CHARITY, SCOTLAND

The Charities for Disabled Persons (Scotland) Regulations, 1948

1948 No. 1497 (S. 131)

Made - - - -	30*th June*, 1948
Laid before Parliament	1*st July*, 1948
Coming into Operation	5*th July*, 1948

In exercise of the powers conferred on me by section 4 as read along with section 12 of the War Charities Act, 1940(**a**), as having effect by virtue of section 41 of the National Assistance Act, 1948(**b**), and of all other powers enabling me in that behalf I hereby make the following regulations:—

PART I—GENERAL

1. These regulations may be cited as the Charities for Disabled Persons (Scotland) Regulations, 1948, and shall come into operation on the 5th day of July, 1948.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

" the Act of 1948 " means the National Assistance Act, 1948;

" the appointed day " means the 5th day of July, 1948, being the day appointed by order(**c**) of the Secretary of State for the coming into operation of section 41 of the Act of 1948;

" charity for disabled persons " has the meaning assigned to it by subsection (1) of section 41 of the Act of 1948, that is to say, any fund, institution, association or undertaking whether established before or after the passing of the Act of 1948, having for its sole or principal object or among its principal objects the promotion of the welfare of persons to whom section 29 of the Act of 1948 applies and includes such a charity registered or exempted from registration immediately before the appointed day under the Blind Persons Act, 1920(**d**), or under the War Charities Act, 1940.

(2) The Interpretation Act, 1889(**e**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II—APPLICATION OF EXISTING REGULATIONS

3. In their application to charities for disabled persons the War Charities (Scotland) Regulations, 1940(**f**), shall have effect subject to the provisions set out in the Schedule hereto.

PART III—TRANSITIONAL PROVISIONS

4. The provisions of this Part of these regulations shall apply to charities for disabled persons registered or exempted from registration immediately before the appointed day under the Blind Persons Act, 1920 or the War Charities Act, 1940.

(**a**) 3 & 4 Geo. 6. c. 31. (**b**) 11 & 12 Geo. 6. c. 29.
(**c**) S.I. 1948 No. 1207, p. 1979 below. (**d**) 10 & 11 Geo. 5. c. 49.
(**e**) 52 & 53 Vict. c. 63. (**f**) S.R. & O. 1940 (No. 1431) I, p. 115.

5. In this Part of these regulations the following expressions have, unless the context otherwise requires, the meanings hereby assigned to them—

" committee " means the committee or other body responsible for the administration of a charity;

" the list " means the list kept by a registration authority of charities for disabled persons exempted from registration under the War Charities (Scotland) Regulations, 1940 as having effect by virtue of these regulations;

" the register " has the meaning assigned to it by the War Charities (Scotland) Regulations, 1940 as having effect by virtue of these regulations;

" registration authority " means, in relation to any particular charity to which these regulations apply, the council of the county or large burgh in which the administrative centre of that charity is situate; and

" relevant particulars " means the particulars required by the War Charities (Scotland) Regulations, 1940, as having effect by virtue of these regulations, to be entered in the register or the list.

6. Where a charity was, immediately before the appointed day, registered or exempted from registration under the War Charities Act, 1940, by an authority other than the registration authority, and the former authority consider that the charity is or may be a charity for disabled persons, they shall furnish the relevant particulars to the registration authority.

7. Where a charity was, immediately before the appointed day,

(*a*) registered or exempted from registration under the Blind Persons Act, 1920, or

(*b*) registered or exempted from registration under the War Charities Act, 1940, either by a registration authority or some other authority, and the registration authority are satisfied that the charity is a charity for disabled persons,

the registration authority shall—

(i) where the charity was registered as aforesaid, enter in the register the relevant particulars in respect of the charity and issue to the committee a certificate of registration in the form prescribed by the Fourth Schedule to the War Charities (Scotland) Regulations, 1940, as having effect by virtue of these regulations;

(ii) where the charity was exempted from registration as aforesaid, enter in the list the relevant particulars in respect of the charity and issue to the committee a certificate of exemption in the form prescribed by the Fifth Schedule to the War Charities (Scotland) Regulations, 1940, as having effect by virtue of these regulations.

8. Where the registration authority issue a certificate of registration or a certificate of exemption from registration in respect of a charity which immediately before the appointed day was registered by another authority, they shall give intimation to that authority that such a certificate has been issued and that authority shall thereupon cancel the registration or exemption of the charity by them and deliver up to the registration authority all books, papers, accounts and other records in their possession relating exclusively to the charity.

