

**Nottingham
Community
and Voluntary
Service**

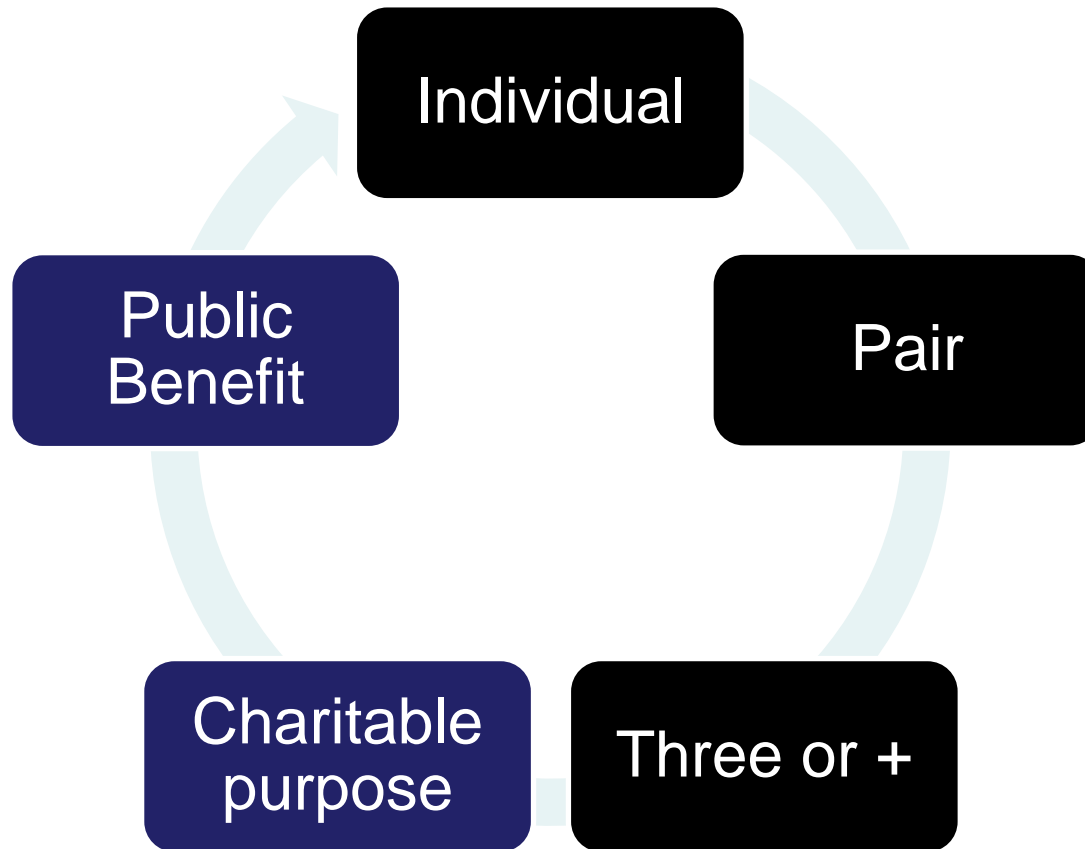
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CIO'S

