



Reserve Forces Act 1980

1980 CHAPTER 9

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Charitable property on disbanding of units

147 Charities in England and Wales on disbanding of units.

- (1) Where by warrant of Her Majesty—
 - (a) a unit of the Territorial Army or the Army Reserve is designated as the successor of a body of either of those reserves which has been or is to be disbanded, or
 - (b) a unit of the Royal Auxiliary Air Force is designated as the successor of a body of that force which has been or is to be disbanded,any charitable property held for the purposes of the body in question shall (subject to the provisions of this section), as from the time at which the warrant comes into force, be held for the corresponding purposes of the unit so designated.
- (2) The Secretary of State shall, as soon as may be after it is made, deliver a copy of any such warrant by post or otherwise to the Charity Commissioners and to a trustee of the charity in question.
- (3) If the Commissioners consider that subsection (1) above should not apply to all or part of the property affected by the warrant they may at any time within the period—
 - (a) beginning with the date on which the warrant is made, and
 - (b) ending with the expiry of 6 months beginning with the date on which the warrant comes into force,make an order providing that that subsection shall not apply or shall cease to apply to the property or part.
- (4) If—
 - (a) a charity affected by such a warrant as is mentioned in subsection (1), or

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(b) any trustee of or person interested in such a charity,

considers that subsection (1) should not apply to all or part of any property which belongs to the charity and is affected by the warrant, then the charity, trustee or person interested, as the case may be, may, at any time within the period of 6 months beginning with the date on which the warrant comes into force, apply to the court for an order providing that subsection (1) shall cease to apply to the property or part.

An application under this subsection is subject to subsections (2) to (5) of section 28 of the ^{M1}Charities Act 1960 (which provide that charity proceedings may not be begun without the consent of the Charity Commissioners or leave of a judge of the High Court).

(5) For the purposes of section 28(5) of that Act of 1960 in its application to proceedings under subsection (4) above an application for an order of the Charity Commissioners authorising such proceedings 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.

(6) No such warrant or order as mentioned above shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of it is served on a trustee of the charity in question.

(7) In any case where—

- (a) an order is made under the foregoing provisions of this section, or
- (b) the Secretary of State requests the Commissioners to make provision with respect to any charitable property held for the purposes of a body of the Territorial Army, the Army Reserve or the Royal Auxiliary Air Force which has been or is to be disbanded,

the Commissioners may, notwithstanding anything in subsection (4) of section 18 of the ^{M2}Charities Act 1960, exercise their jurisdiction under that section with respect to the property to which the order or request relates.

(8) The foregoing provisions of this section shall not apply to any charitable property held for the purposes of such a body as is mentioned in subsection (1) if, under the terms on which the property is so held—

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

(9) Where subsection (1) applies to any charitable property, the same jurisdiction and powers shall be exercisable in relation to the charity in question as would be exercisable if that subsection were not a provision of an Act of Parliament regulating the charity.

(10) In this section—

- (a) “charitable property” means property belonging to a charity, and
- (b) “the court” and “charity” mean the same as in the Charities Act 1960.

and references to disbandment of a body include references to its amalgamation with another body.

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Marginal Citations

M1 1960 c. 58.

M2 1960 c. 58.

148 Charities in Scotland on disbanding of units.

- (1) Where by warrant of Her Majesty—
 - (a) a unit of the Territorial Army or the Army Reserve is designated as the successor of a body of either of those reserves which has been or is to be disbanded, or
 - (b) a unit of the Royal Auxiliary Air Force is designated as the successor of a body of that force which has been or is to be disbanded,any property which is held for charitable purposes for the body in question and which is administered for those purposes according to the law of Scotland shall (subject to the provisions of this section), as from the time at which the warrant comes into force, be held for the corresponding purposes of the unit so designated.
- (2) The Secretary of State shall, as soon as may be after it is made, deliver a copy of any such warrant by post or otherwise to a trustee of the trust in question.
- (3) Where the Secretary of State considers that subsection (1) above should not apply to all or part of the property affected by the warrant he may at any time within the period—
 - (a) beginning with the date on which the warrant is made, and
 - (b) ending with the expiry of 6 months beginning with the date on which the warrant comes into force,make a direction that that subsection shall not apply or shall cease to apply to the property or part.
- (4) If any trustee of or person interested in any property held for charitable purposes affected by such a warrant as is mentioned in subsection (1) considers that that subsection should not apply to all or part of such property, that person may, at any time within the period of 6 months beginning with the date on which the warrant comes into force, apply by petition to the Court of Session—
 - (a) for the court to make such a direction as is mentioned in subsection (3) above in relation to that property or part, and
 - (b) to exercise, with respect to that property or part, any of the court's powers relating to a charitable or other permanent endowment,and the court, if it is satisfied that on the making of such a direction it would be entitled to exercise its powers in the manner craved and that it is necessary for these purposes to make that direction, may itself make such a direction.
- (5) No such warrant or direction as mentioned above shall affect the validity of anything done or omitted with respect to any property affected by the warrant or direction before a copy of the warrant or direction is served on a trustee of the trust in question.
- (6) The foregoing provisions of this section shall not apply to any property held for charitable purposes for such a body as is mentioned in subsection (1) if, under the terms on which the property is so held, any person has an interest charitable or otherwise in the property contingent upon the determination of the charitable interest therein of that body.

