



# Charities Act 1993 (repealed)

## 1993 CHAPTER 10

### [<sup>F1</sup>PART 8A

#### CHARITABLE INCORPORATED ORGANISATIONS

##### *[<sup>F1</sup>Nature and constitution*

#### Textual Amendments

- F1** Pt. 8A inserted (27.2.2007 for the insertion of ss. 69B(3)(5), 69E(2)(b), 69G(5)(d), 69H(4), 69J, 69N, 69Q for specified purposes) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 7 para. 1](#); [S.I. 2007/309](#), art. 2, Sch.

#### **69A Charitable incorporated organisations**

- (1) In this Act, a charitable incorporated organisation is referred to as a “CIO”.
- (2) A CIO shall be a body corporate.
- (3) A CIO shall have a constitution.
- (4) A CIO shall have a principal office, which shall be in England or in Wales.
- (5) A CIO shall have one or more members.
- (6) The members may be either—
  - (a) not liable to contribute to the assets of the CIO if it is wound up, or
  - (b) liable to do so up to a maximum amount each.

#### **69B Constitution**

- (1) A CIO's constitution shall state—
  - (a) its name,

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- (b) its purposes,
  - (c) whether its principal office is in England or in Wales, and
  - (d) whether or not its members are liable to contribute to its assets if it is wound up, and (if they are) up to what amount.
- (2) A CIO's constitution shall make provision—
- (a) about who is eligible for membership, and how a person becomes a member,
  - (b) about the appointment of one or more persons who are to be charity trustees of the CIO, and about any conditions of eligibility for appointment, and
  - (c) containing directions about the application of property of the CIO on its dissolution.
- (3) A CIO's constitution shall also provide for such other matters, and comply with such requirements, as are specified in regulations made by the Minister.
- (4) A CIO's constitution—
- (a) shall be in English if its principal office is in England,
  - (b) may be in English or in Welsh if its principal office is in Wales.
- (5) A CIO's constitution shall be in the form specified in regulations made by the Commission, or as near to that form as the circumstances admit.
- (6) Subject to anything in a CIO's constitution: a charity trustee of the CIO may, but need not, be a member of it; a member of the CIO may, but need not, be one of its charity trustees; and those who are members of the CIO and those who are its charity trustees may, but need not, be identical.

## **69C Name and status**

- (1) The name of a CIO shall appear in legible characters—
- (a) in all business letters of the CIO,
  - (b) in all its notices and other official publications,
  - (c) in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed on behalf of the CIO,
  - (d) in all conveyances purporting to be executed by the CIO, and
  - (e) in all bills rendered by it and in all its invoices, receipts, and letters of credit.
- (2) In subsection (1)(d), “conveyance” means any instrument creating, transferring, varying or extinguishing an interest in land.
- (3) Subsection (5) applies if the name of a CIO does not include—
- (a) “charitable incorporated organisation”, or
  - (b) “CIO”, with or without full stops after each letter, or
  - (c) a Welsh equivalent mentioned in subsection (4) (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.
- (4) The Welsh equivalents referred to in subsection (3)(c) are—
- (a) “sefydliad elusennol corfforedig”, or
  - (b) “SEC”, with or without full stops after each letter.

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- (5) If this subsection applies, the fact that a CIO is a CIO shall be stated in legible characters in all the documents mentioned in subsection (1).
- (6) The statement required by subsection (5) shall be in English, except that in the case of a document which is otherwise wholly in Welsh, the statement may be in Welsh.

#### **69D Offences connected with name and status**

- (1) A charity trustee of a CIO or a person on the CIO's behalf who issues or authorises the issue of any document referred to in paragraph (a), (b), (d) or (e) of section 69C(1) above which fails to comply with the requirements of section 69C(1), (5) or (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A charity trustee of a CIO or a person on the CIO's behalf who signs or authorises to be signed on behalf of the CIO any document referred to in paragraph (c) of section 69C(1) above which fails to comply with the requirements of section 69C(1), (5) or (6)—
  - (a) is liable on summary conviction to a fine not exceeding level 3 on the standard scale, and
  - (b) is personally liable to the holder of the bill of exchange (etc.) for the amount of it, unless it is duly paid by the CIO.
- (3) A person who holds any body out as being a CIO when it is not (however he does this) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that he believed on reasonable grounds that the body was a CIO.]

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