Address for communications in hard copy form

4.—(1) A document or information in hard copy form may be sent or supplied by the CIO—

- (a) to an address specified for the purpose by the intended recipient;
- (b) to a person in their capacity as a member of the CIO at that person's address as shown in the CIO's register of members;
- (c) to a person in their capacity as a charity trustee of the CIO at that person's address as shown in the CIO's register of charity trustees;
- (d) to another CIO at its principal office as it appears on the register of charities.

(2) Where the CIO is unable to obtain an address falling within sub-paragraph (1), the document or information may be sent or supplied to the intended recipient's last address known to the CIO.

Communications in electronic form: introduction

5. A document or information is validly sent or supplied by a CIO if it is sent in electronic form in accordance with this Schedule.

Conditions for use of communications in electronic form

6. A document or information may only be sent or supplied by a CIO in electronic form to a person who has agreed (generally or specifically) that the document or information may be sent or supplied in that form and the person has not revoked that agreement.

Address for communications in electronic form

7.—(1) Where a document or information is sent or supplied in electronic form by electronic means, it may only be sent or supplied to an address specified for the purpose (generally or specifically) by the intended recipient.

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(2) Where a document or information is sent or supplied in electronic form by hand or by post, it must be—

- (a) handed to the intended recipient; or
- (b) sent or supplied to an address to which, if it were in hard copy form, it could be validly sent in accordance with paragraphs 3 and 4.

Communications by means of a website: introduction

8. A document or information is validly sent or supplied by a CIO if it is made available on a website in accordance with this Schedule.

Agreement to use of website

9. A document or information may only be sent or supplied by the CIO to a person (“A”) by being made available on a website if A—

- (a) has agreed (generally or specifically) that the document or information may be sent or supplied in that manner, and has not revoked that agreement; or
- (b) is treated as having so agreed under paragraph 10.

Implicit agreement of members to use of website

10.—(1) This paragraph applies to a document or information to be sent or supplied by a CIO to a person in their capacity as a member of the CIO.

(2) To the extent that—

- (a) the members of the CIO have resolved that the CIO may send or supply documents or information to members by making them available on a website; or
- (b) the CIO’s constitution contains provision to that effect,

a person in relation to whom the conditions in sub-paragraph (3) are met is treated as having agreed that documents or information may be sent or supplied to them in that manner.

(3) The conditions are—

- (a) the person (“M”) has been asked individually by the CIO to agree that the CIO may send or supply documents or information generally, or the documents or information in question, to M by means of a website; and
- (b) the CIO has not received a response from M within the period of 28 days starting with the date on which the CIO’s request was sent.

(4) M is not treated as having agreed if the CIO’s request—

- (a) did not state clearly what the effect of a failure to respond would be; or
- (b) was sent less than 12 months after a previous request made to M for the purpose of this paragraph in respect of the same or a similar class of documents or information.

Availability of document or information on website

11.—(1) A document or information authorised or required to be sent or supplied by a CIO by means of a website must be made available in a form, and by a means, that the CIO reasonably considers will enable the intended recipient—

- (a) to read it; and
- (b) to retain a copy of it.

(2) For this purpose a document or information can only be read if—

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- (a) it can be read with the naked eye; or
- (b) to the extent that it consists of images (for example photographs, pictures, maps, plans or drawings) it can be seen with the naked eye.

Notification of availability on website

- 12.**—(1) The CIO must notify the intended recipient of—
- (a) the presence of the document or information on the website;
 - (b) the address of the website;
 - (c) the place on the website where it may be accessed; and
 - (d) how to access the document or information.
- (2) The document or information is treated as having been sent or supplied—
- (a) on the date on which the notification required by this paragraph is sent; or
 - (b) if later, the date on which the document or information first appears on the website after the notification is sent.

Period of availability of website

- 13.**—(1) The CIO must make the document or information available throughout—
- (a) any period specified by any applicable charity law provision; or
 - (b) if no such period is specified, the period of 28 days starting on the date on which the notification required under paragraph 12 is sent to the person in question.
- (2) For the purposes of this paragraph, a failure to make a document or information available on a website throughout the period mentioned in sub-paragraph (1) is to be disregarded if—
- (a) it is made available on the website for part of that period; and
 - (b) the failure to make it available throughout that period is wholly attributable to circumstances that it would not be reasonable to expect the CIO to prevent or avoid.