Changes to legislation: *Reserve Forces Act 1996, Part IV is up to date with all changes known to be in force on or before 22 June 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) View outstanding changes*

SCHEDULES

SCHEDULE 5

CHARITABLE PROPERTY ON DISBANDING OF UNITS

PART IV

SUCCESSION TO CHARITABLE PROPERTY: NORTHERN IRELAND

Effect of designation of successor to disbanded unit

15 (1) On and after the day on which a warrant comes into force, any charitable property which is held for the purposes of the disbanded unit in question and administered for those purposes according to the law of Northern Ireland shall (subject to the provisions of this Part of this Schedule) be held for the corresponding purposes, or most nearly corresponding purposes, of the successor unit designated by the warrant.

(2) In this Part of this Schedule "charitable property" means any property belonging to a charity.

(3) The same jurisdiction and powers shall be exercisable in relation to any charity owning property to which sub-paragraph (1) applies as would be exercisable if that sub-paragraph were not a provision of an Act of Parliament regulating the charity.

Exclusion of charitable property from paragraph 15

16 (1) If the Department of Health and Social Services for Northern Ireland considers that paragraph 15(1) should not apply to all or any of the charitable property held for the purposes of a disbanded unit, that Department may make an order providing that paragraph 15(1) shall not apply or shall cease to apply to that property.

(2) An order under this paragraph may be made at any time during the period of 6 months beginning with the day on which the warrant is made.

17 (1) If a charity affected by a warrant or any trustee of, or person interested in, such a charity considers that paragraph 15(1) should not apply to all or any of the property held by the charity for the purposes of the disbanded unit in question, then the charity, trustee or person interested, as the case may be, may apply to the court for an order providing that paragraph 15(1) shall cease to apply to that property or part.

(2) An application under this paragraph—

(a) may be made at any time within the period of 6 months beginning with the day on which the warrant comes into force; and

(b) is subject to section 29(3) of the [M1]Charities Act (Northern Ireland) 1964 (under which an application for an order of the court in connection with the administration of a charity may not be made without the consent of the Attorney General for Northern Ireland).

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(3) In this paragraph "the court" has the same meaning as in the [M2]Charities Act (Northern Ireland) 1964.

Marginal Citations

M1 1964 c. 33 (N.I.).

M2 1964 c. 33 (N.I.).

Application of property otherwise than under paragraph 15

18 In any case where—

(a) the Secretary of State requests the Department of Health and Social Services for Northern Ireland to make provision with respect to any charitable property held for the purposes of a unit of a reserve force which has been or is to be disbanded; or

(b) an order is made under paragraph 16 or 17 excluding any charitable property so held from the operation of paragraph 15(1),

the Department may, notwithstanding anything in subsection (1) of section 13 of the [M3]Charities Act (Northern Ireland) 1964 and irrespective of the value of the property in question, exercise its jurisdiction under that section with respect to the property to which the request or order relates.

Marginal Citations

M3 1964 c. 33 (N.I.).

Validity of certain acts by trustees

19 Neither a warrant nor any order under paragraph 16 or 17 shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of the warrant or order is received by a trustee of the charity in question.

Saving for interests in property contingent on disbandment of unit

20 Nothing in this Part of this Schedule applies to any property held by a charity for the purposes of a unit which has been or is to be disbanded if, under the terms on which the property is so held—

(a) any interest of the charity in the property is determined on the disbanding of that unit; and

(b) any other person or charity has an interest in the property contingent upon the determination of the interest of the charity.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– Sch. 2 para. 3(2A) inserted by 2003 c. 44 Sch. 3 para. 65