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STATUTORY INSTRUMENTS

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**2015 No. 198**

**CHARITIES, ENGLAND AND WALES**

**The Charities (People’s Dispensary  
for Sick Animals) Order 2015**

<i>Made</i>	- - - -	<i>10th February 2015</i>
<i>Laid before Parliament</i>		<i>13th February 2015</i>
<i>Coming into force</i>	- -	<i>10th March 2015</i>

The Charity Commission for England and Wales has settled the scheme set out in the Schedule to this Order in accordance with section 73(1)(a) of the Charities Act 2011<sup>(1)</sup> with a view to its being given effect under section 73(2) of that Act.

The scheme does not alter any statutory provision contained in, or having effect under, any public general Act of Parliament.

The Minister for the Cabinet Office makes the following Order in exercise of the power conferred by section 73(2) of the Charities Act 2011<sup>(2)</sup>:

**Citation and commencement**

1. This Order may be cited as the Charities (People’s Dispensary for Sick Animals) Order 2015 and comes into force on 10th March 2015.

**The scheme**

2. The scheme set out in the Schedule has effect.

10th February 2015

*Rob Wilson*  
Parliamentary Secretary  
Cabinet Office

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(1) 2011 c. 25.

(2) For the definition of “the Minister” see section 353.

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## SCHEDULE

Article 2

Scheme for the administration of the charity known as the People’s Dispensary for Sick Animals  
The charity known as the People’s Dispensary for Sick Animals (“the Society”) is registered with the Charity Commission for England and Wales (“the Commission”) under number 208217 and is regulated by the People’s Dispensary for Sick Animals Act 1949<sup>(3)</sup> and the People’s Dispensary for Sick Animals Act 1956<sup>(4)</sup>.

In pursuance of section 73(7) of the Charities Act 2011 (“the 2011 Act”), the Society has made an application to the Commission for a scheme for the administration of the Society (“the Scheme”) and the Society has been notified of the Commission’s intention to proceed with the Scheme.

In pursuance of section 88 of the 2011 Act public notice of the Commission’s proposals for the Scheme has been given and all representations made in response to the notice have been taken into account by the Commission.

It appears to the Commission that the Scheme should be established, but that it is necessary for the Scheme to make provision which goes beyond the powers exercisable by the Commission apart from section 73 of the 2011 Act.

The Commission in pursuance of section 73(1) of the 2011 Act settles the following Scheme:

### Interpretation

1. In this Scheme—

“the 1949 Act” means the People’s Dispensary for Sick Animals Act 1949;

“the 1956 Act” means the People’s Dispensary for Sick Animals Act 1956;

“the Society” means the charity known as the People’s Dispensary for Sick Animals registered with the Charity Commission for England and Wales under number 208217.

### Administration of Society

2. The Society and its property must be administered in accordance with the 1949 and 1956 Acts as amended by the provisions of this Scheme.

### Objects of Society

3. The objects of the Society are amended by replacing section 4 of the 1949 Act<sup>(5)</sup> with the following—

“4. The objects of the Society are—

- (a) the provision of free medical or surgical treatment, or such treatment at reduced charges, to animals belonging to persons who are unable to afford the services of a veterinary surgeon;
- (b) the prevention of suffering of animals by the provision of preventative treatment, care and advice (whether free, at a reduced charge or at full charge);
- (c) the education of the public in matters concerning animal health and welfare in general;
- (d) the advancement of animal welfare for the public benefit by any other means.”

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(3) 1949 c. xv.

(4) 1956 c. lxvii.

(5) Section 4 was amended by section 3 of the 1956 Act.

## Power of investment

### 4. In section 5 of the 1956 Act, for subsection (1) substitute—

“(1) Any money in the hands of the Society and available for investment may be invested by the members of the council of the Society in—

- (a) any investments in which trustees may invest under—
  - (i) section 3 of the 2000 Act (general power of investment), or
  - (ii) section 8(1)(a) of the 2000 Act (investments in land in the UK), or
- (b) any interest in land outside the United Kingdom.

(1A) Sections 4 and 5 of the 2000 Act (restrictions on exercise of investment powers) apply in relation to the powers in subsection (1) (reading references in those sections to a trustee as references to the Society).

