



# Charities Act (Northern Ireland) 1964

## 1964 CHAPTER 33

### PART IV

#### SUPPLEMENTARY

#### **30 Returns of charitable gifts by Master (Probate and Matrimonial).**

- (1) [<sup>F1</sup> The Master (Probate and Matrimonial)] shall, between 1st July and 1st November annually, make a certified return to the Ministry of every charitable gift to be applied or paid in Northern Ireland which is contained in any will entered in [<sup>F1</sup> the Probate and Matrimonial Office, or of which a copy has been forwarded to him from a branch office of that Office].
- (2) The return required under subsection (1) shall specify—
- the name of the testator;
  - the names of the persons to whom probate of the will or letters of administration with the will annexed have been granted; and
  - the date of the will and of the probate or letters of administration.

**F1** [1978 c.23](#)

#### **31 Enforcement of requirements made by the Ministry.**

- (1) Any person who—
- fails to comply with any requirement contained in an order under section 3(1); or
  - fails to comply with any requirement contained in a scheme pursuant to section 10(3)(b);
- may on the application of the Ministry to the High Court be dealt with as for failure to comply with an order of that Court.
- (2) The Ministry shall, before making an application under subsection (1), give the Attorney-General notice of its intention to make the application.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 1964, PART IV. (See end of Document for details)*

### [<sup>F2</sup>31A Variation of financial limits.

The Department may by order subject to affirmative resolution amend sections 13(1), 14(1) and 24(1) by substituting for any sum specified in any of those provisions such other sum as the Department considers appropriate.]

F2 1987 NI 19

### [<sup>F3</sup>32 Value of land, etc., for purposes of Act.

- (1) In determining the value of any property for the purposes of this Act, the value of any land and of any periodical payment charged on or issuing out of land shall be taken to be such amount as may be specified in a certificate given by or on behalf of the Commissioner of Valuation.
- (2) Any document purporting to be a certificate given by or on behalf of the Commissioner of Valuation for the purposes of subsection (1) shall be received in evidence and, until the contrary is proved, be deemed to be duly given.]

F3 1987 NI 19

### 33 Costs and expenses of Ministry.

- (1) Any expenses incurred by the Ministry under this Act shall, except where any other provision provides for their defrayal in some other manner, be defrayed out of moneys provided by Parliament.
- (2) Any costs or expenses incurred by the Ministry (other than any expenses incidental to the employment of any person in the Civil Service of Northern Ireland) in managing, administering, preserving or recovering any property vested in the Ministry under this Act, or otherwise in executing this Act, may be deducted by the Ministry from the funds of the charity in respect of which the costs or expenses were incurred.
- (3) Where the Ministry deducts any costs or expenses from the funds of a charity under subsection (2), the trustees of the charity or any person claiming to be interested may apply to the [<sup>F4</sup> Master (Taxing Office)] for an order for the taxation of those costs or expenses.

F4 1978 c.23

### 34 Annual report by Ministry.

- (1) The Ministry shall prepare an annual report of the proceedings of the Ministry under this Act[<sup>F5</sup> and the Charities (Northern Ireland) Order 1987].
- (2) The Ministry shall cause a copy of every report prepared under subsection (1) to be laid before each House of Parliament.

F5 1987 NI 19

*Status: Point in time view as at 01/01/2006.*

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### 35 Interpretation.

In this Act<sup>F6</sup> and the Charities (Northern Ireland) Order 1987]

“charitable gift” means a gift for charitable purposes;

“charitable purposes” means purposes which are exclusively charitable according to the law of Northern Ireland;

“charity” means any institution, corporate or not, which is established for charitable purposes and is subject to the control of the Court in the exercise of the Court's jurisdiction with respect to charities;

“the Court”, subject to [<sup>F7</sup> Article 14( b) of the County Courts (Northern Ireland) Order 1980<sup>M1</sup>], means the High Court;

“fund” includes any interest, present or future, in any stock, shares, annuities or other securities or choses in action, and also includes money;

“gift” means any donation, devise or bequest;

“institution” includes any trust or undertaking;

“mortgage”, in relation to any registered land, means a charge created under section 40<sup>F8</sup> of the Local Registration of Title (Ireland) Act 1891;

“trustees” in relation to a charity, means the persons having the general control and management of the administration of the charity;

“trusts”, in relation to a charity, means the provisions establishing it as a charity and regulating its purposes and administration, whether those provisions take effect by way of trust or not;

“will” includes a codicil to a will.

**F6** 1987 NI 19  
**F7** 1980 NI 3  
**F8** 1970 c.18 (NI)

#### Marginal Citations

**M1** 1980 NI 3

### 36 Saving for functions of Attorney-General.

Nothing in this Act<sup>F9</sup> or the Charities (Northern Ireland) Order 1987] shall affect any power conferred or duty imposed on the Attorney-General in relation to any charity, other than a power conferred or a duty imposed by an enactment repealed by this Act.

**F9** 1987 NI 19

*S. 37, with Schedule, effects repeals*

### 38 Short title and commencement.

(1) This Act may be cited as the Charities Act (Northern Ireland) 1964.

(2) *Commencement*

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Charities Act (Northern Ireland) 1964, PART IV.