
STATUTORY INSTRUMENTS

2012 No. 3012

**The Charitable Incorporated
Organisations (General) Regulations 2012**

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Charitable Incorporated Organisations (General) Regulations 2012 and come into force on 2nd January 2013.

Interpretation: general

2. In these Regulations—

“the 2011 Act” means the Charities Act 2011;

“application for registration” means an application to be constituted and registered under section 207 of the 2011 Act;

“association CIO” means a CIO⁽¹⁾ which is not a foundation CIO;

“enactment” has the meaning given by section 245(4) of the 2011 Act;

“foundation CIO” means a CIO whose constitution provides that the same persons are to be its members and its charity trustees;

“provision for entrenchment” has the meaning given by regulation 15;

“service address” means, in relation to a person, an address at which—

- (a) the service of documents can be effected by physical delivery; and
- (b) the delivery of documents is capable of being recorded by the obtaining of an acknowledgment of delivery.

Interpretation: bodies corporate and associated bodies corporate

3. For the purposes of these Regulations—

(a) “body corporate” includes a body incorporated outside the United Kingdom but does not include—

(i) a corporation sole; or

(ii) a partnership that, whether or not a legal person, is not regarded as a body corporate under the law by which it is governed;

(b) bodies corporate are associated if—

(i) one is a subsidiary of the other; or

(1) Section 204 of the 2011 Act provides that for the purposes of that Act “CIO” means charitable incorporated organisation.

(ii) both are subsidiaries of the same body corporate,
and for these purposes “subsidiary” has the meaning given by section 1159 of, and Schedule 6 to, the Companies Act 2006⁽²⁾ with the substitution, in relation to CIOs, of references to charity trustees for references to directors.

Interpretation: hard copy, electronic form and related expressions

4.—(1) The following provisions apply for the purposes of these Regulations.

(2) A document or information is sent or supplied in hard copy form if it is sent or supplied in a paper copy or similar form capable of being read and references to “hard copy” in these Regulations have a corresponding meaning.

(3) A document or information is sent or supplied in electronic form if it is sent or supplied—

- (a) by electronic means (for example, by e-mail or fax); or
- (b) by any other means whilst in electronic form (for example, sending a disk by post).

(4) A document or information is sent or supplied by electronic means if it is—

- (a) sent initially and received at its destination by means of electronic equipment for the processing (which expression includes digital compression) or storage of data; and
- (b) entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means,

and references to “electronic means” in these Regulations have a corresponding meaning.

(5) A document or information authorised or required to be sent or supplied in electronic form must be sent or supplied in a form, and by a means, that the sender or supplier reasonably considers will enable the recipient—

- (a) to read it; and
- (b) to retain a copy of it.

(6) For the purposes of this regulation, a document or information can be read only if—

- (a) it can be read with the naked eye; or
- (b) to the extent that it consists of images (for example, photographs, pictures, maps, plans or drawings), it can be seen with the naked eye.

(7) The provisions of this regulation apply whether the provision of these Regulations in question uses the words “sent” or “supplied” or uses other words (such as “deliver”, “provide” “produce”, “transmit” or, in the case of notice, “give”) to refer to the sending or supplying of a document or information.

(2) 2006 c.46. There are amendments to the Act not relevant to these Regulations.