(1B) The provisions specified in subsection (1C) apply in relation to the Society as they apply in relation to a charitable trust, but with the modifications specified in subsection (1D).

(1C) The provisions are—

- (a) Part 4 of the 2000 Act (agents, nominees and custodians) other than sections 11(2), 12(3), 13(3) to (5), 18, 25(2) and 27, and
- (b) section 32 of that Act (remuneration of agents, nominees and custodians).

(1D) The modifications are—

- (a) any reference to a charitable trust or a trust is to be read as a reference to the Society;
- (b) any reference to the trustees of a trust, or to the trustees, is to be read as a reference to the members of the council of the Society;
- (c) any reference to property or assets subject to the trust, or of the trust, is to be read as a reference to the property or assets of the Society;
- (d) any reference to the acquisition of property which is to be subject to the trust is to be read as a reference to the acquisition of property by the Society;
- (e) any reference to the trust instrument is to be read as a reference to the Act of 1949 and this Act;
- (f) any reference to a provision of the 2000 Act is to be read as a reference to a provision of that Act as it applies in relation to the Society (and any reference to the 2000 Act is to the provisions of that Act so far as they apply in relation to the Society);
- (g) any reference to trust funds is to be read as a reference to the funds of the Society;
- (h) any reference to section 12(3), 13(5) or 18 is omitted;
- (i) the reference in section 11(3)(d) to any other function prescribed by an order made by the Secretary of State is to be read as a reference to any function prescribed by an order made by the Secretary of State under that provision in relation to a charitable trust and any such order applies in relation to the Society in so far as it applies to a charity which is not an exempt charity, with appropriate modifications;
- (j) in sections 14(1) and 20(1) the references to sections 29 to 32 are to be read as references to section 32;
- (k) in sections 14(3)(b) and 20(3)(b) the words “or any beneficiary” are omitted;
- (l) in sections 16(3) and 17(4) the words “to any trust having a custodian trustee or” are omitted;

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- (m) in section 19(4) the words “which is not an exempt charity” are omitted;
  - (n) in section 23(1) and (2) the words “under paragraph 3 of Schedule 1” are omitted;
  - (o) in section 25(1) the words “Subject to subsection (2)” are omitted.
- (1E) In this section “the 2000 Act” means the Trustee Act 2000.”

5. In section 6 of the 1949 Act the words from “Provided that” to the end are omitted.

### **References to Companies Act**

6.—(1) Section 19 of the 1949 Act (auditing of accounts) is amended as follows.

(2) The existing provision becomes subsection (1).

(3) In that subsection, for the words from “Any other body of accountants” to the end substitute “A recognised supervisory body for the purposes of Part 42 of the Companies Act 2006”.

(4) After that subsection insert —

“(2) In this section, references to a member of a supervisory body for the purposes of Part 42 of the Companies Act 2006 include any person subject to the rules of the body in seeking appointment or acting as a statutory auditor (within the meaning of that Part).”

Sealed by order of the Commission this 3rd day of February 2015

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order gives effect to the Charity Commission’s scheme for the administration of the People’s Dispensary for Sick Animals (“the Society”), a charity regulated by the People’s Dispensary for Sick Animals Acts of 1949 and 1956.

The scheme broadens the objects of the Society so that: it can provide veterinary treatment at reduced rates, as well as free treatment, for animals whose owners cannot afford to pay full veterinary fees; it can provide preventative treatment, care and advice; it can educate the public in animal health and welfare; and it can pursue the advancement of animal welfare for the public benefit by any other means. The scheme also extends the Society’s investment powers and amends a provision, which identifies who may audit the Society’s accounts by reference to the Companies Act 1948, so that it refers instead to broadly comparable provisions of the Companies Act 2006.

These changes are brought about by amending the relevant provisions in the 1949 and 1956 Acts, and this Order gives effect to those amendments. Since the 1949 and 1956 Acts are local Acts, the applicable Parliamentary procedure is that specified in section 73(3) of the Charities Act 2011.

An impact assessment has not been produced for this Order as no impact on the private or wider voluntary sectors is foreseen.