



CHARITIES BULLETIN

ISSUE 3 – MARCH 2020

Circulated to:

- Manx Registered Charities
- The Isle of Man Law Society
- STEP
- IOMSCA

1. The implementation of the Charities Registration and Regulation Act 2019

The Charities Regulations 2020 were approved by Tynwald on the 18 February and will come into force on 1 April. Work continues on the preparation of the various forms which will be in use from that date, together with guidance. These will be published shortly on the Attorney General's Chambers website <https://www.gov.im/about-the-government/offices/attorney-generals-chambers/crown-office/charities/>

The Charities Tribunal Rules 2020 have been drafted and the process of their being made by the Council of Ministers is underway. The present expectation is that Tynwald approval will be sought next month, with the Rules then coming into force on 1 May. Recruitment of the Chair of the Tribunal and the necessary panel of members is a matter for the Appointments Commission, which will be done by open application in the usual way.

2. Charity Trustees Seminars - postponement

The six seminars arranged for February, March and April have proved very popular, with over 160 charity trustees attending the first one and few places remaining for the others. In the light of the measures announced by the Chief Minister on Monday concerning the response of the island to the threat of Coronavirus (COVID-19), however, the decision has been taken to postpone the following seminars:

- Seminar 2 – Saturday 21 March: 10 am @ Manx Museum
- Seminar 3 – Tuesday 24 March: 6 pm @ Manx Museum
- Seminar 4 – Saturday 28 March: 10 am @ Castletown Civic Centre
- Seminar 5 – Saturday 28 March: 2 pm @ Ramsey Town Hall

A decision will be made in due course concerning seminar 6 – Saturday 18 April at the House of Manannan, Peel.

All postponed seminars will be rearranged, with the new dates advertised as before. In the meantime, we are working on adding "FAQs" to information available on-line, which will include points raised during the February seminar and, separately, with the Attorney General's Chambers and the Charities Registry.

3. The effect of the Coronavirus measures on Charity AGMs

A query has been raised about holding an AGM within the timescale required by a governing instrument in circumstances where members are unable to attend due to adherence to the measures/recommendations that are presently in place concerning Coronavirus.

The Attorney General has agreed the following approach:

Any charity which is required to hold its AGM before the end of April, but is prevented from doing so due to the official restrictions/measures currently in force concerning Coronavirus, is able to postpone the holding of the AGM up to the end of May, which would give time to amend the charity's governing instrument to make provision for alternative arrangements, eg reducing the quorum and/or allowing members to vote on proposals (including election of charity trustees) by proxy or by post/e-mail if the restrictions/measures look set to continue. Where the charity's governing instrument provides for any amendment to be made at a general meeting, this should be interpreted as permitting the members to vote by post if restrictions/measures in force at the time of the date on which the meeting is to be held mean that the necessary quorum cannot be achieved.

Any charity required to hold an AGM from 1 May onwards should be able to make the necessary amendments in time. In cases where a charity's governing instrument does not currently permit amendment, from 1 April, the Attorney General will be able to consent to the charity trustees passing a resolution to adopt appropriate provisions provided the governing instrument following amendment complies with the requirements set out in Regulation 8 of the Charities Regulations 2020.

4. Transfer of the Charities Registry

We are pleased to be able to announce that Wendy Joughin will be transferring to the Attorney General's Chambers from the Central Registry wef 1 April. This will provide continuity regarding the operation of the Register and the telephone and e-mail contact details will remain unchanged. From 1 April, the postal address will be:

Charities Registry
Attorney General's Chambers
Belgravia House
Circular Road
Douglas
ISLE OF MAN
IM1 1AE

From 1 April, all enquiries concerning Manx charities should be made to the Attorney General's Chambers and not to the Central Registry.

5. Queries concerning charities or the implementation process

If you have any suggestions for topics to be covered in future Bulletins, or queries or concerns regarding the current or proposed activities of your charity, or if your charity is considering updating its governing instrument, including by making changes to its name or objects, please contact Michelle Norman in Chambers [e-mail: michelle.norman@attgen.gov.im; tel: 685452].

Any queries concerning the current registration process, the filing of annual accounts or the notification of changes to charity trustees or their details, please contact the Charities Registration Officer, Wendy Joughin [e-mail: charities@gov.im; tel: 687318].

Wherever possible, for the duration of the Coronavirus restrictions/measures, queries should be made by e-mail or phone, rather than by attending a public counter. Please be aware that, as staff are now working remotely wherever possible, it may not be possible to speak directly to the officer concerned at the time of calling. All queries will be answered as quickly as possible.

6. Publication of the Bulletin

As well as being circulated as above, this Bulletin will be published on the webpages of the Attorney General's Chambers and the Central Registry.