



# Recreational Charities Act (Northern Ireland) 1958

## 1958 CHAPTER 16

An Act to declare charitable the provision in the interests of social welfare of facilities for recreation or other leisure-time occupation and for purposes connected therewith. [25th November 1958]

### 1 General provision as to recreational and similar trusts, etc.

- (1) Subject to the provisions of this Act, it shall be and be deemed always to have been charitable to provide, or assist in the provision of, facilities for recreation or other leisure-time occupation, if the facilities are provided in the interests of social welfare:

Provided that nothing in this section shall be taken to derogate from the [<sup>F1</sup>requirement in section 2(1)(b) of the Charities Act (Northern Ireland) 2008 that a purpose falling within section 2(2) of that Act must be for the public benefit if it is to be a charitable purpose].

- [<sup>F2</sup>(2) The requirement in subsection (1) that the facilities are provided in the interests of social welfare cannot be satisfied if the basic conditions are not met.

(2A) The basic conditions are—

- (a) that the facilities are provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended; and
  - (b) that either—
    - (i) those persons have need of the facilities by reason of their youth, age, infirmity or disability, poverty, or social and economic circumstances, or
    - (ii) the facilities are to be available to members of the public at large or to male, or to female, members of the public at large.]
- (3) Subject to the said requirement, sub-section (1) applies in particular to the provision of facilities at village halls, community centres and women's institutes, and to the provision and maintenance of grounds and buildings to be used for purposes of

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recreation or leisure-time occupation, and extends to the provision of facilities for those purposes by the organising of any activity.

- F1** Words in s. 1(1) substituted (19.1.2013) by [Charities Act \(Northern Ireland\) 2013 \(c. 3\), s. 10\(1\), Sch. 1 para. 1](#)
- F2** S. 1(2)(2A) substituted (18.2.2011) for s. 1(2) by [Charities Act \(Northern Ireland\) 2008 \(c. 12\), ss. 5\(2\), 185\(1\); S.R. 2011/11, art. 2, Sch.](#)

## 2 Savings and other provisions as to past transactions.

- (1) Nothing in this Act shall be taken to restrict the purposes which are to be regarded as charitable independently of this Act.
- (2) Nothing in this Act—
  - (a) shall apply to make charitable any trust, or validate any disposition, of property if before the seventeenth day of December, nineteen hundred and fifty-seven, that property or any property representing or forming part or it, or any income arising from any such property, has been paid or conveyed to, or applied for the benefit of, the persons entitled by reason of the invalidity of the trust or disposition; or
  - (b) shall affect any order or judgment made or given (whether before or after the passing of this Act) in legal proceedings begun before that day; or
  - (c) shall require anything properly done before that day, or anything done or to be done in pursuance of a contract entered into before that day, to be treated for any purpose as wrongful or ineffectual.
- (3) Except as provided by sub-section (4), nothing in this Act shall require anything to be treated for the purposes of any enactment as having been charitable at a time before the date of the passing of this Act, so as to invalidate anything done or any determination given before that date.
- (4) As respects stamp duty on any instrument executed before the date of the passing of this Act, this Act shall not require anything to be treated as having been charitable for the purposes of section eight of the Finance Act (Northern Ireland), 1952 <sup>M1</sup> (which excepted instruments in favour of charities and others from certain increases of stamp duty under the Finance Act (Northern Ireland), 1947 <sup>M2</sup>), unless it would have been so treated in accordance with the practice applied by the Ministry of Finance, for the purposes of the said section eight, immediately before the eighteenth day of December, nineteen hundred and fifty-two; but subject to that and to paragraphs (a) and (b) of sub-section (2), where more stamp duty has been paid on an instrument executed on or after the said eighteenth day of December and before the date of the passing of this Act than ought to have been paid having regard to section one, the provisions of sections ten and eleven of the Stamp Duties Management Act, 1891 <sup>M3</sup>, shall apply as if a stamp of greater value than was necessary had been inadvertently used for the instrument, and relief may be given accordingly, and may be so given notwithstanding that, in accordance with the provisions of section twelve of the Stamp Act, 1891 <sup>M4</sup>, the instrument had been stamped before the passing of this Act with a particular stamp denoting that it was duly stamped.

An application for relief under the said section ten as applied by this sub-section may be made at any time within two years from the date of the passing of this Act, notwithstanding that it is made outside the time limited by that section.

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**Marginal Citations**

**M1** 1952 c. 13

**M2** 1947 c. 15

**M3** 1891 c. 38

**M4** 1891 c. 39

**3 Application to Crown.**

This Act shall bind the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

**4 Short title.**

This Act may be cited as the Recreational Charities Act (Northern Ireland), 1958.

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