
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 145 (C. 10)

CHARITIES

**The Charities (2008 Act) (Commencement
No. 4) Order (Northern Ireland) 2013**

Made - - - - *29th May 2013*

The Department for Social Development makes the following Order in exercise of the powers conferred by section 185(1) of the Charities Act (Northern Ireland) 2008⁽¹⁾.

Citation

1. This Order may be cited as the Charities (2008 Act) (Commencement No. 4) Order (Northern Ireland) 2013.

Appointed day

2. The day appointed for the coming into operation of the provisions of the Charities Act (Northern Ireland) 2008 specified in the Schedule is 24th June 2013.

Sealed with the Official Seal of the Department for Social Development on 29th May 2013

Michael Daly
A senior officer of the Department for Social
Development

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

Provisions brought into operation on 24th June 2013

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 16	Register of charities
Section 17	Duties of trustees in connection with registration
Section 18	Effect of, and claims and objections to, registration
Section 19	Status of registered charity to appear on official publications, etc.
Section 20(2) in so far as not already in operation	Power of Commission to require charity's name to be changed
Section 21(3) in so far as not already in operation	Effect of direction under section 20 where charity is a company
Section 26	Occasions for applying property cy-près
Section 27(4)	Application cy-près of gifts of donors unknown or disclaiming
Section 28	Application cy-près of gifts made in response to certain solicitations
Section 29	Cy-près schemes
Section 30	Charities governed by charter
Section 91(1)(a), (2) (in so far as it relates to paragraph (a) of subsection (1)), (3), (4) and (6) (a)	Power to relieve trustees, auditors, etc. from liability for breach of trust or duty
Section 96(5)	Alteration of objects
Section 98	Consent of Commission required for approval etc by members of charitable companies
Section 99	Consent of Commission required for certain acts of charitable company
Section 100	Requirement to disclose charitable status
Section 101	Civil consequences of failure to make required disclosure
Section 102	Criminal consequences of failure to make required disclosure
Section 123	Power to transfer all property of unincorporated charity

(2) Section 20(7) was repealed by Schedule 2 to the Charities Act (Northern Ireland) 2013 (c. 3 (N.I.))

(3) Section 21 was amended by paragraph 5 of Schedule 1 to the Charities Act (Northern Ireland) 2013

(4) Section 27 was amended by paragraph 7 of Schedule 1 to the Charities Act (Northern Ireland) 2013

(5) Section 96 was amended by paragraph 19 of Schedule 1 to the Charities Act (Northern Ireland) 2013

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 124	Resolution not to take effect or to take effect at later date
Section 125(6)	Transfer where charity has permanent endowment
Section 126	Power to replace purposes of unincorporated charity
Section 127	Power to modify powers or procedures of unincorporated charity
Section 128	Power of unincorporated charities to spend capital: general
Section 129	Power of larger unincorporated charities to spend capital given for particular purpose
Section 130	Power to spend capital subject to special trusts
Section 156	False statements relating to institutions which are not registered charities
Section 159(1) and (6) (in so far as it relates to section 156)	Interpretation of Chapter 2
Section 161 (except subsection (11))	Register of charity mergers
Section 162	Register of charity mergers: supplementary
Section 163	Pre-merger vesting declarations
Section 164	Effect of registering charity merger on gifts to transferor
Section 165	Application of Act in relation to designated religious charities
Section 166	Designation, etc. of religious charities
Section 171(7)	Supply by Commission of copies of documents open to public inspection
Section 178(2)(a)	Restriction on institution of proceedings for certain offences
Schedule 8, paragraphs 8, 10, 11, 12(b) and 13(1) and (2) and section 183 in so far as it relates to those paragraphs	Minor and consequential amendments
In Schedule 9 the repeal of— the Charities (Northern Ireland) Order 1987 in so far as it relates to Articles 3 to 5, 9 and 9B to 9BB(8);	Repeals