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- (7) Where a body of the Territorial Army, the Army Reserve or the Royal Auxiliary Air Force has been or is to be disbanded, the Secretary of State may apply by petition to the Court of Session for the court to exercise, with respect to any property held for charitable purposes for the body in question, any of the court's powers relating to a charitable or other permanent endowment.
- (8) In this section—
- (a) references to disbandment of a body include references to its amalgamation with another body; and
 - (b) the power to give directions includes power to make different provision for different circumstances.

149 Charities in Northern Ireland on disbanding of units.

- (1) Where by warrant of Her Majesty—
- (a) a unit of the Territorial Army or the Army Reserve is designated as the successor of a body of either of those reserves which has been or is to be disbanded, or
 - (b) a unit of the Royal Auxiliary Air Force is designated as the successor of a body of that force which has been or is to be disbanded,
- any charitable property held for the purposes of the body in question and which is administered for those purposes according to the law of Northern Ireland shall (subject to the provisions of this section), as from the time at which the warrant comes into force, be held for the corresponding purposes of the unit so designated.
- (2) The Secretary of State shall, as soon as may be after it is made, deliver a copy of any such warrant by post or otherwise to the Department of Finance for Northern Ireland and to a trustee of the charity in question.
- (3) If the Department considers that subsection (1) above should not apply to all or part of the property affected by the warrant it may at any time within the period—
- (a) beginning with the date on which the warrant is made, and
 - (b) ending with the expiry of 6 months beginning with the date on which the warrant comes into force,
- make an order providing that that subsection shall not apply or shall cease to apply to the property or part.
- (4) If—
- (a) a charity affected by such a warrant as is mentioned in subsection (1), or
 - (b) any trustee of or person interested in such a charity,
- considers that subsection (1) should not apply to all or part of any property which belongs to the charity and is affected by the warrant, then the charity, trustee or person interested, as the case may be, may, at any time within the period of 6 months beginning with the date on which the warrant comes into force, apply to the court for an order providing that subsection (1) shall cease to apply to the property or part.
- An application under this subsection is subject to section 29(3) of the ^{M3}Charities Act (Northern Ireland) 1964 (under which an application for an order of the court in connection with the administration of a charity may not be made without the consent of the Attorney General for Northern Ireland).

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- (5) No such warrant or order as mentioned above shall affect the validity of anything done or omitted with respect to any property affected by the warrant or order before a copy of it is served on a trustee of the charity in question.
- (6) In any case where—
- (a) an order is made under the foregoing provisions of this section, or
 - (b) the Secretary of State requests the Department of Finance for Northern Ireland to make provision with respect to any charitable property held for the purposes of a body of the Territorial Army, the Army Reserve or the Royal Auxiliary Air Force which has been or is to be disbanded,
- the Department may, notwithstanding anything in subsection (1) of section 13 of the Charities Act (Northern Ireland) 1964 and irrespective of the value of the property in question exercise its jurisdiction under that section with respect to the property to which the order or request relates.
- (7) The foregoing provisions of this section shall not apply to any charitable property held for the purposes of such a body as is mentioned in subsection (1) if, under the terms on which the property is so held—
- (a) any interest of the charity in question in the property is determined on the disbanding of that body, and
 - (b) any person or charity other than the charity in question has an interest in the property contingent upon the determination of the interest of the charity in question.
- (8) Where subsection (1) applies to any charitable property, the same jurisdiction and powers shall be exercisable in relation to the charity in question as would be exercisable if that subsection were not a provision of an Act of Parliament regulating the charity.
- (9) In this section—
- (a) “charitable property” means property belonging to a charity,
 - (b) “the court” and “charity” mean the same as in the ^{M4}Charities Act (Northern Ireland) 1964,
- and references to disbandment of a body include references to its amalgamation with another body.

Marginal Citations

M3 1964 c. 33 (N.I.)

M4 1964 c. 33 (N.I.)

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