
STATUTORY INSTRUMENTS

2012 No. 3013

The Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012

PART 3

DISSOLUTION OTHERWISE THAN UNDER THE INSOLVENCY ACT 1986

Application not to be made if other procedures not completed

9.—(1) The charity trustees must not make an application for dissolution if—

[^{F1}(za) a moratorium is in force in relation to the CIO under Part A1 of the 1986 Act;]

- (a) a voluntary arrangement in relation to the CIO has been proposed under Part 1 of [^{F2}that Act] and the matter has not been finally concluded;
- (b) the CIO is in administration under Part 2 of that Act ^{M1};
- (c) an interim moratorium is in effect in relation to the CIO under paragraph 44 of Schedule B1 to that Act ^{M2};
- (d) the CIO is being wound up under Part 4 of that Act ^{M3}, whether voluntarily or by the court, or a petition under that Part for the winding up of the CIO by the court has been presented and not been finally dealt with or withdrawn;
- (e) a receiver, manager or interim manager of the CIO's property has been appointed.

(2) For the purposes of paragraph (1)(a), the matter is finally concluded if—

- (a) no meetings are to be summoned under section 3 of the 1986 Act;
- (b) meetings summoned under that section fail to approve the arrangement;
- (c) an arrangement approved by meetings summoned under that section, or in consequence of a direction under section 6(4)(b) of that Act ^{M4}, has been fully implemented; or
- (d) the court makes an order under section 6(5) of that Act revoking approval given at previous meetings and, if the court gives any directions under section 6(6) of that Act, the CIO has done whatever it is required to do under those directions.

(3) Subsections (4) to (6) of section 1005 of the Companies Act 2006 (offence of applying for a company to be struck off in contravention of requirements of that section) apply in relation to an application by a charity trustee in contravention of paragraph (1) as they apply in relation to an application in contravention of that section.

Textual Amendments

- F1** Reg. 9(1)(za) inserted (7.7.2020) by [The Charitable Incorporated Organisations \(Insolvency and Dissolution\) \(Amendment\) Regulations 2020 \(S.I. 2020/710\)](#), regs. 1, 3(2) (with reg. 6); [Editorial note: The affecting legislation is revoked and this amendment is reversed (13.8.2020) by [The](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Charitable Incorporated Organisations (Insolvency and Dissolution) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Charitable Incorporated Organisations (Insolvency and Dissolution) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/856), regs. 1(2), 2]

- F2** Words in reg. 9(1)(a) substituted (7.7.2020) by The Charitable Incorporated Organisations (Insolvency and Dissolution) (Amendment) Regulations 2020 (S.I. 2020/710), regs. 1, **3(3)** (with reg. 6); [Editorial note: The affecting legislation is revoked and this amendment is reversed (13.8.2020) by The Charitable Incorporated Organisations (Insolvency and Dissolution) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/856), regs. 1(2), 2]

Marginal Citations

- M1** Part 2 of the 1986 Act was substituted by the Enterprise Act 2002, section 248(1).
- M2** Schedule B1 to the 1986 Act was inserted by the Enterprise Act 2002, section 248 and Schedule 16. It was amended by the Courts Act 2003 (c.39), **Schedule 8**, paragraph 299; by S.I. 2003/2096, **article 2**; by S.I. 2005/879, **regulation 2(4)**; by S.I. 2007/2974, **regulation 65(2)**; by S.I. 2008/1897, **regulation 4**; and by S.I. 2010/18, **article 4(2)**.
- M3** Part 4 of the 1986 Act was amended by the Companies Act 1989 (c.40), **section 60(3)**; by the Insolvency Act 2000, sections 10 and 11; by the Enterprise Act 2002, sections 252 and 253 and Schedule 17, paragraphs 14 to 18, and Schedule 26; by the Courts Act 2003, Schedule 8, paragraphs 295 and 296; by the Civil Partnerships Act 2004 (c.33), **Schedule 27**, paragraph 112; by the Constitutional Reform Act 2005 (c.4), **Schedule 4**, paragraph 186; by the Companies Act 2006 (c.46), **section 1282**; by S.I. 1986/1996, **Schedule**, Part 1; by S.I. 1994/2421, **article 14**; by S.I. 1999/1820, **Schedule 2**, paragraph 85; by S.I. 2001/1090, **Schedule 5**, paragraph 15; by S.I. 2002/1240, **regulation 8**; by S.I. 2002/1555, **article 15**; by S.I. 2006/3429, **regulation 7(1)**; by S.I. 2007/2194, **Schedule 4**, paragraph 40; by S.I. 2008/1897, **regulation 5(1)**; by S.I. 2009/864, **article 3**; by S.I. 2009/1941, **Schedule 1**, paragraph 75; and by S.I. 2010/18, **articles 5 to 7** and 10.
- M4** Section 6 of 1986 Act was amended by the Insolvency Act 2000, section 2(a) and Schedule 2, paragraph 7(6). There are further amendments to section 6 not relevant to these Regulations.

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Changes and effects yet to be applied to :

- reg. 9 amendments by S.I. 2020/710, reg. 3 reversed by [S.I. 2020/856 reg. 2](#)
- reg. 9(1)(a) words substituted by [S.I. 2020/856 reg. 4\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 1 amendments by S.I. 2020/710, reg. 4 reversed by [S.I. 2020/856 reg. 2](#)
- Sch. 1 para. 1(2)(a)(ai) inserted by [S.I. 2020/856 reg. 5\(2\)\(a\)](#)
- Sch. 1 para. 1(2)(a)(iiia) inserted by [S.I. 2020/856 reg. 5\(2\)\(b\)](#)
- Sch. 1 para. 1(1) modified by [S.I. 2020/856 reg. 6](#)
- Sch. 1 para. 1(2)(a)(iv) omitted by [S.I. 2020/856 reg. 5\(2\)\(c\)](#)
- Sch. 1 para. 1(7) words inserted by [S.I. 2020/856 reg. 5\(4\)\(b\)](#)
- Sch. 1 para. 1(7) words inserted by [S.I. 2020/856 reg. 5\(4\)\(d\)](#)
- Sch. 1 para. 1(7) words inserted by [S.I. 2020/856 reg. 5\(4\)\(f\)](#)
- Sch. 1 para. 1(5) words omitted by [S.I. 2020/856 reg. 5\(3\)](#)
- Sch. 1 para. 1(7) words omitted by [S.I. 2020/856 reg. 5\(4\)\(e\)](#)
- Sch. 1 para. 1(7) words substituted by [S.I. 2020/856 reg. 5\(4\)\(a\)](#)
- Sch. 1 para. 1(7) words substituted by [S.I. 2020/856 reg. 5\(4\)\(c\)](#)
- reg. 9(1)(za) inserted by [S.I. 2020/856 reg. 4\(2\)](#)