

Status: Point in time view as at 28/02/2008.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), Cross Heading: Amendment of constitution. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 5B

FURTHER PROVISION ABOUT CHARITABLE INCORPORATED ORGANISATIONS

Textual Amendments

- F1** Sch. 5B inserted (27.2.2007 for the insertion of Sch. 5B paras. 10(2)(3), 13 for specified purposes) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 7 para. 2**; S.I. 2007/309, art. 2, Sch.

Amendment of constitution

- 14 (1) A CIO may by resolution of its members amend its constitution (and a single resolution may provide for more than one amendment).
- (2) Such a resolution must be passed—
- (a) by a 75% majority of those voting at a general meeting of the CIO (including those voting by proxy or by post, if voting that way is permitted), or
 - (b) unanimously by the CIO's members, otherwise than at a general meeting.
- (3) The date of passing of such a resolution is—
- (a) the date of the general meeting at which it was passed, or
 - (b) if it was passed otherwise than at a general meeting, the date on which provision in the CIO's constitution or in regulations made under paragraph 13 deems it to have been passed (but that date may not be earlier than that on which the last member agreed to it).
- (4) The power of a CIO to amend its constitution is not exercisable in any way which would result in the CIO's ceasing to be a charity.
- (5) Subject to paragraph 15(5) below, a resolution containing an amendment which would make any regulated alteration is to that extent ineffective unless the prior written consent of the Commission has been obtained to the making of the amendment.
- (6) The following are regulated alterations—
- (a) any alteration of the CIO's purposes,
 - (b) any alteration of any provision of the CIO's constitution directing the application of property of the CIO on its dissolution,
 - (c) any alteration of any provision of the CIO's constitution where the alteration would provide authorisation for any benefit to be obtained by charity trustees or members of the CIO or persons connected with them.
- (7) For the purposes of sub-paragraph (6)(c)—

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- (a) “benefit” means a direct or indirect benefit of any nature, except that it does not include any remuneration (within the meaning of section 73A of this Act) whose receipt may be authorised under that section, and
- (b) the same rules apply for determining whether a person is connected with a charity trustee or member of the CIO as apply, in accordance with section 73B(5) and (6) of this Act, for determining whether a person is connected with a charity trustee for the purposes of section 73A.]

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