



Charities Act 2011

2011 CHAPTER 25

PART 11

CHARITABLE INCORPORATED ORGANISATIONS (CIOS)

CHAPTER 1

GENERAL

Name and status

211 Name

- (1) The name of a CIO must appear in legible characters—
 - (a) in every location, and in every description of document or communication, in which a charitable company would be required by regulations under section 82 of the Companies Act 2006 to state its registered name, and
 - (b) in all conveyances purporting to be executed by the CIO.
- (2) In subsection (1)(b), “conveyance” means any instrument creating, transferring, varying or extinguishing an interest in land.

212 Status

- (1) Subsection (3) applies if the name of a CIO does not include—
 - (a) “charitable incorporated organisation”,
 - (b) “CIO”, with or without full stops after each letter, or
 - (c) a Welsh equivalent mentioned in subsection (2) (but this option applies only if the CIO’s constitution is in Welsh),and it is irrelevant, in any such case, whether or not capital letters are used.
- (2) The Welsh equivalents referred to in subsection (1)(c) are—

Status: This is the original version (as it was originally enacted).

- (a) “sefydliad elusennol corfforedig”, or
 - (b) “SEC”, with or without full stops after each letter.
- (3) If this subsection applies, the fact that a CIO is a CIO must be stated in legible characters in all the locations, documents, communications and conveyances mentioned in section 211(1).
- (4) The statement required by subsection (3) must be in English, except that in the case of a document which is otherwise wholly in Welsh, the statement may be in Welsh.

213 Civil consequences of failure to disclose name or status

- (1) This section applies to any legal proceedings brought by a CIO to enforce a right arising out of a contract or conveyance in connection with which there was a failure to comply with section 211 or 212.
- (2) The proceedings must be dismissed if it is shown that the defendant to the proceedings—
- (a) has a claim against the CIO arising out of the contract or conveyance that the defendant has been unable to pursue because of the failure to comply with section 211 or 212, or
 - (b) has suffered some financial loss in connection with the contract or conveyance because of the failure to comply with section 211 or 212,
- unless the court before which the proceedings are brought is satisfied that it is just and equitable to permit the proceedings to continue.
- (3) This section does not affect the right of any person to enforce such rights as that person may have against another in any proceedings brought by the other.

214 Offence of failing to disclose name or status

- (1) In the case of failure, without reasonable excuse, to comply with section 211 or 212 an offence is committed by—
- (a) every charity trustee of the CIO who is in default, and
 - (b) any other person who on the CIO’s behalf—
 - (i) signs or authorises the signing of the offending document, communication or conveyance, or
 - (ii) otherwise commits or authorises the offending act or omission.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding 10% of level 3 on the standard scale.
- (3) The reference in subsection (1) to a charity trustee being in default, and the reference in subsection (2) to a daily default fine, have the same meaning as in the Companies Acts (see sections 1121 to 1123 and 1125 of the Companies Act 2006).

215 Offence of holding out that a body is a CIO

- (1) It is an offence for a person (in whatever way) to hold any body out as being a CIO when it is not.

- (2) It is a defence where a person is charged with an offence under subsection (1) to prove that the person believed on reasonable grounds that the body was a CIO.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.