



# Charities Act 2011

## 2011 CHAPTER 25

### PART 18

#### MISCELLANEOUS AND SUPPLEMENTARY

#### *Administrative provisions about charities*

#### **332 Manner of giving notice of charity meetings, etc.**

- (1) All notices which are required or authorised by the trusts of a charity to be given to a charity trustee, member or subscriber—
  - (a) may be sent by post, and
  - (b) if sent by post, may be addressed to any address given as the address of the charity trustee, member or subscriber in the list of such persons for the time being in use at the office or principal office of the charity.
- (2) Subsections (3) and (4) apply where a notice is required by the trusts of the charity to be given to a charity trustee, member or subscriber.
- (3) If the notice is given by post, it is to be treated as having been given by the time at which the letter containing it would be delivered in the ordinary course of post.
- (4) If the notice is a notice of any meeting or election, the notice need not be given to any charity trustee, member or subscriber who, in the list mentioned in subsection (1)(b), has no address in the United Kingdom.

#### **333 Conferral of authority to execute documents**

- (1) Charity trustees may, subject to the trusts of the charity, confer on any two or more of their body—
  - (a) a general authority, or
  - (b) an authority limited in such manner as the charity trustees think fit,

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to execute in the names and on behalf of the charity trustees documents for giving effect to transactions to which the charity trustees are a party.

- (2) Any document executed in pursuance of an authority under subsection (1) is of the same effect as if executed by the whole body.
- (3) An authority under subsection (1)—
  - (a) suffices for any document if it is given in writing or by resolution of a meeting of the charity trustees, despite the want of any formality that would be required in giving an authority apart from that subsection;
  - (b) may be given so as to make the powers conferred exercisable by any of the charity trustees, or may be restricted to named persons or in any other way;
  - (c) subject to any such restriction, and until it is revoked, has effect, despite any change in the charity trustees, as a continuing authority given by the charity trustees from time to time of the charity and exercisable by such charity trustees.
- (4) In any authority under this section to execute a document in the names and on behalf of charity trustees there is, unless the contrary intention appears, implied authority also to execute it for them in the name and on behalf of the official custodian or of any other person, in any case in which the charity trustees could do so.
- (5) Where a document purports to be executed in pursuance of this section, then in favour of a person who (then or afterwards) in good faith acquires for money or money's worth—
  - (a) an interest in or charge on property, or
  - (b) the benefit of any covenant or agreement expressed to be entered into by the charity trustees,
 it is conclusively presumed to have been duly executed by virtue of this section.
- (6) The powers conferred by this section are in addition to and not in derogation of any other powers.

### **334 Transfer and evidence of title to property vested in trustees**

- (1) Subsection (2) applies where, under the trusts of a charity, trustees of property held for the purposes of the charity may be appointed or discharged by resolution of a meeting of the charity trustees, members or other persons.
- (2) A memorandum declaring a trustee to have been so appointed or discharged is sufficient evidence of that fact if the memorandum—
  - (a) is signed either at the meeting by the person presiding or in some other manner directed by the meeting, and
  - (b) is attested by two persons present at the meeting.
- (3) A memorandum evidencing the appointment or discharge of a trustee under subsection (2), if executed as a deed, has the same operation under section 40 of the Trustee Act 1925 (vesting declarations as respects trust property in deeds appointing or discharging trustees) as if the appointment or discharge were effected by the deed.
- (4) For the purposes of this section, where a document purports to have been signed and attested as mentioned in subsection (2), then on proof (whether by evidence or as a matter of presumption) of the signature the document is presumed to have been so signed and attested, unless the contrary is shown.

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- (5) This section applies to a memorandum made at any time, except that subsection (3) applies only to those made on or after 1 January 1961.
- (6) This section applies in relation to any institution to which the Literary and Scientific Institutions Act 1854 applies as it applies in relation to a charity.
- (7) No vesting or transfer of any property in pursuance of any provision of this section operates as a breach of a covenant or condition against alienation or gives rise to a forfeiture.