

2017 No. 1231

CHARITIES, ENGLAND AND WALES

The Charitable Incorporated Organisations (Consequential Amendments) Order 2017

Made - - - - *7th December 2017*

Coming into force - - *1st January 2018*

The Secretary of State 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 2017 and comes into force on 1st January 2018.

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 that Act, insert—

“Decision of the Commission	The persons are—	Power to—
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.	(a) the community interest company which made the application, (b) the directors of the community interest company, and (c) any other person who is or may be affected by the decision.	(a) quash the decision and (if appropriate) remit the matter to the Commission; (b) direct the Commission to grant the application.”

7th December 2017

Tracey Crouch
Parliamentary Under Secretary of State
Department for Digital, Culture, Media and Sport

(a) 2011 c. 25. By virtue of article 10(1) and (2)(g) of S.I. 2016/997 the power to make this Order is exercisable by the Secretary of State.
(b) Schedule 6 has been amended by sections 4, 6, 7, and 10 of the Charities (Protection and Social Investment) Act 2016 (c. 4) and S.I. 2012/3014.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 6 to the Charities Act 2011 (“the Act”), which makes provision in respect of the circumstances in which an appeal might be brought to the First-tier or Upper Tribunal. This change is consequential to the coming into force of the Charitable Incorporated Organisations (Conversion) Regulations 2017 which make provision for the conversion of a community interest company into a charitable incorporated organisation (“CIO”) and the CIO’s registration as a charity by virtue of section 234 of the Act.

Article 2 amends Schedule 6 such that a decision of the Charity Commission to refuse an application for the conversion of a community interest company into a CIO might be appealed to the First-tier or Upper Tribunal. 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 been prepared for this instrument and has been laid before Parliament together with this instrument.

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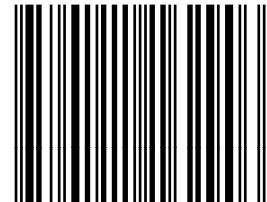
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