
STATUTORY INSTRUMENTS

2012 No. 3013

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

PART 5

RESTORATION OF A CIO TO THE REGISTER

Accounts, reports and returns of restored CIO

41.—(1) In its application to a relevant financial year of a restored CIO, Part 8 of the 2011 Act (charity accounts, reports and returns) is to be read subject to the provisions of this regulation.

(2) The following provisions do not apply unless the Commission requests that the accounts, annual report or annual return (as the case may be) for that year are prepared—

- (a) section 132(1) (requirement to prepare statement of accounts);
- (b) section 138(2) (requirement to prepare group accounts);
- (c) section 162(1) (requirement to prepare annual report);
- (d) section 169(1) (requirement to prepare annual return).

(3) The charity trustees must transmit to the Commission, within 10 months from the date of any request under paragraph (2), the accounts, annual report or annual return (as the case may be). The following provisions are modified accordingly—

- (a) section 163(1) (requirement to transmit annual report to Commission); and
- (b) section 169(3) (requirement to transmit annual return to Commission).

(4) Where the Commission requests that accounts are prepared, but not an annual report, a copy of the relevant auditor's or examiner's report must be transmitted to the Commission with the accounts as if section 164 (documents to be transmitted with annual report) applied.

(5) The Commission's power in the following provisions applies only where the accounts have not been audited within 10 months from the date of the Commission's request—

- (a) section 146(1)(a) (power to require accounts to be audited);
- (b) section 153(1)(a) (power to require group accounts to be audited).

(6) In the following provisions the requirement is to preserve for at least 6 years from the date of the Commission's request—

- (a) section 134(1) (preservation of statement of accounts or account and statement);
- (b) section 140(1) (preservation of group accounts).

(7) The charity trustees are not guilty of an offence under section 173 (offences of failing to supply certain documents) in relation to a failure to transmit an annual report or annual return unless the Commission has requested that the annual report or annual return (as the case may be) is prepared for that year.

(8) For the purposes of this regulation "relevant financial year" means a year other than—

- (a) a financial year of the CIO in relation to which the period for transmission to the Commission, under section 163 (transmission of annual reports to Commission in certain cases), of the annual report for that year ended before the dissolution of the CIO;
- (b) a financial year of the CIO which began after restoration of the CIO.