



# Charities Act 2011

## 2011 CHAPTER 25

### PART 11

#### CHARITABLE INCORPORATED ORGANISATIONS (CIOS)

#### CHAPTER 1

##### GENERAL

##### *Formation and registration of CIO*

#### **207 Application for CIO to be constituted and registered**

- (1) Any one or more persons (“the applicants”) may apply to the Commission for a CIO to be constituted and for its registration as a charity.
- (2) The applicants must supply the Commission with—
  - (a) a copy of the proposed constitution of the CIO,
  - (b) such other documents or information as may be prescribed by CIO regulations, and
  - (c) such other documents or information as the Commission may require for the purposes of the application.

#### **208 Cases where application must or may be refused**

- (1) The Commission must refuse an application under section 207 if—
  - (a) it is not satisfied that the CIO would be a charity at the time it would be registered, or
  - (b) the CIO's proposed constitution does not comply with one or more of the requirements of section 206 (constitution of CIOs) and any regulations made under that section.

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*Status: Point in time view as at 26/06/2020.*

*Changes to legislation: Charities Act 2011, Cross Heading: Formation and registration of CIO is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (2) The Commission may refuse such an application if—
- (a) the proposed name of the CIO—
    - (i) is the same as, or
    - (ii) is in the opinion of the Commission too like,  
the name of any other charity (whether registered or not), or
  - (b) the Commission is of the opinion referred to in any of paragraphs (b) to (e) of section 42(2) (power to require charity's name to be changed) in relation to the proposed name of the CIO (reading paragraph (b) as referring to the proposed purposes of the CIO and to the activities which it is proposed it should carry on).

## **209 Registration of CIO**

- (1) If the Commission grants an application under section 207 it must register the CIO to which the application relates as a charity in the register of charities.
- (2) The entry relating to the charity's registration in the register of charities must include—
- (a) the date of the charity's registration, and
  - (b) a note saying that it is constituted as a CIO.
- (3) A copy of the entry in the register must be sent to the charity at the principal office of the CIO.

## **210 Effect of registration of CIO**

- (1) Upon the registration of the CIO in the register of charities, it becomes by virtue of the registration a body corporate—
- (a) whose constitution is that proposed in the application,
  - (b) whose name is that specified in the constitution, and
  - (c) whose first member is, or first members are, the applicants referred to in section 207.
- (2) All property for the time being vested in the applicants (or, if more than one, any of them) on trust for the charitable purposes of the CIO (when incorporated) by virtue of this subsection becomes vested in the CIO upon its registration.

**Status:**

Point in time view as at 26/06/2020.

**Changes to legislation:**

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