9. Where a registration authority, having considered for the purpose of Regulation 7 hereof whether a charity is a charity for disabled persons, are not satisfied that it is such a charity, they shall intimate accordingly to the committee and (if the case so requires) to the other authority.

10. Where a registration authority issue a certificate of registration or exemption from registration under this Part of these regulations, the committee shall surrender the relative existing certificate to that authority.

11. The registration authority shall send to the Secretary of State a copy of all particulars entered by them in the register or the list in accordance with the provisions of this Part of these regulations.

12. Any question whether a charity registered immediately before the appointed day under the War Charities Act, 1940 is a charity for disabled persons may be referred by the committee or the registration authority to the Secretary of State for determination.

Dated this 30th day of June, nineteen hundred and forty-eight.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

Provisions subject to which the War Charities (Scotland) Regulations, 1940 *shall have effect in their application to charities for disabled persons*

1. For any reference to a war charity there shall be substituted a reference to a charity for disabled persons.

2. For any reference to the registration or exemption of a war charity under the War Charities Act, 1940, there shall be substituted a reference to the registration or exemption of a charity for disabled persons in accordance with the National Assistance Act, 1948, and any reference to a charity registered or exempted under the first-mentioned Act shall be construed accordingly.

3. Any reference to the War Charities (Scotland) Regulations, 1940, shall be construed as a reference to those regulations as applied to charities for disabled persons by the Charities for Disabled Persons (Scotland) Regulations, 1948.

4. In paragraph (1) of regulation 2 for the definitions of " the Act " and of " the register " and " the lists " there shall be substituted the following definitions—

" the Act " means the War Charities Act, 1940 as having effect by virtue of section 41 of the National Assistance Act, 1948;

" the register " and " the lists " mean respectively the register and the lists kept by the registration authority for charities for disabled persons under the Act.

5. Regulations 10 and 11 shall not apply.

6. Regulation 23 shall have effect as if for the words " ' Registered under the War Charities Act, 1940 ' " there were substituted the words " ' Registered in accordance with the National Assistance Act, 1948 ' ".

7. The First, Second, Third, Fourth, Fifth and Eighth Schedules shall have effect, subject to the provisions of the next succeeding paragraph, as if for the words " War Charities Act, 1940 " wherever those words occur, there were substituted the words " National Assistance Act, 1948 " and as if for the words " under the above-mentioned Act " wherever those words occur, there were substituted the words " in accordance with the above-mentioned Act ".

8. In the Eighth Schedule for the words " War Charities Act, 1940 " where those words occur for the second time, there shall be substituted the words " War Charities Act, 1940 as having effect by virtue of section 41 of the National Assistance Act, 1948 ".

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Section 41 of the National Assistance Act, 1948 provides for the registration of charities for disabled persons and for the application of the provisions of the War Charities Act, 1940, to this purpose. These regulations accordingly apply the existing regulations made under the War Charities Act, 1940 to the registration of charities for disabled persons. They also ensure that where a charity for disabled persons is at present registered under the Blind Persons Act, 1920 or the War Charities Act, 1940, the registration shall have effect as registration under the National Assistance Act.

CHILDREN AND YOUNG PERSONS

1. *Approved Schools (Contributions).*
2. *Compensation under the Children Act*, 1948, p. 395.
3. *Voluntary Homes*, p. 412.

1. APPROVED SCHOOLS (CONTRIBUTIONS)

(1) *England.* | (2) *Scotland*, p. 394.

(1) ENGLAND

The Children and Young Persons (Contributions by Local Authorities) Regulations, 1948

1948 No. 36

Made - - - - - 14th January, 1948

In pursuance of the power conferred upon me by subsection (1) of section ninety of the Children and Young Persons Act, 1933(a), I, the Right Honourable James Chuter Ede, one of His Majesty's Principal Secretaries of State, hereby make the following Regulations:—

1. The contributions to be made by the local authority named in an approved school order to the expenses of the managers of an approved school throughout the time during which the person to whom the order relates is under the care of the said managers and not out on licence or under supervision shall be at the rate of fifty-two shillings and sixpence a week:

Provided that this Regulation shall not apply to a local authority named in an approved school order where the managers having under their care the person to whom the order relates are that local authority or a joint committee upon which that local authority is represented.

2. The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) These Regulations may be cited as the Children and Young Persons (Contributions by Local Authorities) Regulations, 1948.

(a) 23 & 24 Geo. 5. c. 12. (b) 52 & 53 Vict. c. 63.