



2008 CHAPTER 12

PART 6

**APPLICATION OF PROPERTY CY-PRÈS AND ASSISTANCE AND
SUPERVISION OF CHARITIES BY COURT AND COMMISSION**

Additional powers of Commission

Power to enter premises

52.—(1) A lay magistrate may issue a warrant under this section if satisfied, on a complaint by a member of the Commission's staff, that there are reasonable grounds for believing that each of the conditions in subsection (2) is satisfied.

(2) The conditions are—

- (a) that an inquiry has been instituted under section 22;
- (b) that there is on the premises to be specified in the warrant any document or information relevant to that inquiry which the Commission could require to be produced or [^{F1}provided] under section 23(1); and
- (c) that, if the Commission were to make an order requiring the document or information to be so produced or [^{F2}provided]—
 - (i) the order would not be complied with, or
 - (ii) the document or information would be removed, tampered with, concealed or destroyed.

(3) A warrant under this section is a warrant authorising the member of the Commission's staff (A) who is named in it—

- (a) to enter and search the premises specified in it;

Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Section 52. (See end of Document for details)

- (b) to take on to the premises such other persons as the Commission considers are needed to assist A in doing anything that A is authorised to do under the warrant;
 - (c) to take possession of any documents which appear to fall within subsection (2)(b), or to take any other steps which appear to be necessary for preserving, or preventing interference with, any such documents;
 - (d) to take possession of any computer disk or other electronic storage device which appears to contain information falling within subsection (2)(b), or information contained in a document so falling, or to take any other steps which appear to be necessary for preserving, or preventing interference with, any such information;
 - (e) to take copies of, or extracts from, any documents or information falling within paragraph (c) or (d);
 - (f) to require any person on the premises to provide an explanation of any such document or information or to state where any such documents or information may be found;
 - (g) to require any such person to give A such assistance as A may reasonably require for the taking of copies or extracts as mentioned in paragraph (e).
- (4) Entry and search under such a warrant must be at a reasonable hour and within one month of the date of its issue.
- (5) A must, if required to do so, produce—
- (a) the warrant, and
 - (b) documentary evidence that A is a member of the Commission's staff,
- for inspection by the occupier of the premises or anyone acting on the occupier's behalf.
- (6) A must make a written record of—
- (a) the date and time of entering the premises;
 - (b) the number of persons (if any) who accompanied A onto the premises;
 - (c) the period for which A (and any such persons) remained on the premises;
 - (d) what A (and any such persons) did while on the premises; and
 - (e) any document or device of which A took possession while there.
- (7) If required to do so, A must give a copy of the record to the occupier of the premises or someone acting on the occupier's behalf.
- (8) Unless it is not reasonably practicable to do so, A must comply with the following requirements before leaving the premises, namely—
- (a) the requirements of subsection (6), and
 - (b) any requirement made under subsection (7) before A leaves the premises.
- (9) Where possession of any document or device is taken under this section—

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- (a) the document may be retained for so long as the Commission considers that it is necessary to retain it (rather than a copy of it) for the purposes of the relevant inquiry under section 22, or
- (b) the device may be retained for so long as the Commission considers that it is necessary to retain it for the purposes of that inquiry,

as the case may be.

(10) Once it appears to the Commission that the retention of any document or device has ceased to be so necessary, it shall arrange for the document or device to be returned as soon as is reasonably practicable—

- (a) to the person from whose possession it was taken, or
- (b) to any of the charity trustees of the charity to which it belonged or related.

(11) A person who intentionally obstructs the exercise of any rights conferred by a warrant under this section is guilty of an offence and liable on summary conviction—

- (a) to imprisonment for a term not exceeding 6 months, or
- (b) to a fine not exceeding level 5 on the standard scale,

or to both.

Textual Amendments

- F1** Word in s. 52(2)(b) substituted (19.1.2013) by [Charities Act \(Northern Ireland\) 2013 \(c. 3\)](#), s. 10(1), **Sch. 1 para. 6(2)(b)**
- F2** Word in s. 52(2)(c) substituted (19.1.2013) by [Charities Act \(Northern Ireland\) 2013 \(c. 3\)](#), s. 10(1), **Sch. 1 para. 6(2)(b)**

Modifications etc. (not altering text)

- C1** S. 52 modified (18.2.2011) by [Charities Act 2008 \(Transitional Provision\) Order \(Northern Ireland\) 2011 \(S.R. 2011/12\)](#), **art. 2**, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Section 52.