



Access to Charity Commission records

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The Commission's records and the The National Archives (PRO)

The records of the Charity Commission for England and Wales are public records. This means that we have by law to manage those records in compliance with the Public Records Acts 1958 and 1967.

Specifically, historic or archival material that has been selected for preservation is normally transferred to the [The National Archives](http://www.nationalarchives.gov.uk/) no later than 30 years from the creation of the records. A brief summary of our records at The National Archives can be found on their website (<http://www.nationalarchives.gov.uk/>)

Among the historical records that we have already transferred to the The National Archives are near-comprehensive surveys of charitable trusts maintained between 1817 and c.1940 (PRO class references CHAR 2 and CHAR 8). These contain a wealth of information on the activities and history of those organisations and have the advantage of being indexed on geographical criteria and mentioning many private individuals. Later material is rarely structured in this way and is consequently of far less interest to local and family historians.

At one time, we regularly enrolled (or made a record copy) of title and/or trust documents in relation to land settled on charitable trusts. Few enrolments were made after the enrolment system became discretionary on 1 January 1961. These records have been transferred to the The National Archives (CHAR 12 and 13, the finding aid for the latter class is in CHAR 15).

What happens to records not selected for the The National Archives?

Material not selected for permanent preservation in the The National Archives has by law to be destroyed before the expiry of 30 years from its creation under section 3(6) of the Public Records Act 1958. The only exceptions to this are where a special case has been made to and accepted by the Lord Chancellor's Advisory Council on Public Records (details can be found on the The National Archives website at <http://www.nationalarchives.gov.uk/>) The vast majority is in fact destroyed well in advance of that as is standard practice in Government. This is based on our business need for a particular type of information and the cost to the taxpayer of our retaining it.

Charities and the Charity Commission

Our guidance [Charity Commission Risk Framework](#) explains the principles which underpin our regulatory approach and the relationship between charities and Charity Commission.

The Register of Charities

One of our core functions is to provide the public with information about charities. This is mainly achieved through the [Register of Charities](#) (maintained under section 3 of the Charities Act 1993).

What about charities that are not required to be registered?

For information on what charities are not required to be registered with us, please read the section "What is an excepted/exempt organisation?" in our guidance [CC21 \(Registering as a Charity\)](#)

Interested members of the public desiring information on these organisations should contact the trustees, who may be able to help them.

Trustees of exempt and excepted charities have the same responsibilities as those of registered charities to provide copies of the accounts to members of the public within two months of a request, subject to the payment of a reasonable charge to cover costs.

What most of our 'charity related' records are

Although the Commission has a statutory power to accept charities' records for safe-keeping, it is no longer our normal policy to do so. Usually we will only do this for protection purposes during a formal inquiry. Our records relating to individual charities are mainly case files recording the discharge of some aspect of our duty to advise, supervise or protect charities. This means that they will not reflect those activities of charities where we have not given advice or taken regulatory action.

Where do I find 'charity records' then?

Trustees are responsible for maintaining their charity's records. In deciding which records to keep and in what form they need to evaluate carefully the costs, risks and benefits to their charitable objectives. Researchers wishing to request access to charity records should bear this in mind when contacting the relevant organisation direct. A number of charities have transferred archival records to local and county record offices or other repositories.

As a matter of good practice we would encourage trustees towards openness when asked for information by members of the public. However, this is within the discretion of the trustees, except where there are specific legal requirements for them to provide public access (for example charity accounts). There are also areas where they owe a duty of confidence to beneficiaries and donors. We have no power to interfere in this aspect of charities' administration.

Requests for access

Consult [Frequently asked questions](#) for some examples that may well answer your query and clear up common misunderstandings about what records we have held and may still hold.

We are happy to consider granting access to our records. You will need to contact us to make an appointment by calling 0845 300 0218.

Researchers should note that we are not able to conduct research on their behalf, nor to routinely give access to material received in confidence or covered by other exemptions under the Freedom of Information Act.

Information received in confidence

We can only disclose information that we receive from trustees and members of the public through the use of our statutory powers (directly or indirectly – it makes no difference) where there is a statutory power or duty to do so, or where the disclosure is otherwise connected with the furtherance of the purpose for which the information was obtained. This may mean that the information cannot be released to the public without the consent of the person(s) to whom this duty of confidence is owed.

Other reasons for Non-Disclosure

There may be other reasons why we cannot release information, for example where to do so might jeopardise the future supply to us of confidential information, or be an invasion of privacy, or cause distress, or personal danger for private individuals or charity trustees. Examples include the addresses of the actual locations of women's refuges.

Some frequently asked questions

Below are answers to a series of questions that we are frequently asked in relation to access to our records. Please take the time to read them as they provide a lot of information about the nature and availability of our records.

Q: Can you tell me whether or not a particular piece of land belongs to a charity?

A: *At one time we kept a record of some conveyances of land for charitable purposes (1855-1960). The records made by this function are in the The National Archives and available for public access.*

We do not maintain a register of charity land and do not normally keep trustees' property records for them.

Q: I am a registered conveyancer and one of my clients wishes to purchase a piece of land that was once owned by a charity. How do I check the root of title?

