

*These notes refer to the Charities Act (Northern Ireland)
2013 (c.3) which received Royal Assent on 18 January 2013*

Charities Act (Northern Ireland) 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

A short explanation of sections 1 – 6, 10 and Schedule 1 is given below. Sections 7 – 9, 11 and Schedule 2 are considered to be self-explanatory.

Section 1: The public benefit requirement

Section 1 substitutes a new public benefit provision for that in section 3 of the 2008 Act.

The effect of the substitution is that, similar to all other provisions of the 2008 Act, the new section 3 is based exclusively on the charity legislation of England and Wales. Provision is made for determination of the public benefit requirement by reference to the law relating to charities in Northern Ireland.

Section 1(2) applies the new public benefit provision retrospectively.

Section 2: Gifts for mixed purposes

Section 2 re-enacts section 24 of the Charities Act (Northern Ireland) 1964 (gifts for mixed purposes). Re-enactment has the effect of restoring the mechanism through which a gift which is for both charitable and other purposes may be regarded as exclusively charitable.

Section 3: Debt relief orders, debt relief restrictions orders and bankruptcy restrictions orders

Section 3 amends sections 33, 86 and 87 of the 2008 Act to extend the list of persons disqualified from being trustees of a charity to include persons who are subject to a bankruptcy restrictions order or persons subject to moratorium period under a debt relief order or a debt relief restrictions order. The amendment is consequential to corresponding provision made by the Enterprise Act 2002 (Disqualification from Office: General) Order 2006 and Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012.

Section 4: Educational endowments

Section 4 transfers the Department's functions under the Educational Endowments (Ireland) Act 1885, and other related Acts, to the CCNI. These

functions are no longer appropriate to the Department as they fall within the CCNI's statutory role as Regulator of charities.

Section 5: Miscellaneous functions

Section 5 transfers certain other regulatory functions from the Department to the CCNI. Section 5(1) transfers relevant functions under the Education and Libraries (Northern Ireland) Order 1986 while section 5(2) transfers those under the Companies Act 2006.

Section 6: Supplementary provisions

Section 6 makes transitional provision and savings to facilitate the transfer of functions from the Department to the CCNI.

Section 10: Commencement

Section 10(1) provides that with the exception of sections 4 and 5(1) all provisions of the Act shall come into operation on the day following that on which the Act is enacted.

Section 10(2) enables the Department to bring sections 4 and 5(1) into operation by order.

Schedule 1: Minor and consequential amendments

The amendments in Schedule 1 make no change to policy. Most are consequential to the implementation of the Companies Act 2006 and amendments made by the Charities (Pre-consolidation Amendments) Order 2011. A few correct textual inaccuracies.