



2008 CHAPTER 12

PART 11

CHARITABLE INCORPORATED ORGANISATIONS

Conversion, amalgamation and transfer

PROSPECTIVE

Transfer of CIO's undertaking

118.—(1) A CIO may resolve that all its property, rights and liabilities should be transferred to another CIO specified in the resolution.

(2) Where a CIO has passed such a resolution, it shall send to the Commission—

- (a) a copy of the resolution, and
- (b) a copy of a resolution of the transferee CIO agreeing to the transfer to it.

(3) Subsections (5) and (6) of section 116 apply to the resolutions referred to in subsections (1) and (2)(b) as they apply to the resolutions referred to in section 116(4).

(4) Having received the copy resolutions referred to in subsection (2), the Commission—

- (a) may direct the transferor CIO to give public notice of its resolution in such manner as is specified in the direction, and
- (b) if it gives such a direction, must take into account any representations made to it by persons appearing to it to be interested in the transferor

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Section 118. (See end of Document for details)

CIO, where those representations are made to it within the period of 28 days beginning with the date when public notice of the resolution is given by the transferor CIO.

(5) The resolution^[F1] of the transferor CIO shall not take effect until confirmed by the Commission.

(6) The Commission shall refuse to confirm the resolution if it considers that there is a serious risk that the transferee CIO would be unable properly to pursue the purposes of the transferor CIO.

(7) The Commission may refuse to confirm the resolution if it is not satisfied that the provision in the constitution of the transferee CIO about the matters mentioned in section 116(11) is the same, or substantially the same, as the provision about those matters in the constitution of the transferor CIO.

(8) If the Commission does not notify the transferor CIO within the relevant period that it is either confirming or refusing to confirm the resolution, the resolution is to be treated as confirmed by the Commission on the day after the end of that period.

(9) Subject to subsection (10), “the relevant period” means—

- (a) in a case where the Commission directs the transferor CIO under subsection (4) to give public notice of its resolution, the period of 6 months beginning with the date when that notice is given, or
- (b) in any other case, the period of 6 months beginning with the date when both of the copy resolutions referred to in subsection (2) have been received by the Commission.

(10) The Commission may at any time within the period of 6 months mentioned in subsection (9)(a) or (b) give the transferor CIO a notice extending the relevant period by such period (not exceeding 6 months) as is specified in the notice.

(11) A notice under subsection (10) must set out the Commission's reasons for the extension.

(12) If the resolution is confirmed (or treated as confirmed) by the Commission—

- (a) all the property, rights and liabilities of the transferor CIO shall become by virtue of this subsection the property, rights and liabilities of the transferee CIO in accordance with the resolution, and
- (b) the transferor CIO shall be dissolved.

(13) Any gift which—

- (a) is expressed as a gift to the transferor CIO, and
- (b) takes effect on or after the date on which the resolution is confirmed (or treated as confirmed),

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takes effect as a gift to the transferee CIO.

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Textual Amendments

- F1** Words in s. 118(5) inserted (19.1.2013) by [Charities Act \(Northern Ireland\) 2013 \(c. 3\)](#), s. 10(1), **Sch. 1 para. 21**

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