

EXPLANATORY MEMORANDUM TO

The Charities Act 2008 (Consequential Provision and Savings) Order (Northern Ireland) 2013

S.R. 2013 No. 146

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 182(1) and (2) and of the Charities Act (Northern Ireland) 2008 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Order makes some consequential provision and savings in connection with the commencement of provisions of the Charities Act (Northern Ireland) 2008 relating to the setting up of a register of charities by the Charity Commission for Northern Ireland and the application of property *cy-près* (where the High Court or the Charity Commission for Northern Ireland can make schemes, as near as possible to the intentions of the original donor, for the protection of charities).

3. Background

- 3.1. Article 2 is a consequential provision which provides that an institution which is treated as a charity under the Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2011 (known as a “deemed list” charity) will cease to be so treated upon registration or on a decision not to enter it in the register of charities.
- 3.2. Article 3 is a savings provision which provides for the High Court or the Department to continue with any outstanding *cy-près* cases they have before the commencement date for the *cy-près* provisions.

4. Consultation

- 4.1. The Department has not consulted on the proposed Order, which merely makes some straight-forward consequential and savings provisions in connection with the commencement of further provisions of the Charities Act (Northern Ireland) 2008 by the Charities (2008 Act) (Commencement No. 4) Order (Northern Ireland) 2013.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise of the proposals in the Charities Bill (NIA Bill 9/07) which are now contained in the Charities Act (Northern Ireland) 2008. It concluded that the proposals do not have significant implications for equality of opportunity and therefore considered that an equality impact assessment was not necessary.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was not considered necessary as the proposals in the Charities Bill (NIA Bill 9/07) which are now contained in the Charities Act (Northern Ireland) 2008 impose no costs, savings or additional burden on business, charities or the voluntary sector.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that this Rule is not incompatible with any of the Convention rights, is not incompatible with Community law, does not discriminate against a person or class of person on the ground of religious belief or political opinion and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. No.

11. Additional Information

- 11.1. Not applicable.