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STATUTORY INSTRUMENTS

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**2012 No. 3013**

**The Charitable Incorporated Organisations  
(Insolvency and Dissolution) Regulations 2012**

**PART 3**

**DISSOLUTION OTHERWISE THAN UNDER THE INSOLVENCY ACT 1986**

**Circumstances in which application must be withdrawn**

**14.**—(1) This regulation applies if an application for dissolution has been made and before it is finally dealt with or withdrawn—

- (a) an application to the court for an administration order in respect of the CIO is made under paragraph 12 of Schedule B1 to the 1986 Act<sup>(1)</sup>;
- (b) an administrator is appointed in respect of the CIO under paragraph 14 or 22 of Schedule B1 to that Act or a copy of notice of intention to appoint an administrator of the CIO under either of those provisions is filed with the court;
- (c) there arise any of the circumstances in which, under section 84(1) of that Act<sup>(2)</sup>, the CIO may be voluntarily wound up;
- (d) a petition is presented for the winding up of the CIO by the court under Part 4 of that Act;
- (e) a receiver, manager or interim manager of the CIO's property is appointed; or
- (f) the CIO incurs any liability contrary to regulation 10.

(2) A person who, at the end of the day on which any of the events mentioned in paragraph (1) occurs, is a charity trustee of the CIO must immediately notify the Commission that the event has occurred and withdraw the CIO's application.

(3) Subsections (5) to (7) of section 1009 of the Companies Act 2006 (offence of failing to withdraw striking off application in respect of a company) apply in relation to a failure by a charity trustee to perform the duty imposed by paragraph (2) as they apply in relation to a failure to perform the duty imposed by that section.

(4) Section 1009(6) of that Act, in its application by virtue of paragraph (3), has effect as if for "the company had made an application under section 1003" there were substituted "an application for the dissolution of the CIO had been made under regulation 5 of the Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012".

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(1) Paragraph 12 of Schedule B1 was amended by the Enterprise Act 2002, Schedule 16 (as amended by [S.I. 2003/2096](#), article 2(2)), and by the Courts Act 2003, Schedule 8, paragraph 299.

(2) Section 84(1)(c) was repealed by [S.I. 2007/2194](#), Schedule 4, paragraph 39(2) and Schedule 5.