



Charities Act 1960 (repealed)

1960 CHAPTER 58 8 and 9 Eliz 2

PART II

PROVISIONS FOR INQUIRING INTO, MAKING KNOWN
AND CO-ORDINATING CHARITABLE ACTIVITIES

Powers of Commissioners and Minister to obtain information, etc.

6 General power to institute inquiries.

- (1) The Commissioners may from time to time institute inquiries with regard to charities or a particular charity or class of charities, either generally or for particular purposes: Provided that no such inquiry shall extend to any exempt charity.
- (2) The Commissioners may either conduct such an inquiry themselves or appoint a person to conduct it and make a report to them.
- (3) For the purposes of any such inquiry the Commissioners [^{F1}, or a person appointed by them to conduct it, may direct] any person (subject to the provisions of this section)—
 - (a) to furnish accounts and statements in writing with respect to any matter in question at the inquiry, being a matter on which he has or can reasonably obtain information, or to return answers in writing to any questions or inquiries addressed to him on any such matter, and to verify any such accounts, statements or answers by statutory declaration;
 - [^{F2}(b) to furnish copies of documents in his custody or under his control which relate to any matter in question at the inquiry, and to verify any such copies by statutory declaration;
 - (c) to attend at a specified time and place and give evidence or produce any such documents.]
- (4) For the purposes of any such inquiry evidence may be taken on oath, and the person conducting the inquiry may for that purpose administer oaths, or may instead of administering an oath require the person examined to make and subscribe a declaration of the truth of the matters about which he is examined.

Status: Point in time view as at 01/09/1992.

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- (5) The Commissioners may pay to any person the necessary expenses of his attendance to give evidence or produce documents for the purpose of an inquiry under this section, and a person shall not be required in obedience to [^{F3}a direction under paragraph (c)]of subsection (3) above to go more than ten miles from his place of residence unless those expenses are paid or tendered to him.

^{F4}(6)

- [^{F5}(7) Where an inquiry has been held under this section, the Commissioners may either—
- (a) cause the report of the person conducting the inquiry, or such other statement of the results of the inquiry as they think fit, to be printed and published, or
 - (b) publish any such report or statement in some other way which is calculated in their opinion to bring it to the attention of persons who may wish to make representations to them about the action to be taken.]

- (8) The council of a county, . . . ^{F6}, county district . . . ^{F6} . . . ^{F7}, the Common Council of the City of London and the council of a ^{F6} borough may contribute to the expenses of the Commissioners in connection with inquiries under this section into local charities in the council's area.

^{F8}(9)

Textual Amendments

- F1** Words in s. 6(3) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 6(2)(a); S.I. 1992/1900, art. 2(1), Sch. 1
- F2** S. 6(3)(b)(c) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 6(2)(b); S.I. 1992/1900, art. 2(1), Sch. 1
- F3** Words in s. 6(5) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 6(3); S.I. 1992/1900, art. 2(1), Sch. 1
- F4** S. 6(6) repealed (1.9.1992) by Charities Act 1992 (c. 41), ss. 6(4), 78(2), Sch.7; S.I. 1992/1900, art. 2(1), Sch. 1
- F5** S. 6(7) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 6(5); S.I. 1992/1900, art. 2(1), Sch. 1
- F6** Words repealed by Local Government Act 1972 (c. 70), Sch. 30
- F7** Words repealed by London Government Act 1963 (c. 33), Sch. 18 Pt. II
- F8** S. 6(9) repealed and superseded (1.9.1992) by Charities Act 1992 (c. 41), ss. 6(6), 54(2), 78(2), Sch.7; S.I. 1992/1900, art. 2(1), Sch. 1 (with art. 2(2))

Modifications etc. (not altering text)

- C1** S. 6 extended (1.11.1992) by Charities Act 1992 (c. 41), s. 12(1)(a); S.I. 1992/1900, art. 3(1), Sch. 2
 S. 6 amended (1.1.1993) by Charities Act 1992 (c. 41), s. 18(9); S.I. 1992/1900, art.4, Sch. 3

7 Power to call for documents, and search records.

- [^{F9}(1) The Commissioners may by order—
- (a) require any person to furnish them with any information in his possession which relates to any charity and is relevant to the discharge of their functions or of the functions of the official custodian for charities;
 - (b) require any person who has in his custody or under his control any document which relates to any charity and is relevant to the discharge of their functions or of the functions of the official custodian for charities—
 - (i) to furnish them with a copy of or extract from the document, or

