
Changes to legislation: Reserve Forces Act 1996, Cross Heading: Exclusion of charitable property from paragraph 3 is up to date with all changes known to be in force on or before 12 May 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

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.
- [^{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.]

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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](#))

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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](#)