

STATES OF JERSEY



DRAFT CHARITIES (CORE FINANCIAL INFORMATION) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 23rd January 2018
by the Chief Minister

STATES GREFFE



Jersey

DRAFT CHARITIES (CORE FINANCIAL INFORMATION) (JERSEY) REGULATIONS 201-

REPORT

These draft Regulations prescribe the core financial information that must be provided to the Jersey Charity Commissioner on an application for registration as a charity under the [Charities \(Jersey\) Law 2014](#) (the 2014 Law”).

Regulation 1 defines the core financial information. It is a statement, in relation to a given year, of an entity’s total income, its total expenditure, the total value of assets (held at the start of the year, the total value of those assets at the end of the year, and a list (with brief descriptions or addresses) of assets (or classes of assets) that have not been valued. The figures do not take account of liabilities.

Regulation 2 requires the core financial information to be provided by an entity when it applies for registration as a charity under the 2014 Law. The entity also has to provide its financial accounts, but only if it has any, under Article 11(2)(d)(i) of the 2014 Law. The core financial information must relate to the last year of those accounts, if they are provided. If there are no accounts then the core financial information must relate to the last year ending 31st December. But if the entity only came into being less than one year before applying (and has no accounts), the core financial information must relate to the period from when it came into being until a date (chosen by the entity) within the 28 days leading up to the application.

Regulation 3 names these Regulations and would bring them into force when Part 4 of the Charities (Jersey) Law 2014 is brought into force, which is the first point at which entities will be able to submit applications for registration as charities.

The information to be provided under *Regulation 1* and *Regulation 2* serves 2 main purposes. Firstly, it assists the Charity Commissioner in determining whether an entity meets the charity test, which includes an assessment of public and private benefit. Secondly, it provides the public with basic financial information about all registered charities to enable a better understanding of the financial status of each registered entity. This assists the Charity Commissioner to protect public trust and confidence in registered charities, support charitable giving and volunteering and act in a way which is proportionate with regard to the burden placed on registered charities. The public in turn, are able to access information which may assist them in determining for themselves whether they wish to donate to one entity or another.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Chief Ministers, are bound by the principle of

collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

Explanatory Note

These Regulations prescribe the core financial information that must be provided to the Jersey Charity Commissioner on an application for registration as a charity under the Charities (Jersey) Law 2014 (the “Charities Law”).

Regulation 1 defines the core financial information. It is a statement, in relation to a given year, of an entity’s total income, its total expenditure, the total value of assets (that are in the form of money or have been valued) held at the start of the year, the total value of those assets at the end of the year, and a list (with brief descriptions or addresses) of assets (or classes of assets) that have not been valued. The figures do not take account of liabilities.

Regulation 2 requires the core financial information to be provided by an entity when it applies for registration as a charity under the Charities Law. Under Article 11(2)(e)(i) of the Charities Law, the entity also has to provide its financial accounts, but only if it has any. The core financial information must relate to the last year of those accounts, if they are provided. If there are no accounts then the core financial information must relate to the last year ending 31st December. But if the entity only came into being less than one year before applying (and has no accounts), the core financial information must relate to the period from when it came into being until a date (chosen by the entity) within the 28 days leading up the application.

Regulation 3 names these Regulations and would bring them into force when Part 4 of the Charities Law is brought into force, which is the first point at which entities will be able to submit applications for registration as charities.



Jersey

DRAFT CHARITIES (CORE FINANCIAL INFORMATION) (JERSEY) REGULATIONS 201-

Arrangement

Regulation

1	Core financial information defined	9
2	Duty to provide core financial information on application for registration.....	9
3	Citation and commencement	10



Jersey

DRAFT CHARITIES (CORE FINANCIAL INFORMATION) (JERSEY) REGULATIONS 201-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 11(3) and 39 of the Charities (Jersey) Law 2014¹, have made the following Regulations –

1 Core financial information defined

- (1) In these Regulations “core financial information” means a statement setting out, in relation to an entity and a year –
 - (a) the total amount of the entity’s income for the year;
 - (b) the total amount of the entity’s expenditure for the year;
 - (c) the total amount of the value of the money and valued assets held by the entity at the start of the year;
 - (d) the total amount of the value of the money and valued assets held by the entity at the end of the year; and
 - (e) a list of any other assets, or classes of assets, held by the entity at the end of the year, giving –
 - (i) addresses for land or other assets that have an address, and
 - (ii) brief descriptions or other identifying details for other assets or classes of assets.
- (2) For the purpose of paragraph (1) –
 - (a) “asset” includes any asset of any form, without taking account of any liabilities;
 - (b) “valued asset” means any asset in respect of which the entity is aware of the asset’s value, or uses an estimate of the asset’s value for the entity’s accounting purposes, at the relevant time.

2 Duty to provide core financial information on application for registration

- (1) An entity applying for registration as a charity under the Charities (Jersey) Law 2014² must provide to the Commissioner the core financial information in relation to that entity and to the relevant year.

-
- (2) The relevant year is –
- (a) if the entity provides financial accounts under Article 11(2)(e)(i) of the Charities (Jersey) Law 2014, the last financial year of the entity to which those accounts relate;
 - (b) if sub-paragraph (a) does not apply and the entity came into being less than one year before the application, the period from the date on which the entity came into being until a date chosen by the entity that is not more than 28 days before the date of the application; or
 - (c) if neither of sub-paragraphs (a) and (b) applies, the year ending on the 31st December immediately preceding the date of the application.

3 Citation and commencement

These Regulations may be cited as the Charities (Core Financial Information) (Jersey) Regulations 201- and come into force on the coming into force of Part 4 of the Charities (Jersey) Law 2014³.

-
- ¹ *chapter 15.070*
 - ² *chapter 15.070*
 - ³ *chapter 15.070*