

CHARITIES, ENGLAND AND WALES

The Charities (Charitable Incorporated Organisations) (Constitutions) Regulations 2023

Made 31 October 2023

Coming into force 1 November 2023

The Charity Commission for England and Wales makes the following Regulations in exercise of the powers conferred by sections 206(5) and 347(3) of the Charities Act 2011^(a) and section 26(3) of the Welsh Language Act 1993^(b).

1. Citation and commencement

These Regulations may be cited as the Charities (Charitable Incorporated Organisations) (Constitutions) Regulations 2023 and come into force on 1 November 2023.

2. Revocation

The Charities Act 2011 (Charitable Incorporated Organisations) (Constitutions) Regulations 2012^(c) are revoked.

3. Interpretation

(1) In these Regulations –

‘the 2011 Act’ means the Charities Act 2011.

‘the 2022 Act’ means the Charities Act 2022^(d).

‘appointed day’ means the date on which section 2 of the 2022 Act comes into force.

‘the Charity Commission’ means the Charity Commission for England and Wales.

4. Specified form for Charitable Incorporated Organisations (CIOs)

^(a) 2011 c.25

^(b) 1993 c.38

^(c) The Charities Act 2011 (Charitable Incorporated Organisations) (Constitutions) Regulations 2012 were made on 4 December 2012 and came into force on 10 December 2012. The Regulations specified the form of constitution for charitable incorporated organisations


^(d) 2022 c.6

- (1) For the purposes of section 206(5) of the 2011 Act, the constitution of a CIO whose principal office is in England must be in the form set out in Part 1 or Part 2 of Schedule 1, or as near to that form as the circumstances admit.
- (2) For the purposes of section 206(5) of the 2011 Act, the constitution of a CIO whose principal office is in Wales must be either:
 - (a) in the form set out in Part 1 or Part 2 of Schedule 1 or as near to that form as circumstances admit; or
 - (b) such Welsh language versions of either form in Regulation 4(2)(a) as is published by the Charity Commission on its website, or as near to that form as the circumstances admit.

5. Transitional provision

- (1) Regulations 5(2) and 5(3) apply where, after the commencement of these Regulations but before the appointed day, a person or persons applies to the Charity Commission for a CIO to be constituted and for its registration as a charity under section 207 of the 2011 Act.
- (2) For the purposes of section 206(5) of the 2011 Act, the constitution of a CIO whose principal office is in England must be either:
 - (a) in the form set out in Part 1 or Part 2 of Schedule 1, or as near to that form as circumstances admit; or
 - (b) in the form set out in Part 1 or Part 2 of Schedule 2, or as near to that form as circumstances admit.
- (3) For the purposes of section 206(5) of the 2011 Act, the constitution of a CIO whose principal office is in Wales must be either in the form specified in Regulation 5(2)(a) or 5(2)(b), or such Welsh language versions as is published by the Charity Commission on its website, or as near to that form as the circumstances admit.
- (4) Regulations 4(1) and 4(2) apply where, before the appointed day, an application under section 207 of the 2011 Act is received by the Charity Commission and the Charity Commission has not either:
 - (a) refused the application to register the CIO in the register of charities under section 208 of the 2011 Act; or
 - (b) granted the application to register or registered the CIO in the register of charities under section 209 of the 2011 Act.

Executed by the Charity Commission for England and Wales acting by its Chief Executive Helen Stephenson:

A handwritten signature in black ink, appearing to read 'Helen Stephenson', written over a horizontal dotted line.

Helen Stephenson

Chief Executive of the Charity Commission for England and Wales

31 October 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 206(5) of the Charities Act 2011 (c.25) (the '2011 Act') states that a charitable incorporated organisation ('CIO') constitution must be in the form specified in regulations made by the Charity Commission for England and Wales (the 'Charity Commission') or as near to that form as the circumstances admit.

Section 347(3) of the 2011 Act states that any regulations of the Charity Commission may make different provision for different cases or descriptions of case or different purposes or areas.

Section 26(3) of the Welsh Language Act 1993 (c.38) states that, where an Act of Parliament confers a power to specify the form of a document, that power will include the power to prescribe separate forms of the document in Welsh and in English.

These Regulations specify the form of CIO constitution for the purposes of section 206(5) of the 2011 Act.

Regulation 5 makes transitional provisions in relation to the form specified by the Charity Commission under s.206(5) of the 2011 Act for applications to register a CIO which are received between the commencement of these Regulations and the date on which clause 2 of the Charities Act 2022 (c.6) comes into force.