



# Charities Act (Northern Ireland) 1964

## 1964 CHAPTER 33

### PART III

#### MISCELLANEOUS PROVISIONS AS TO CHARITY TRUSTEES

#### **26 Power of two-thirds of trustees to act for certain purposes.**

- (1) Subject to subsection (2), where four or more trustees are for the time being acting in the administration of a charity, not less than two-thirds of the number of trustees so acting may, in the names and on behalf of the trustees of the charity, make any application, perform any act or exercise any power, specified in subsection (3).
- (2) Where the terms of a charitable trust require a minimum of four or more trustees to act, then if that minimum number is for the time being acting, not less than two-thirds of that number may, in the names and on behalf of the trustees of the charity, make any application, perform any act or exercise any power, specified in subsection (3).
- (3) The said applications, acts and powers are as follows, namely:—
  - (a) to make any application to the Ministry under this Act;
  - (b) to perform such acts and enter into such contracts as may be necessary for the purpose of disposing of any property belonging to the charity;
  - (c) to execute such assurances or other deeds or instruments as may be necessary for the purpose of giving effect to any disposition of any property belonging to the charity;
  - (d) to exercise any power conferred on the trustees of a charity by or under this Act.
- (4) For the purposes of subsection (1) or (2) where two-thirds of a number is a whole number and a fraction, the whole number and fraction shall be taken to be the next higher whole number.
- (5) An application made, act performed or power exercised by virtue of subsection (1) or (2) shall have the same effect as if made or exercised by all the trustees for the time being acting in relation to the charity concerned.

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

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## **27 Duty to keep accounts.**

- (1) The trustees of a charity shall keep proper books of account with respect to the affairs of the charity, and the trustees of any charity who are not required by or under any other enactment to prepare periodical statements of account shall prepare consecutive statements of account each consisting of—
  - (a) a receipts and payments or an income and expenditure account relating to a period of not more than fifteen months; and
  - (b) if the value of the property belonging to the charity exceeds five hundred pounds, and the Ministry so directs, a balance sheet relating to the end of that period.
- (2) The books of account and statements of account relating to any charity shall be preserved for a period of at least seven years, unless—
  - (a) the charity ceases to exist; and
  - (b) the Ministry permits the books and statements to be destroyed or otherwise disposed of.

## **28 Deposit of deeds etc., with Ministry for safe keeping.**

- (1) Any trustees or other persons who have the custody of any deeds or instruments relating to a charity may, with the consent of the Ministry, deposit them with the Ministry for safe keeping.
- (2) The Ministry may establish and maintain such facilities as it considers necessary for the purposes of this section.

## **29 Applications to Court.**

- (1) Where—
  - (a) there is or is alleged to be a breach of any charitable trust; or
  - (b) the advice or order of the Court is required in connection with the administration of any charitable trust (including the application *cy-près* of any property belonging to a charity);the Ministry, the trustees of the charity or any person claiming to be interested may apply to the Court for such relief as may in the circumstances be necessary.
- (2) An order made on an application under this section may contain such provisions as the Court considers just.
- (3)<sup>F1</sup> An application under this section (other than an application by the Ministry) shall not be made without the consent of the Attorney-General.
- (4) The Ministry shall, before making an application under this section, give the Attorney-General notice of its intention to make the application.

**F1** 1980 c.9

**Changes to legislation:**

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