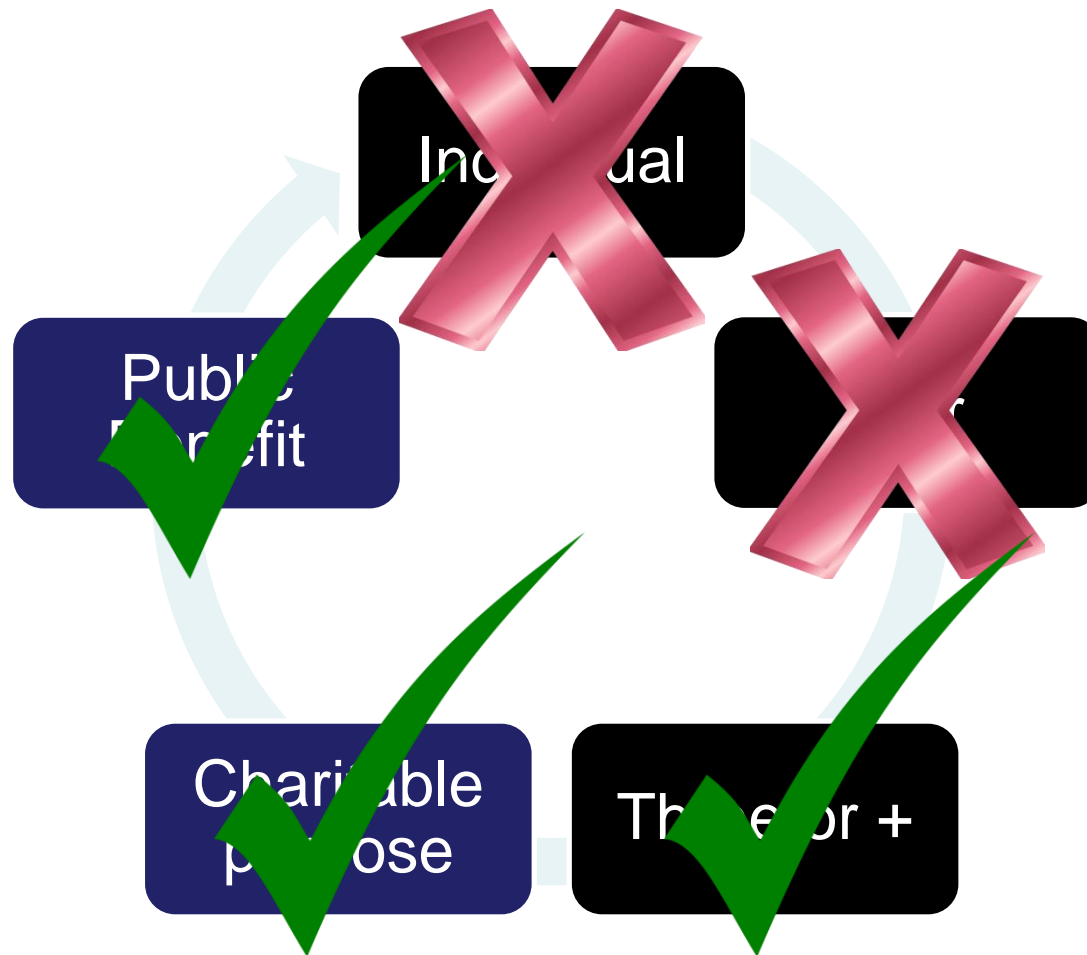
David J Saunders
Group Development (Training) Officer
NCVS
14 March 2017

