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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

**CHARITIES, ENGLAND AND WALES**

**The Charitable Incorporated Organisations (Consequential Amendments) Order 2016**

*Made* - - - - - \*\*\*

*Coming into force* - - - - - \*\*\*

The Minister for the Cabinet Office makes the following Order in exercise of the powers conferred by section 324(1)(b) of the Charities Act 2011(a).

A draft of this Order has been approved by a resolution of each House of Parliament pursuant to section 349(3) of the Charities Act 2011.

**Citation and commencement**

1. This Order may be cited as the Charitable Incorporated Organisations (Consequential Amendments) Order 2016 and comes into force on [DATE].

**Amendment of the Charities Act 2011**

2. In the Table in Schedule 6(b) to the Charities Act 2011 (appeals and applications to Tribunal), after the entry relating to a decision of the Commission under section 231 of the Act, insert—

“Decision of the Commission under regulations made by virtue of section 234 to refuse an application for the conversion of a community interest company into a CIO and the CIO’s registration as a charity.	The persons are—	Power to—
	(a) the community interest company which made the application,	(a) quash the decision and (if appropriate) remit the matter to the Commission;
	(b) the directors of the community interest company, and	(b) direct the Commission to grant the application.”
	(c) any other person who is or may be affected by the decision.	

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(a) 2011 c.25. An order under section 324 of this Act is to be made by the Minister. For the definition of “the Minister” see section 353.

(b) Schedule 6 has been amended by S.I. 2012/3014.

[Name]

Minister for the Cabinet Office  
Cabinet Office

Date

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends Schedule 6 to the Charities Act 2011 pursuant to the Charitable Incorporated Organisations (Conversion) Regulations 2016 which make provision for the conversion of a community interest company into a CIO and the CIO's registration as a charity by virtue of section 234 of the Charities Act 2011.

Article 2 amends Schedule 6 to the Charities Act 2011 by adding to the list of appeals and applications that may be brought to the Tribunal (as described in section 315(1) of the Charities Act 2011), a decision of the Charity Commission to refuse an application for the conversion of a community interest company into a CIO. The Act already provides for appeals and applications to be brought for like decisions in relation to the conversion of a charitable company or a registered society into a CIO.

An impact assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.