Charities Act 2011

2011 CHAPTER 25

PART 11

CHARITABLE INCORPORATED ORGANISATIONS (CIOS)

CHAPTER 1

GENERAL

Nature and constitution

204   Meaning of "CIO"

In this Act "CIO" means charitable incorporated organisation.

205   Nature

(1) A CIO is a body corporate.

(2) A CIO must have—
  (a)   a constitution;
  (b)   a principal office, which must be in England or in Wales;
  (c)   one or more members.

(3) The members may be—
  (a)   not liable to contribute to the assets of the CIO if it is wound up, or
  (b)   liable to do so up to a maximum amount each.

206   Constitution

(1) A CIO's constitution must state—
  (a)   its name,

2

Charities Act 2011 (c. 25)
Part 11 – Charitable incorporated organisations (CIOs)
CHAPTER 1 – General
Document Generated: 2024-04-01

    (b)   its purposes,

    (c)   whether its principal office is in England or in Wales, and

    (d)   whether or not its members are liable to contribute to its assets if it is wound up, and (if they are) up to what amount.

(2) A CIO's constitution must make provision—

    (a)   about who is eligible for membership, and how a person becomes a member,

    (b)   about the appointment of one or more persons who are to be charity trustees of the CIO, and about any conditions of eligibility for appointment, and

    (c)   containing directions about the application of property of the CIO on its dissolution.

(3) A CIO's constitution must also provide for such other matters, and comply with such requirements, as are specified in CIO regulations.

(4) A CIO's constitution—

    (a)   must be in English if its principal office is in England;

    (b)   may be in English or in Welsh if its principal office is in Wales.

(5) A CIO's constitution must be in the form specified in regulations made by the Commission, or as near to that form as the circumstances admit.

(6) Subject to anything in a CIO's constitution—

    (a)   a charity trustee of the CIO may, but need not, be a member of it,

    (b)   a member of the CIO may, but need not, be one of its charity trustees, and

    (c)   those who are members of the CIO and those who are its charity trustees may, but need not, be identical.