



Reserve Forces Act 1980

1980 CHAPTER 9

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Charitable property on disbanding of units

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- (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—

Status: This is the original version (as it was originally enacted).

- (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 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).

- (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 Charities Act (Northern Ireland) 1964,

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