

Status: Point in time view as at 18/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 57(2).

MEANING OF “CONNECTED PERSONS” FOR PURPOSES OF SECTION 57(2)

Modifications etc. (not altering text)

C1 Sch. 5 modified (in so far as it is applied by s. 89(6)) (18.2.2011) by [Charities Act 2008 \(Transitional Provision\) Order \(Northern Ireland\) 2011 \(S.R. 2011/12\)](#), **art. 2**, Sch.

1.—(1) In section 57(2) “connected person”, in relation to a charity, means any person who falls within sub-paragraph (2)—

- (a) at the time of the disposition in question, or
- (b) at the time of any contract for the disposition in question.

(2) The persons falling within this sub-paragraph are—

- (a) a charity trustee or trustee for the charity;
- (b) a person who is the donor of any land to the charity (whether the gift was made on or after the establishment of the charity);
- (c) a child, parent, grandchild, grandparent, brother or sister of any such trustee or donor;
- (d) an officer, agent or employee of the charity;
- (e) the spouse or civil partner of any person falling within any of heads (a) to (d);
- (f) a person carrying on business in partnership with anyone falling within any of heads (a) to (e);
- (g) an institution which is controlled—
 - (i) by any person falling within any of heads (a) to (f), or
 - (ii) by two or more such persons taken together; or
- (h) a body corporate in which—
 - (i) any connected person falling within any of heads (a) to (g) has a substantial interest, or
 - (ii) two or more such persons, taken together, have a substantial interest.

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Commencement Information

- I1** Sch. 5 para. 1 partly in operation; Sch. 5 para. 1 not in operation at Royal Assent see s. 185(1); Sch. 5 para. 1 in operation for certain purposes at 18.2.2011 by S.R. 2011/11, art. 2, Sch.

2.—(1) In paragraph 1(2)(c) “child” includes a stepchild.

(2) For the purposes of paragraph 1(2)(e) a person living with another as that person's husband or wife shall be treated as that person's spouse.

(3) Where two persons of the same sex are not civil partners but live together as if they were, each of them shall be treated for those purposes as the civil partner of the other.

Commencement Information

- I2** Sch. 5 para. 2 partly in operation; Sch. 5 para. 2 not in operation at Royal Assent see s. 185(1); Sch. 5 para. 2 in operation for certain purposes at 18.2.2011 by S.R. 2011/11, art. 2, Sch.

3 For the purposes of paragraph 1(2)(g) a person controls an institution if that person is able to secure that the affairs of the institution are conducted in accordance with the wishes of that person.

Commencement Information

- I3** Sch. 5 para. 3 partly in operation; Sch. 5 para. 3 not in operation at Royal Assent see s. 185(1); Sch. 5 para. 3 in operation for certain purposes at 18.2.2011 by S.R. 2011/11, art. 2, Sch.

4.—(1) For the purposes of paragraph 1(2)(h) any such connected person as is there mentioned has a substantial interest in a body corporate if the person or institution in question—

- (a) is interested in shares comprised in the equity share capital of that body of a nominal value of more than one-fifth of that share capital, or
- (b) is entitled to exercise, or control the exercise of, more than one-fifth of the voting power at any general meeting of that body.

(2) The rules set out in Schedule 1 to the Companies Act 2006 (c. 46) (rules for interpretation of certain provisions of that Act) shall apply for the purposes of subparagraph (1) as they apply for the purposes of section 254 of that Act (“connected persons” etc.).

(3) In this paragraph “equity share capital” and “share” have the same meaning as in that Act.

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Commencement Information

- I4** Sch. 5 para. 4 partly in operation; Sch. 5 para. 4 not in operation at Royal Assent see s. 185(1); Sch. 5 para. 4 in operation for certain purposes at 18.2.2011 by S.R. 2011/11, art. 2, Sch.

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