(6) Section 125 was amended by paragraph 22 of Schedule 1 to the Charities Act (Northern Ireland) 2013

(7) Section 171 was amended by paragraph 6(1)(d) of Schedule 1 to the Charities Act (Northern Ireland) 2013

(8) Article 9 was amended by paragraph 92(3)(a) and (b) of Schedule 1 to [S.I. 2009/1941](#) and Articles 9B to 9BB were substituted for Article 9B by paragraph 5 of Schedule 3 to [S.I. 2008/948](#)

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<i>Provision of the Act</i>	<i>Subject matter</i>
the Charities Act (Northern Ireland) 1964 in so far as it relates to sections 1, 5, 13 and 22 to 24(9)	
and section 184 in so far as it relates to those repeals	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation provisions of the Charities Act (Northern Ireland) 2008 relating to the establishment and maintenance of a register of charities.

The Order also commences provisions relating to charity names, application of property *cy-près*, charities governed by Royal charter, relief of trustees from liability, alteration of objects and certain other consents required from the Commission by incorporated charities, requirement to disclose charitable status, powers of unincorporated charities, false statements concerning institutions which are not registered charities, charity mergers, designated religious charities, supply of documents open to public inspection and a restriction on the institution of proceedings for certain offences.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Charities Act (Northern Ireland) 2008 have been brought into operation by earlier commencement orders as from the dates shown.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Sections 1 to 3	25th September 2009	2009 No. 324 (C. 22)
Section 4	27th March 2009	2009 No. 138 (C. 8)
Section 5	18th February 2011	2011 No. 11 (C. 1)
Sections 6 to 9	27th March 2009	2009 No. 138 (C. 8)
Section 10 (partially)	27th March 2009	2009 No. 138 (C. 8)
	18th February 2011	2011 No. 11 (C. 1)
Sections 12 and 13 (partially)	25th September 2009	2009 No. 324 (C. 22)
	18th February 2011	2011 No. 11 (C. 1)
Sections 14 and 15	18th February 2011	2011 No. 11 (C. 1)

(9) Section 24(1) was amended by Article 6(3) of the Charities (Northern Ireland) Order 1987

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Sections 20 and 21 (partially)	18th February 2011	2011 No. 11 (C. 1)
Section 22	18th February 2011	2011 No. 11 (C. 1)
Section 23 (partially)	18th February 2011	2011 No. 11 (C. 1)
Section 24	27th March 2009	2009 No. 138 (C. 8)
Sections 25, 31 and 32	18th February 2011	2011 No. 11 (C. 1)
Section 33 (partially)	18th February 2011	2011 No. 11 (C. 1)
Sections 34 to 39	18th February 2011	2011 No. 11 (C. 1)
Section 40 (partially)	18th February 2011	2011 No. 11 (C. 1)
Sections 46 to 50	18th February 2011	2011 No. 11 (C. 1)
Section 51 (partially)	18th February 2011	2011 No. 11 (C. 1)
Sections 52 to 56	18th February 2011	2011 No. 11 (C. 1)
Sections 64 to 66, 68 and 70 (partially)	18th February 2011	2011 No. 11 (C. 1)
Sections 86 to 90, 93,172 and 173	18th February 2011	2011 No. 11 (C. 1)
Section 174 (partially)	18th February 2011	2011 No. 11 (C. 1)
Sections 175 to 177	18th February 2011	2011 No. 11 (C. 1)
Section 178 (partially)	18th February 2011	2011 No. 11 (C. 1)
Sections 179, 181 and 182	27th March 2009	2009 No. 138 (C. 8)
Schedule 1	27th March 2009	2009 No. 138 (C. 8)
Schedule 2	25th September 2009	2009 No. 324 (C. 22)
Schedule 3 (partially)	18th February 2011	2011 No. 11 (C. 1)
Schedule 4	18th February 2011	2011 No. 11 (C. 1)
Schedules 5 and 8 (partially)	18th February 2011	2011 No. 11 (C. 1)