
Changes to legislation: Reserve Forces Act 1996, Cross Heading: Exclusion of charitable property from paragraph 9 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

CHARITABLE PROPERTY ON DISBANDING OF UNITS

PART III

SUCCESSION TO CHARITABLE PROPERTY: SCOTLAND

Exclusion of charitable property from paragraph 9

- 10 (1) If the Lord Advocate considers that paragraph 9 should not apply to all or any of the charitable property held for the purposes of a disbanded unit, he may give a direction providing that paragraph 9 shall not apply or shall cease to apply to that property or part.
- (2) A direction under this paragraph may be given at any time during the period of 6 months beginning with the day on which the warrant is made.

Modifications etc. (not altering text)

- C1** Sch. 5 para. 10: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678](#), [arts. 2, 3](#), [Sch. \(with art. 7\)](#)
- Sch. 5 para. 10: Transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), [arts. 1, 2](#), [Sch. 1](#) (with art. 7)

- 11 (1) If a recognised body affected by a warrant or any person concerned in the management or control of, or interested in, such a body considers that paragraph 9 should not apply to all or any of the charitable property held by the recognised body for the purposes of the disbanded unit in question, then the recognised body, person concerned in its management or control or person interested, as the case may be, may apply by petition to the Court of Session for the court to make an order—
- (a) providing that paragraph 9 shall cease to apply to that property or part; and
- (b) exercising, with respect to that property or part, any of the court's powers relating to a charitable or other permanent endowment.
- (2) On an application under sub-paragraph (1), the court may exercise any such power as is mentioned in sub-paragraph (1)(b) to make such order as it considers to be appropriate, whether or not that power would normally be exercisable at the instance of such a petitioner.
- (3) An application under this paragraph may be made at any time within the period of 6 months beginning with the day on which the warrant comes into force.

Changes to legislation:

Reserve Forces Act 1996, Cross Heading: Exclusion of charitable property from paragraph 9 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(2A) inserted by [2003 c. 44 Sch. 3 para. 65](#)