
STATUTORY INSTRUMENTS

2009 No. 649

The Health and Social Care (Financial Assistance) Regulations 2009

Interpretation

2. In these Regulations—

“the 2008 Act” means the Health and Social Care Act 2008;

“charity” has the meaning given in section 1 of the Charities Act 2006⁽¹⁾;

“community interest company” means a company as referred to in section 26 of the Companies (Audit, Investigations and Community Enterprise) Act 2004⁽²⁾;

“constitution” means—

- (a) in the case of a company, the company’s memorandum and articles of association, and
- (b) in the case of any other body, a written instrument which sets out the purpose, objectives, proposed activities and provisions for the governance of the body, including any provisions relating to the membership of the body and the distribution of profits and assets;

“distributable profits” means—

- (a) in relation to a company, the company’s profits available for distribution, within the meaning of section 830 of the Companies Act 2006⁽³⁾,
- (b) in relation to any other body, its accumulated, realised profits, so far as not previously utilised by distribution, less its accumulated, realised losses, so far as not previously written off;

“financial year” means the 12 month period that a body uses for accounting purposes;

“governmental authority” includes—

- (a) any national, regional or local government in the United Kingdom or elsewhere, including any organ or agency of any such government,
- (b) the European Community, or any of its institutions or agencies, and
- (c) any organisation which is able to make rules or adopt decisions which are legally binding on any governmental authority falling within paragraph (a) or (b);

“political party” includes any person standing, or proposing to stand, as a candidate at any election, and any person holding public office following election to that office;

“political campaigning organisation” means any person carrying on, or proposing to carry on activities—

- (a) to promote, or oppose, changes in any law applicable in the United Kingdom or elsewhere, or any policy of a governmental or public authority (unless such activities are incidental to other activities carried on by that person), or

(1) 2006 c.50.
(2) 2004 c.27.
(3) 2006 c.46.

- (b) which could reasonably be regarded as intended to affect public support for a political party, or to influence voters in relation to any election or referendum (unless such activities are incidental to other activities carried on by that person);

“public authority” includes—

- (a) a court or tribunal, and
- (b) any person certain of whose functions are functions of a public nature;

“realised losses” and “realised profits” means the losses or profits of the business carried on by the body as fall to be treated as realised in accordance with generally accepted accounting practice;

“referendum” includes any national or regional referendum or other poll held in pursuance of any provisions made by or under the law of any state on one or more questions or propositions specified in or in accordance with any such provision;

“remuneration committee” means a body of persons to which a company or other body has delegated the function of setting remuneration policies;

“remuneration policies” means policies as to the remuneration of directors or other senior managers of a company or other body;

“residual assets” means, in relation to the dissolution or winding up of a body, the assets of the body which remain after satisfaction of the body’s liabilities.