

CHARITIES REGISTRATION ACT 1989

CHARITIES (GENERAL) REGULATIONS 1990

In exercise of the powers conferred on the Deemsters by sections 2 and 11 of the Charities Registration Act 1989(a)*, and of all other powers enabling them in that behalf, the following Regulations are hereby made:

Citation, commencement and interpretation

1. (1) These regulations may be cited as the Charities (General) Regulations 1990 and, subject to section 11(2) of the Act, shall come into operation on the 1st April 1990.
- (2) In these Regulations, “the Act” means the Charities Registration Act 1989.

Application to companies

2. (1) Regulations 3 and 4 (accounting records, annual accounts and audit) shall not apply to an institution established for charitable purposes which is a company incorporated under the Companies Acts 1931 to 1986.
- (2) For the purposes of Section 5 of the Act the accounts and auditor’s report of such an institution shall be prepared in accordance with the Companies Acts 1931 to 1986.

Accounting Records

3. (1) Every registered charity shall cause accounting records to be kept which shall be sufficient to show and explain its transactions.
- (2) The accounting records shall be such as to -
 - (a) disclose within a reasonable time and with reasonable accuracy, the financial position of the charity at any time; and
 - (b) enable the trustees to ensure that the annual accounts required under section 5 of the Act comply with the requirements of regulation 4.
- (3) The accounting records shall in particular contain -
 - (a) entries of all sums of money received and expended by the charity and the matters in respect of which the receipt and expenditure takes place; and
 - (b) a record of the assets and liabilities of the charity.

Annual Accounts and Audit

4. (1) The annual accounts of a registered charity shall give a true and fair view of the state of its affairs as at the end of its financial year.
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*** (a) 1989 c.11**

(2) The annual accounts shall in particular show -

(a) any surplus or deficit;

(b) the source and application of funds for the year then ended (except where standard accounting practice otherwise requires); and

(c) the main accounting policies adopted in the preparation of the accounts.

(3) The auditors' report required under section 5 of the Act shall be in the form set out in Part 1 or, as the case requires, Part 2 of Schedule 1.

Statements and documents to be filed

5. (1) For the purpose of section 2(1) of the Act (particulars to be filed in General Registry)-

(a) the statement shall be that set out in Schedule 2;

(b) the following documents are prescribed -

(i) a copy of any instrument by which the charity is established;

(ii) in the case of an institution established for charitable purposes which is a body corporate, a copy of the memorandum and articles of association and the licence (if any) granted by the Attorney General under section 18 of the Companies Act 1931(b).**

(2) For the purpose of section 2(2) (change in particulars) of the Act -

(a) the statement shall be that set out in Schedule 3;

(b) the following documents are prescribed -

(i) a copy of any instrument by which the change in particulars is effected (for example, a document appointing new trustees or altering the constitution of the charity);

(ii) in the case of an institution established for charitable purposes which is a body corporate, a copy of any instrument altering the memorandum and articles of association and the licence (if any) granted by the Attorney General under section 18 of the Companies Act 1931 (b).**

Made this 27th day of February 1990

**** (b) Vol.XIII p.235**