



# Charities Act 2011

## 2011 CHAPTER 25

### PART 18

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Documents and evidence etc.*

#### **340 Enrolment and deposit of documents etc.**

- (1) The Commission may provide books in which any deed, will or other document relating to a charity may be enrolled.
- (2) The Commission may accept for safe keeping any document of or relating to a charity, and the charity trustees or other persons having the custody of documents of or relating to a charity (including a charity which has ceased to exist) may with the consent of the Commission deposit them with the Commission for safe keeping, except in the case of documents required by some other enactment to be kept elsewhere.
- (3) Regulations made by the Minister may make provision for such documents deposited with the Commission under this section as may be prescribed by the regulations to be destroyed or otherwise disposed of after such period or in such circumstances as may be so prescribed.
- (4) Subsection (3) applies to any document—
  - (a) transmitted to the Commission under section 52, and
  - (b) kept by the Commission under section 52(3),as if the document had been deposited with the Commission for safe keeping under this section.
- (5) Subsections (3) and (4) apply (with any necessary adaptations) to documents enrolled by, deposited with or transmitted to the Charity Commissioners for England and Wales under corresponding previous enactments, including in particular the Charitable Trusts Act 1853 to 1939.

**341 Evidence of documents received by Commission etc.**

- (1) Subsection (2) applies where a document is enrolled by the Commission or is for the time being deposited with the Commission under section 340.
- (2) Evidence of the document's contents may be given by means of a copy certified by any member of the staff of the Commission generally or specially authorised by the Commission to act for this purpose.
- (3) A document purporting to be such a copy is to be received in evidence without proof—
  - (a) of the official position, authority or handwriting of the person certifying it, or
  - (b) of the original document being enrolled or deposited.
- (4) Subsections (2) and (3) apply to any document—
  - (a) transmitted to the Commission under section 52, and
  - (b) kept by the Commission under section 52(3),as if the document had been deposited with the Commission for safe keeping under section 340.
- (5) Subsections (2) to (4) apply (with any necessary adaptations) to documents enrolled by, deposited with or transmitted to the Charity Commissioners for England and Wales under corresponding previous enactments, including in particular the Charitable Trusts Act 1853 to 1939.

**342 Report of inquiry to be evidence in certain proceedings**

- (1) A copy of the report of the person conducting an inquiry under section 46, if certified by the Commission to be a true copy, is admissible in any proceedings to which this section applies—
  - (a) as evidence of any fact stated in the report, and
  - (b) as evidence of the opinion of that person as to any matter referred to in it.
- (2) This section applies to—
  - (a) any legal proceedings instituted by the Commission under Part 6, and
  - (b) any legal proceedings instituted by the Attorney General in respect of a charity.
- (3) A document purporting to be a certificate issued for the purposes of subsection (1) is to be—
  - (a) received in evidence, and
  - (b) treated as such a certificate,unless the contrary is proved.

**343 Evidence of documents issued by Commission etc.**

- (1) Evidence of any order, certificate or other document issued by the Commission may be given by means of a copy retained by it, or taken from a copy so retained, if the copy is certified to be a true copy by any member of the staff of the Commission generally or specially authorised by the Commission to act for this purpose.
- (2) Evidence of an entry in any register kept by the Commission may be given by means of a copy of the entry, if the copy is certified to be a true copy by any member of the

staff of the Commission generally or specially authorised by the Commission to act for this purpose.

- (3) A document purporting to be such a copy as is mentioned in subsection (1) or (2) is to be received in evidence without proof of the official position, authority or handwriting of the person certifying it.
- (4) Subsections (1) and (3) apply to any order, certificate or other document issued by the Charity Commissioners for England and Wales as they apply to any order, certificate or other document issued by the Commission.

### **344 Other miscellaneous provisions as to evidence**

- (1) Subsection (2) applies to proceedings to recover or compel payment of any rentcharge or other periodical payment claimed by or on behalf of a charity out of land or of the rents, profits or other income of land, otherwise than as rent incident to a reversion.
- (2) If it is shown in any proceedings to which this subsection applies that the rentcharge or other periodical payment has at any time been paid for 12 consecutive years to or for the benefit of the charity—
  - (a) that is prima facie evidence of the perpetual liability to it of the land or income, and
  - (b) no proof of its origin is necessary.
- (3) In any proceedings, the following documents are admissible as evidence of the documents and facts stated in them—
  - (a) the printed copies of the reports of the Commissioners for enquiring concerning charities, 1818 to 1837, who were appointed under the Act 58 Geo. 3 c. 91 and subsequent Acts, and
  - (b) the printed copies of the reports which were made for various counties and county boroughs to the Charity Commissioners by their assistant commissioners and presented to the House of Commons as returns to orders of various dates beginning with 8 December 1890, and ending with 9 September 1909.