Agenda Item 7

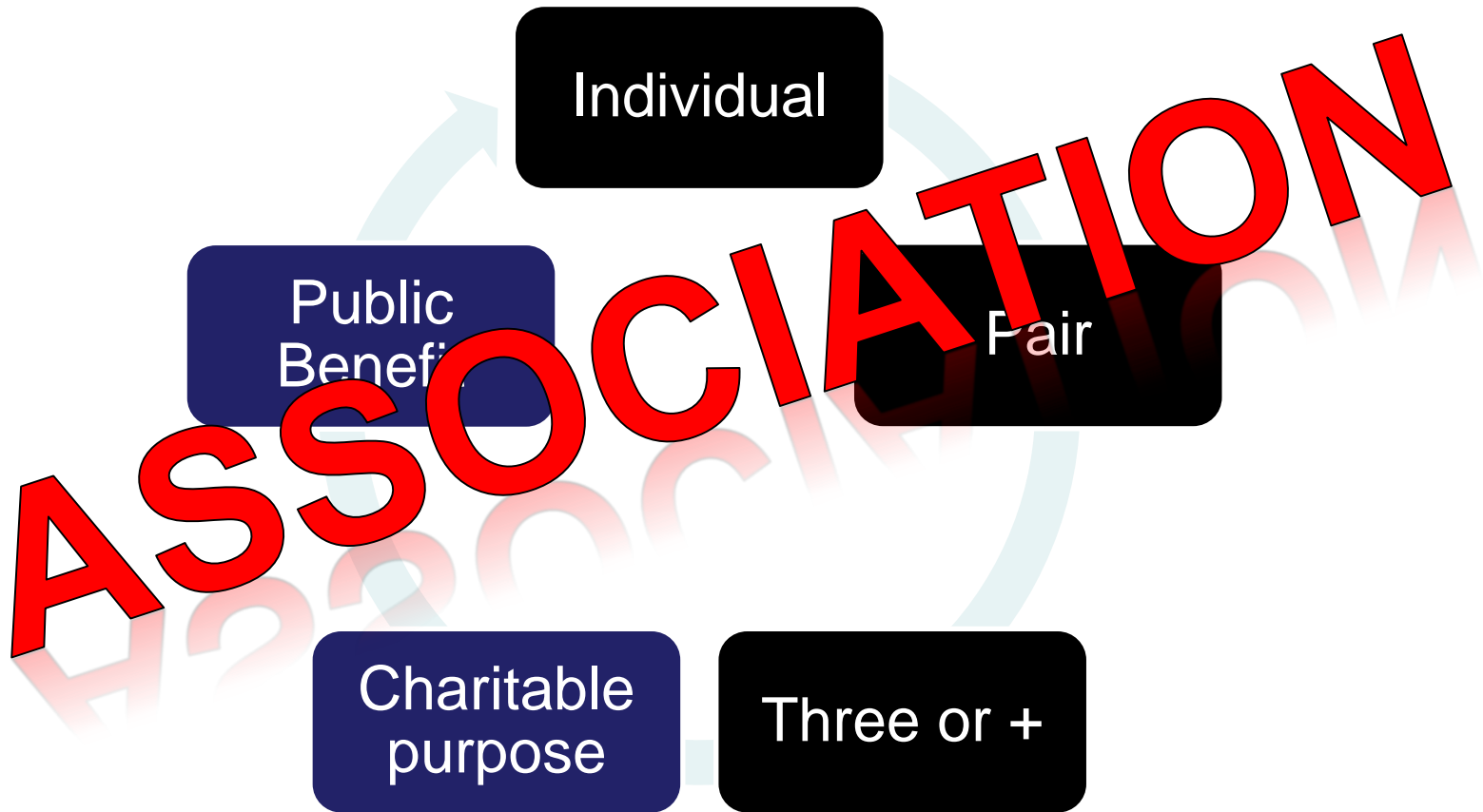
Voluntary and Community Sector



Voluntary and Community Sector



Voluntary and Community Sector







We the People of the United States, in order to form a more perfect Union, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article 1.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Persons, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York one, New Jersey four, Pennsylvania eight, Delaware one, Maryland one, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When Vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers, and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be qualified in consequence of the first Election, they shall be divided as equally as may be into three Clauses. The first of the Clauses of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of any of the Clauses, the Electors in that State shall have only one Power of Appointment until the next Meeting of the Legislature, which shall then fill

RULES

1. YOU CAN....

2. YOU CAN'T...

3. YOU CAN....

4. YOU CAN'T

Structure

- Unincorporated association
- Charitable Association Income + £5k last 12 months
ok unless - legal contracts / employ
- Charitable Company
- Social Enterprises Could include:
CLG (By shares or not)
Community Interest Company
(CIC)
Community Benefit Society (IPS)
Co-operative Society
Charitable Company
Limited Liability Partnership

Charitable Company



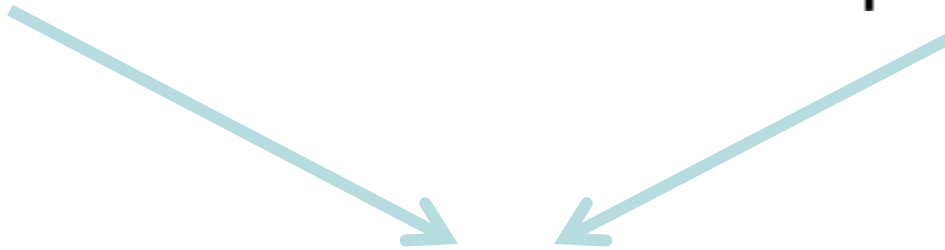
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CHARITY COMMISSION
FOR ENGLAND AND WALES



Companies House



Charitable Incorporated Organisation (CIO)

- Only 1 Regulator



CHARITY COMMISSION
FOR ENGLAND AND WALES

- No need to have minimum income (good for new)
- No fee to register
- Choice of Constitution Foundation
Association
- Exists when registered (40+ working days)
- Incorporated Optional contribution
- No penalties (Company Law) – **But...**

Any cons?

- 40+ days to register
- No case law
- New – outside the sector, *“What is it?”*
- Can’t change it
- No charges register



CHARITY COMMISSION
FOR ENGLAND AND WALES

Constitution of a Charitable Incorporated Organisation with voting members other than its charity trustees



OCTOBER 2016



INCORPORATED LEGAL FORMS

LEGAL STATUS	WHO CONTROLS	WHAT GOVERNING DOC	REGULATOR	LIMITED LIABILITY	PROFIT DISTRIBUTION	CHARITABLE STATUS AVAILABLE
Charitable Incorporated Organisation (CIO)	Board of Trustees	Constitution	Charity Commission	Yes	No	Yes, automatic
Company Limited by Guarantee (CLG)	Board of Directors	Memorandum and Articles of Association	Companies House AND Charity Commission (if it has charitable status)	Yes	Usually No	Yes
Company Limited by Shares (CLS)	Board of Directors	Memorandum and Articles of Association	Companies House	Yes	Yes	Very rarely
Community Interest Company, either Limited by Shares (CIC CLS)m or Limited by Guarantee (CIC CLG)	Board of Directors	Memorandum and Articles of Association	Companies House and CIC Regulator	Yes	Yes, but must benefit wider community. Can pay limited dividends to private investors	No
Community Benefits Society (BenComms)	Management Committee	Rules	Financial Conduct Authority	Yes	No	Yes
Cooperative Society	Management Committee	Rules	Financial Conduct Authority	Yes	Yes	Very rarely
Limited Liability partnership	Partners	Partnership Deed	Companies House	Yes	Yes	Very rarely
UNINCORPORATED	LEGAL	FORMS				
Unincorporated Association	Management Committee Of Trustees	Constitution	Charity Commission	No	No	Yes, if purposes are solely charitable
Charitable Trust	Board of Trustees	Trust Deed	Charity Commission	No	No	Yes

Q & A

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