

SCHEDULE 3

AMENDMENTS COMING INTO FORCE ON 1ST OCTOBER 2008

Charities (Northern Ireland) Order 1987 (S.I. 1987/2048 (N.I. 19))

5. For Article 9B of the Charities (Northern Ireland) Order 1987 (status to appear on correspondence etc) substitute—

“Requirement to disclose charitable status

9B.—(1) Where a company is a charity and its name does not include the word “charity” or “charitable”, the fact that the company is a charity must be stated (in English) in legible characters—

- (a) in every location, and in every description of document or communication, in which it is required by regulations under section 82 of the Companies Act 2006 to state its registered name; and
- (b) in all conveyances purporting to be executed by the company.

(2) In paragraph (1)(b) “conveyance” means any instrument creating, transferring, varying or extinguishing an interest in land.

Civil consequences of failure to make required disclosure

9BA.—(1) This Article applies to any legal proceedings brought by a company to which Article 9B applies to enforce a right arising out of a contract or conveyance in connection with which there was a failure to comply with that Article.

- (2) The proceedings shall be dismissed if the defendant to the proceedings shows—
 - (a) that he has a claim against the claimant arising out of the contract or conveyance that he has been unable to pursue by reason of the latter's failure to comply with Article 9B, or
 - (b) that he has suffered some financial loss in connection with the contract or conveyance by reason of the claimant's failure to comply with that Article,

unless the court before which the proceedings are brought is satisfied that it is just and equitable to permit the proceedings to continue.

(3) This Article does not affect the right of any person to enforce such rights as he may have against another person in any proceedings brought by that person.

Criminal consequences of failure to make required disclosure

9BB.—(1) Where a company fails, without reasonable excuse, to comply with Article 9B, an offence is committed by—

- (a) the company, and
- (b) every officer of the company who is in default.

(2) For this purpose a shadow director of the company is treated as an officer of the company if the failure is to comply with Article 9B(1)(a) and that person would be treated as an officer of the company for the purposes of the corresponding requirement of regulations under section 82 of the Companies Act 2006.

Status: This version of this provision no longer has effect.

Changes to legislation: There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments etc) Order 2008, Paragraph 5. (See end of Document for details)

(3) A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.

(4) Expressions used in this Article have the same meaning as in section 84 of the Companies Act 2006 (criminal consequences of failure to disclose company's registered name).”.

Status:

This version of this provision no longer has effect.

Changes to legislation:

There are currently no known outstanding effects for the The Companies Act 2006 (Consequential Amendments etc) Order 2008, Paragraph 5.