CHAPTER 17.

An Act to facilitate the Recovery of Rentcharges and other Payments owing to Charities. [11th May 1891.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction

1. This Act, so far as is consistent with the tenor thereof, shall be construed together with the Charitable Trusts Acts, 1853 to 1869, and those Acts and this Act may be cited together as the Charitable Trusts Acts, 1853 to 1891, and this Act may be cited as the Charitable Trusts (Recovery) Act, 1891.

Interpretation.

2. In this Act, unless the context requires otherwise,—

The expression "the Board" means the Charity Commissioners for England and Wales:

The expression "prescribed" means prescribed by rules made under the provisions of this Act.

Power to Board to sue for recovery of property belonging to charities.

3. Where it appears to the Board that any action, petition, or other proceeding should be instituted for the recovery of any property, the gross annual income of which does not, in the opinion of the Board, exceed twenty pounds a year, and which appears to the Board to belong to a charity, the Board may itself, with the sanction of the Attorney General, institute such proceeding on behalf of the charity; and the expenses of the Board of and incidental to such action, petition, or proceeding shall be paid in like manner as if they were costs of the Attorney General in a charity matter.

Mode of procedure by Board.

4.—(1.) When the Board is authorised to make any application to or appear in any court, or to institute any action, petition, or other proceeding, such application or appearance may be made, and such action, petition, or proceeding may be instituted, in the name of the Charity Commissioners for England and Wales, and not in the names of the persons who are the Commissioners.

(2.) Any action, petition, application, appearance, or other proceeding instituted or made by the Board shall not abate or become defective by reason of any change in the persons who are the Commissioners, but the Commissioners for the time being shall be deemed to be parties thereto.

(3.) For the purposes of any such action, petition, application, appearance, or other proceeding, any document may be served on the Board by being addressed to the Board and delivered at or sent by post to the office of the Board, or by being served on the Secretary to the Board.

(4.) Any application by the Board to the Court in pursuance of this Act may be made in manner for the time being directed by rules of court.

Special remedies given to Board.

5. For the purposes of any action, petition, or proceeding instituted by the Board under this Act the following provisions shall have effect:—

Old reports of Charity Commissioners to be evidence. 58 Geo. 3. c. 91.

(1.) The printed reports of the Charity Commissioners appointed under an Act passed in the fifty-eighth year of the reign of His Majesty George the Third, and intituled "An Act for "appointing Commissioners to inquire concerning charities "in England for the education of the poor," and under other Acts for inquiring into charities, shall be admissible as primâ facie evidence of the documents and facts therein stated; provided that either party intending to use any such report as evidence shall give notice of such intention in the prescribed manner to the other party:

Payment for twelve years to be presumptive evidence.

(2.) Where any yearly or other periodical payment has been made in respect of any land, to or for the benefit of any charity or charitable purpose, for twelve consecutive years, such payment shall be deemed, subject to any evidence which may be given to the contrary, primâ facie evidence of the perpetual liability of such land to such yearly or other periodical payment, and no proof of the origin of such payment shall be necessary.

Rules.

6. Rules for practice and procedure under this Act, including fees and costs, whether in the Supreme Court of Judicature or in the county court, may from time to time be made by the authority and in the manner by and in which rules may be made for regulating the practice and procedure in such Supreme Court or county court, as the case may be.

Extent of Act.

7. This Act shall not extend to Scotland or Ireland.

CHAPTER 18.

An Act for the removal of Doubts arising under the Registration of Electors Acts. [11th June 1891.]

41 & 42 Vict. c. 26.

WHEREAS under section thirty of the Parliamentary and Municipal Registration Act, 1878, one half of the expenses and receipts under the Registration of Electors Acts in respect of an area common to a parliamentary borough and a municipal borough are defrayed and applied in accordance with the Parliamentary Registration Acts, and one half are paid out of and to the borough fund:

51 & 52 Vict. c. 10.

And whereas by section four of the County Electors Act, 1888, the said Act, together with other Registration of Electors Acts, is applied to a parish not situate in a municipal borough, with the substitution of "parish" for "municipal borough":

And whereas doubts have arisen whether, having regard to the provisions of section eight of the said Act, the provisions of section thirty of the Parliamentary and Municipal Registration Act, 1878, were applied by virtue of the above-recited enactment, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: