



# Charities Act (Northern Ireland) 1964

## 1964 CHAPTER 33

### PART I **N.I.**

#### POWERS OF MINISTRY OF FINANCE AS CHARITY AUTHORITY

#### **N.I.**

#### POWERS OF MINISTRY IN RELATION TO CHARITY PROPERTY

#### **15 Acceptance of charity property by Ministry. **N.I.****

- (1) The trustees of any charity may, with the consent of the Ministry, transfer all or any part of any property vested in them to the Ministry to be held by it upon the trusts affecting the property.
- (2) The Ministry may, if it thinks fit, accept the transfer of any property whatsoever upon such charitable trusts as the transferor of the property may direct.
- (3) Where the Ministry accepts any property on trust under subsection (1) or (2), the Ministry may appoint such persons as it thinks fit to administer, distribute or apply the property or the income thereof, and may remove any persons so appointed and appoint others in their place.
- (4) Any persons appointed under subsection (3) in relation to any property shall comply with such directions as the Ministry may issue with respect to the property.

#### **16 Proceedings to recover charity property. **N.I.****

- (1) The Ministry may institute proceedings in any court of competent jurisdiction to recover any property whatsoever which should be applied to or for any charitable purpose, if the property is being concealed, misapplied or withheld.
- (2) The Ministry shall, before instituting any proceedings under subsection (1), give the Attorney-General notice of its intention to institute the proceedings.

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*Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 1964. (See end of Document for details)*

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## **17 Leases of and improvements to charity lands. N.I.**

- (1) Where the trustees of a charity are of opinion that in relation to any land belonging to the charity it would be for the benefit of the charity—
  - (a) to let any part of the land—
    - (i) on building, repairing, improving or other leases; or
    - (ii) on leases for working any mines or minerals;
  - (b) to dig for or raise any stone, clay, gravel or other minerals on the land;
  - (c) to cut any timber on the land;
  - (d) to make any new road or street, or lay any drains or sewers, through the land;
  - (e) to erect any new building or repair, alter, rebuild or remove any existing building on the land;
  - (f) to make any other improvements or alterations in or on the land;they may make proposals in writing in that behalf to the Ministry.
- (2) Where the Ministry is of opinion that any proposals made to it under subsection (1) would be for the benefit of the charity concerned, the Ministry may confer power to execute the proposals (with or without modifications), subject to such conditions as it may specify.
- (3) The Ministry may, in relation to any proposals made to it under subsection (1), confer power to apply any funds belonging to the charity to which the proposals relate for any of the purposes referred to in subsection (1).
- (4) The Ministry may, in relation to any charity of which it is the trustee, make such leases and perform such acts as are described in subsection (1), as it considers to be for the benefit of the charity.

## **18 <sup>F1</sup> Sale, exchange or mortgage of charity lands. N.I.**

- (1) Where—
  - (a) the trustees of a charity apply to the Ministry for power to sell, exchange or mortgage any land belonging to the charity or to surrender any lease held by the charity; and
  - (b) the Ministry is satisfied that the proposed sale, exchange, mortgage or surrender would be for the benefit of the charity;the Ministry may confer power, subject to such conditions as it may specify, to sell, exchange or mortgage the land or to surrender the lease.
- (2) The Ministry may, if it is satisfied that to do so would be for the benefit of the charity—
  - (a) sell, exchange or mortgage any land belonging to a charity of which the Ministry is the trustee;
  - (b) surrender any lease held by a charity of which the Ministry is the trustee.

- <sup>F2</sup>(3) Subsection (1) shall apply to land belonging to a charity, other than land held inalienably by the National Trust for Places of Historic Interest or Natural Beauty, notwithstanding any enactment (including a local or private Act) providing that the land shall be inalienable.]

**F1** 1972 NI 12

**F2** 1966 c.31 (NI)

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*Changes to legislation:* There are currently no known outstanding effects for the Charities Act (Northern Ireland) 1964. (See end of Document for details)

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**19 Redemption of rent-charges etc. payable to charity. N.I.**

(1) Where—

- (a) a periodical payment charged on land is payable to the trustees of a charity; and
- (b) the trustees apply to the Ministry for power to agree to the redemption of the payment by the owner of the land charged with it;

the Ministry may confer power, subject to such terms and conditions as it may specify, on the trustees to agree to the redemption of the payment by the owner of the land if it is satisfied that to do so would be for the benefit of the charity.

- (2) Where any periodical payment charged on land is payable to the Ministry as the trustee of any charity, the Ministry may, subject to such terms and conditions as it may specify, agree to the redemption of the payment by the owner of the land if it is satisfied that to do so would be for the benefit of the charity.

**20 Redemption of rent-charges etc., charged on charity's land. N.I.**

(1) Where—

- (a) any land held by a charity is charged with a periodical payment; and
- (b) the trustees of the charity apply to the Ministry for power to redeem the payment;

the Ministry may confer power, subject to such terms and conditions as it may specify, on the trustees to redeem the payment if it is satisfied that to do so would be for the benefit of the charity.

- (2) Where any land held by the Ministry as the trustee of a charity is charged with any periodical payment, the Ministry may, subject to such terms and conditions as it may specify, redeem the payment out of any funds belonging to the charity, if it is satisfied that to do so would be for the benefit of the charity.

**21 Effect of transactions under ss. 17 to 20. N.I.**

- (1) Any sale, exchange, mortgage, lease or other transaction effected in pursuance of any power conferred by the Ministry under sections 17 to 20 shall have the same effect and validity as if the terms of the trust affecting the charity concerned had contained express terms conferring power to effect the sale, exchange, mortgage, lease or transaction.
- (2) The Ministry may confer any power specified in section 17, 18, 19 or 20 with retrospective effect.
- (3) Nothing in sections 17 to 20 shall operate to require the trustees of a charity to apply to the Ministry for power to do any act or thing which they are expressly or impliedly empowered to do by virtue of the terms of the trusts affecting the charity in question.
- (4) Any reference in this section to the trusts of a charity includes a reference to any trusts contained in or created under any enactment (whether public general, local or private).

**Changes to legislation:**

There are currently no known outstanding effects for the Charities Act (Northern Ireland) 1964.