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- (ii) (unless the document forms part of the records or other documents of a court or of a public or local authority) to transmit the document itself to them for their inspection.]
- (2) Any officer of the Commissioners, if so authorised by them, shall be entitled without payment to inspect and take copies of or extracts from the records or other documents of any court, or of any public registry or office of records, for any purpose connected with the discharge of the functions of the Commissioners or of the official custodian for charities.
- (3) The Commissioners shall be entitled without payment to keep any copy or extract furnished to them under subsection (1) above; and where a document transmitted to them under that subsection for their inspection relates only to one or more charities and is not held by any person entitled as trustee or otherwise to the custody of it, the Commissioners may keep it or may deliver it to the charity trustees or to any other person who may be so entitled.
- ^{F10}(4)
- (5) No person properly having the custody of documents relating only to an exempt charity shall be required under subsection (1) above to transmit to the Commissioners any of those documents, or to furnish any copy of or extract from any of them.
- [^{F11}(6) The rights conferred by subsection (2) above shall, in relation to information recorded otherwise than in legible form, include the right to require the information to be made available in legible form for inspection or for a copy or extract to be made of or from it.]

Textual Amendments

F9 S. 7(1) substituted (1.9.1992) by Charities Act 1992 (c. 41), s. 7(2); S.I. 1992/1900, art. 2(1), Sch. 1

F10 S. 7(4) repealed (1.9.1992) by Charities Act 1992 (c. 41), ss. 7(3), 78(2), Sch.7; S.I. 1992/1900, art. 2(1), Sch. 1

F11 S. 7(6) added (1.9.1992) by Charities Act 1992 (c. 41), s. 7(4); S.I. 1992/1900, art. 2(1), Sch. 1

Modifications etc. (not altering text)

C2 S. 7 extended (1.11.1992) by Charities Act 1992 (c. 41), s. 12(1)(a); S.I. 1992/1900, art. 3(1), Sch. 2

S. 7 amended (1.1.1993) by Charities Act 1992 (c. 41), s. 18(9); S.I. 1992/1900, art.4, Sch. 3

8 Receipt and audit of accounts of charities.

- (1) Statements of account giving the prescribed information about the affairs of a charity shall be transmitted to the Commissioners by the charity trustees on request; and, in the case of a charity having a permanent endowment, such a statement relating to the permanent endowment shall be transmitted yearly without any request, unless the charity is excepted by order or regulations.
- (2) Any statement of account transmitted to the Commissioners in pursuance of subsection (1) above shall be kept by them for such period as they think fit; and during that period it shall be open to public inspection at all reasonable times.
- (3) The Commissioners may by order require that the condition and accounts of a charity for such period as they think fit shall be investigated and audited by an auditor appointed by them, [^{F12}being a person eligible for appointment as company auditor under section 25 of the Companies Act 1989].

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- (4) An auditor acting under subsection (3) above—
- (a) shall have a right of access to all books, accounts and documents relating to the charity which are in the possession or control of the charity trustees or to which the charity trustees have access;
 - (b) shall be entitled to require from any charity trustee, past or present, and from any past or present officer or servant of the charity such information and explanation as he thinks necessary for the performance of his duties;
 - (c) shall at the conclusion or during the progress of the audit make such reports to the Commissioners about the audit or about the accounts or affairs of the charity as he thinks the case requires, and shall send a copy of any such report to the charity trustees.
- (5) The expenses of any audit under subsection (3) above, including the remuneration of the auditor, shall be paid by the Commissioners.
- (6) If any person—
- (a) fails to transmit to the Commissioners any statement of account required by subsection (1) above; or
 - (b) fails to afford an auditor any facility to which he is entitled under subsection (4) above;
- the Commissioners may by order give to that person or to the charity trustees for the time being such directions as the Commissioners think appropriate for securing that the default is made good.
- (7) This section shall not apply to an exempt charity.

Textual Amendments

F12 Words in s. 8(3) substituted (01.10.1991) by S.I.1991/1997, reg. 2, Sch. para. 7 (with reg. 4).

[^{F139} Supply by Commissioners of copies of documents open to public inspection.

The Commissioners shall, at the request of any person, furnish him with copies of, or extracts from, any document in their possession which is for the time being open to inspection under this Act.]

Textual Amendments

F13 S. 9 substituted (subject as follows) by Charities Act 1992 (c. 41), ss. 47, 77(3), Sch. 3, para.3; by S.I. 1992/1900, art. 2(4) it is provided that the commencement of Sch. 3 para. 3 of that Act (which replaces s. 9(1) to (3) of this Act with a new s. 9) shall have effect as from 1.9.1992 to the extent that s. 9(1)(3) shall cease to have effect, but the replacement of s. 9(2) by the section set out in that paragraph shall not have effect until 1.1.1993

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