
Changes to legislation: Reserve Forces Act 1996, Part II is up to date with all changes known to be in force on or before 17 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 II

SUCCESSION TO CHARITABLE PROPERTY: ENGLAND AND WALES

Effect of designation of successor to disbanded unit

- 3 (1) On and after the day on which a warrant comes into force, any charitable property which is held for the purposes of the disbanded unit in question shall (subject to the provisions of this Part of this Schedule) be held for the corresponding purposes, or most nearly corresponding purposes, of the successor unit designated by the warrant.
- (2) In this Part of this Schedule “charitable property” means any property belonging to a charity.
- (3) The same jurisdiction and powers shall be exercisable in relation to any charity owning property to which sub-paragraph (1) applies as would be exercisable if that sub-paragraph were not a provision of an Act of Parliament regulating that charity.

Exclusion of charitable property from paragraph 3

- 4 (1) If [^{F1}Charity Commission considers] that paragraph 3(1) should not apply to all or any of the charitable property held for the purposes of a disbanded unit, [^{F2}it] 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.

Textual Amendments

- F1** Words in Sch. 5 para. 4(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 181\(3\)\(a\); S.I. 2007/309, art. 2, Sch.](#)
- F2** Word in Sch. 5 para. 4(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\), s. 79\(2\), Sch. 8 para. 181\(3\)\(b\); S.I. 2007/309, art. 2, Sch.](#)

- 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.

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- [^{F3}(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 115 of the Charities Act 2011 (proceedings not to be begun without the consent of the Charity Commission 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 Commission authorising proceedings under this paragraph is 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 Commission.
- (3) In this paragraph “the court” has the same meaning as in the Charities Act 2011.]

Textual Amendments

- F3** Sch. 5 para. 5(2)(3) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 69\(2\)](#) (with s. 20(2), [Sch. 8](#))

Application of property otherwise than under paragraph 3

- [^{F4}6 In any case where—
- (a) the Secretary of State requests the Charity Commission to make provision with respect to any charitable property which is held for the purposes of a unit of a reserve force that has been or is to be disbanded, or
 - (b) an order is made under paragraph 4 or 5 excluding any charitable property so held from the operation of paragraph 3(1),
- the Commission may, regardless of anything in section 70(2) of the Charities Act 2011 (limit on jurisdiction to make schemes etc. for the protection of charities), exercise its jurisdiction under section 69 with respect to the property to which the request or order relates.]

Textual Amendments

- F4** Sch. 5 para. 6 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 69\(3\)](#) (with s. 20(2), [Sch. 8](#))

Validity of certain acts by trustees

- 7 Neither a warrant nor any order under paragraph 4 or 5 shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of the warrant or order is received by a trustee of the charity in question.

Saving for interests in property contingent on disbandment of unit

- 8 Nothing in this Part of this Schedule applies to any property held by a charity for the purposes of a unit that has been or is to be disbanded if, under the terms on which the property is so held—

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- (a) any interest of the charity in the property is determined on the disbanding of that unit; and
- (b) any other person or charity has an interest in the property contingent upon the determination of the interest of the charity.

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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](#)