A: *Our enrolments of land given for charitable purposes, are in the The National Archives (PRO). Enrolments made by the Court of Chancery and the Supreme Court of Judicature (from 1736 to 1925) as part of the law of mortmain are also in the PRO, class references C54 and J18.*

Q: I am the trustee of a charity and our land is vested in the Official Custodian. Does this mean that the Official Custodian holds the title deeds?

A: *This is highly unlikely, the Official Custodian has a specific power to allow the documents of title relating to property vested in him to be retained by the charity trustees, and he normally exercises this power. For an information leaflet on the [Official Custodian's land holding service](#) see our [guidance \(CC13\)](#).*

Q: I am a trustee of a charity that owns land. Do you have the deeds to our land?

A: *Although the Commission has a power to accept charity records for safe-keeping it has for many years in practice rarely been exercised. Trustees of charities should know where their evidence of title is at all times. They should check their own records and also with their legal advisers and any bank they may have deposited their deeds with.*

If trustees have firm information that suggests we are holding the deeds of their property, they should contact us quoting when they were sent to us and why to enable us to confirm whether or not that is still the case. We need this minimum information to enable us to consult the relevant indices. We cannot conduct speculative searches as this is too costly.

Q: I am a family/local history researcher. How do I look up gifts, foundations, etc. associated with my family/other local figures?

A: *For the period prior to 1841, you should consult the published Reports of the Commissioners for Inquiring concerning Charities (in England and Wales), copies of the relevant parts of which may be in your local or county record office. If you are interested in the period before the second world war, you might also like to visit the The National Archives and look at the indices and class lists for classes CHAR 2 and CHAR 8.*

The 1817-41 Commission was an attempt to compile a comprehensive, geographically-indexed description of all charities in England and Wales that were known at the time. This was updated as far as about 1940. Owing to the resources involved and our other responsibilities, we have not been able to produce digests of our later material in this way.

Consequently, it will only be possible to follow this line of enquiry if you know the charity name or it bears the name of the person you are researching. In either case, your first port of call is the [Register of Charities](#).

Q: I am doing research into charitable donations/fundraising activities from the first half of this century. Do you have any information/old accounts that could help?

A: *We retain charity accounts for as long as we require them for our business needs and we make them available to the public during that time. This is typically the past six financial years.*

Earlier charity accounts will not normally survive beyond then unless retained by the trustees themselves or deposited with local or county record offices. We sent a large quantity of accounts, dating from prior to 1960, to the The National Archives (former PRO class CHAR 1), but a lack of interest led to their subsequently being offered to local and county record offices. Those not claimed were then destroyed.

Prior to 1961 we had no routine contact with charities which were entirely dependent on fundraising, such as subscription societies. For this reason we will not have any archival material on them at the The National Archives or elsewhere.

Q: I have been in touch with your Central Register and they tell me that you do not retain the trust deeds and accounts of removed charities for ever. Why not – I want to look at some of them?

A: *We have approximately 10,000 charities coming onto the register each year and a roughly equivalent number coming off. This generates a vast quantity of material which would be extremely costly for the taxpayer were we to try to keep it all.*

We have a statutory responsibility to keep the entries of removed organisations on the public register indefinitely. For example, if an organisation is removed, we are normally able to enter the reason why (such as amalgamation with another charity, or being wound up by its trustees).

Our duty to retain this information does not extend to the governing documents and accounts of removed charities. It is our policy to make this information available to the public as long as we ourselves need to retain it. This is normally until five years after removal of the organisation from the register. Of course, details of the objects clause, area of operation and other information about those charities will remain on the register indefinitely.

Q: I am writing a history of a local charity, which I believe goes back several centuries. Where should I start?

A: *The present Commission dates back to 1853 and has no records of its own from before that date.*

Try visiting your local studies library or local/county record office, which may well have the relevant volume(s) of the published Reports of the Commissioners for Inquiring Concerning Charities (1817-41). These are especially valuable as the Commissioners recorded what was known at the time of the history of the organisations, information that otherwise might not be known to us today.

You might then like to consider visiting the The National Archives. The background papers to the above Reports are in the The National Archives at class CHAR 2. The material in class CHAR 8 updates this material to approximately the outbreak of the second world war. All this material has geographical indices.

Also in the The National Archives, the proceedings of the Court of Chancery (High Court) represent a very important source of information on charity cases. These are very difficult to access without prior knowledge of when a plea was heard (and who the parties were) or a document enrolled. This can be frustrating for the amateur researcher.

The actual charity's historical records, where they survive, will be with the trustees or any repository (e.g. local record office) they may have deposited them with.

Q: I am trying to find out if a certain individual left a bequest to a charity. Can you help?

A: *We will be unable to help unless they were the founder and the charity still bears their name. In that case, the [Register of Charities](#) will be a possible source of information.*

If the period in question is between 1817-1940, you may find that the person's name turns up references in the indices for The National Archives (PRO) classes CHAR 8 and CHAR 2. These are held by the The National Archives.

The central government record of wills is compiled by the Probate Registries (not the Commission) and transferred to the The National Archives. The National Archives produces a useful guide to tracing wills that is available from their website (<http://www.nationalarchives.gov.uk/>) or from Reader Services Department, The National Archives, Ruskin Avenue, Kew, Surrey, TW9 4DU.