

SCHEDULES

SCHEDULE 5

CHARITABLE PROPERTY ON DISBANDING OF UNITS

PART II

SUCCESSION TO CHARITABLE PROPERTY: ENGLAND AND WALES

Exclusion of charitable property from paragraph 3

- 4 (1) If the Charity Commissioners consider that paragraph 3(1) should not apply to all or any of the charitable property held for the purposes of a disbanded unit, they may make an order providing that paragraph 3(1) shall not apply or shall cease to apply to that property or part.
- (2) An order under this paragraph may be made at any time within the period of 6 months beginning with the day on which the warrant is made.
- 5 (1) If a charity affected by a warrant or any trustee of, or person interested in, such a charity considers that paragraph 3(1) should not apply to all or any of the property held by the charity for the purposes of the disbanded unit in question, then the charity, trustee or person interested, as the case may be, may apply to the court for an order providing that paragraph 3(1) shall cease to apply to that property or part.
- (2) An application under this paragraph—
- (a) may be made at any time within the period of 6 months beginning with the day on which the warrant comes into force; and
 - (b) is subject to subsections (2) to (5) of section 33 of the Charities Act 1993 (proceedings not to be begun without the consent of the Charity Commissioners or leave of a judge of the High Court),
- and for the purposes of subsection (5) of that section an application for an order of the Commissioners authorising proceedings under this paragraph shall be deemed to be refused if it is not granted during the period of one month beginning with the day on which the application is received by the Commissioners.
- (3) In this paragraph “the court” has the same meaning as in the Charities Act 1993.