

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

Charities (Northern Ireland) Order 1987 (S.I. 1987/2048 (N.I. 19))

92.—(1) The Charities (Northern Ireland) Order 1987 is amended as follows.

(2) In Article 2(2) (interpretation)—

(a) for the definition of “company”⁽¹⁾ substitute—

““company” means a company registered under the Companies Act 2006 in Northern Ireland;”;

(b) omit the definition of “the Companies Order”⁽²⁾.

(3) In Article 9⁽³⁾ (charitable companies: alteration of objects clause)—

(a) in the heading, omit “clause”;

(b) for paragraphs (2) and (3) substitute—

“(2) Where a charity is a company, an amendment of its articles so as to add, remove or alter a statement of the company’s objects is ineffective without the prior written consent of the Department.

(2A) Where a company that has made an amendment of its articles in accordance with paragraph (2) is required—

(a) by section 26 of the Companies Act 2006 to send to the registrar of companies a copy of its articles as amended,

(b) by section 30 of that Act to forward to the registrar a copy of the special resolution effecting the alteration, or

(c) by section 31 of that Act to give notice to the registrar of the amendment,

the copy or notice must be accompanied by a copy of the Commission’s consent.

(2B) If more than one of those provisions applies and they are complied with at different times, the company need not send a further copy of the Commission’s consent if a copy was sent on an earlier occasion.

(3) Section 30(2) to (4) of that Act (offence of failing to comply with section 30) apply in relation to a failure to comply with paragraph (2A) above as in relation to a failure to comply with that section.”.

(4) Omit Article 9A⁽⁴⁾ (charitable companies: invalidity of certain transactions).

(1) The definition of “company” was inserted in Article 2(2) by S.I. 1990/1504 (N.I. 10), Article 47(2).

(2) The definition of “the Companies Order” was inserted in Article 2(2) by S.I. 1990/1504 (N.I. 10), Article 47(2).

(3) Article 9 was substituted by S.I. 1990/1504 (N.I. 10), Article 47(1).

(4) Article 9A was inserted by S.I. 1990/1504 (N.I. 10), Article 47(1).