

11. The Charities Acts 1992, 1993 and 2006

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1. Introduction

The Charities Act 2006 introduces new provisions and amends the Charities Acts of 1992 and 1993. It is intended that in due course the Law Commission will introduce an Act or Acts to consolidate this and other charity legislation.

The 2006 Act is divided into four Parts.

Part I (sections 1-5)

This deals with the definition of a charity and of charitable purposes, and establishes a Charity Tribunal that may hear and determine appeals against decisions of the Charity Commission, together with certain other matters.

Part II (sections 6-44)

This deals with the regulation of charities.

Part III (sections 45-71)

This deals with fundraising by and the funding of charities and other benevolent or philanthropic organisations.

Part IV (sections 72-80)

This contains ministerial powers, interpretation and commencement orders for various parts of the Act.

A number of regulations and orders have been made in respect of the 1992 and 1993 Acts whilst others are being made under the 2006 Act. These set out in more detail how the provisions of the Acts will apply (and in some cases amend the Acts themselves).

The Cabinet Office has issued a timetable for the implementation of the 2006 Act. See Appendix 1 for more information. A copy of the Act can be obtained from the Stationery Office.

This information sheet summarises the aspects of the Acts, and the subsequent regulations, which are most likely to affect village halls and other similar community buildings and their managing trustees.

A Charity is a voluntary organisation established for and furthering exclusively charitable objects. Most village halls are charitable and others, while not charitable, will be philanthropic or benevolent, and are affected by Part III of the 2006 Act, which governs public charitable collections. If you are uncertain about your organisation's status, seek the advice of the Charity Commission or the village hall adviser based at your local Rural Community Council. See section 3 for contact details.

A charity's trustees are those who manage its affairs (charity trustees are frequently, and properly, called managing trustees). These may be individuals named in the documents establishing the trust, or the members of the managing committee.

2. The Acts

2.1 The new definition of charitable purposes

The 2006 Act introduces a complete new series of definitions of charitable purposes.

The Act defines a charity as a body or trust which:

- is for a charitable purpose, and

- is for the public benefit.

It then includes descriptions of the purposes that are charitable:

- the prevention or relief of poverty
- the advancement of education
- the advancement of religion
- the advancement of health or the saving of lives
- the advancement of citizenship or community development
- the advancement of the arts, culture, heritage or science
- the advancement of amateur sport
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
- the advancement of environmental protection or improvement
- the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
- the advancement of animal welfare
- the promotion of the efficiency of the armed forces of the Crown; or the efficiency of the police, fire and rescue services or ambulance services, and;
- any other purposes charitable in law.

This list covers the majority of purposes which are already charitable; the last category means (at least in principle) that everything which is currently charitable is included¹.

'Public benefit' is not defined in the legislation, but the Charity Commission is required to issue guidance on the interpretation of this requirement, and charity trustees 'must have regard to any such guidance when exercising any powers or duties to which the guidance is relevant'.

2.2 Registration with the Charity Commission

Certain charities (places of worship, exempt charities and charities excepted by order or regulations) are, in certain circumstances, not required to register. Otherwise from 1 April 2007 all charities whose income from all sources exceeds £5,000 a year have a duty to apply for registration, and to supply any documents and information required for the purpose. Charities with an income of under £5,000 may choose to register but are not required to do so.

It is the charity trustees who are required to seek registration. This should be done once the conditions listed above are met. Applications can now be made on-line on the Charity Commission website www.charity-commission.gov.uk

2.3 Where to use your charity registration details

Registered charities with a gross income of over £10,000 in the previous year have to state that they are registered charities on all 'notices, advertisements and other documents issued by or on behalf of the charity and soliciting money and other property for the benefit of the charity'; on all cheques and orders for money or goods, and on all bills, invoices and receipts they issue. It is not a requirement that the charity registration number be quoted but this is good practice. If in doubt, state that your organisation is a registered charity (e.g. Registered Charity No. 123456) on any document or form you use - including your letterheads, which may well be used on some occasions to solicit money or other property.

¹ This *explicitly* includes purposes recognised by virtue of Section 1 of the Recreational Charities Act 1958, which has not been repealed: this will include village halls registered with the objects contained in the ACRE Model Trust Deeds (current or previous versions).

The Charity Commission can direct a charity to change its name: where, for example, confusion arises because another organisation has a similar name, or the name itself is misleading.

2.4 Reports and accounts

The managing trustees of a registered charity have a legal obligation to prepare an annual report, and to include in it certain legal and administrative information. The required information includes the name, principal address and charity number of the charity, a description of its trusts, and the names of its trustees.

For charities with a gross income under £500,000, the annual report should also contain a brief summary of the main activities and achievements of the charity during the year, in relation to its objects. For larger charities, a fuller report is required. The trustees of a registered charity with a gross income of £10,000 or less do not have to submit the annual report to the Charity Commission unless requested to do so. All other registered charities have to do so within 10 months of the end of the financial year.

When submitting the annual report to the Commission, the trustees must attach to it the accounts for the year in question. In general, the managing trustees of a charity which is not a company have a duty to ensure that accounting records are kept which must:

- disclose at any time and with reasonable accuracy the financial position of the charity;
- contain entries showing from day to day all items of income and expenditure;
- provide a record of the charity's assets and liabilities;
- be preserved for at least six years after the end of the financial year in which they were made (unless, in the case of a charity which ceases to exist, the Charity Commission gives its permission for the disposal of the records).

In addition, every registered charity must prepare a statement of accounts that conforms to SORP² regulations that came into force in March 2005, and apply to all financial years commencing after that date. The requirements prescribed in the regulations vary according to the gross income of the charity.

For financial years starting on or after 27 February 2007, level of expenditure is no longer a factor in determining whether an unincorporated charity must have a full audit or an independent examination, nor is level of income or expenditure in the preceding two years. Rather, an audit is now required if the charity's annual income is £500,000 or more (increased from the previous threshold of £250,000), or if its annual income is more than £100,000 and it has total assets valued at more than £2.8 million.

An unincorporated charity with income over £10,000 and up to £500,000 must have an independent examination or audit. Independent examiners for charities above the previous £250,000 threshold but below the new £500,000 threshold must have a professional qualification or be a Fellow of the Association of Charity Independent Examiners.

Many charities below the threshold may think it prudent to have an audit or may be required to do so as a condition of a lease or by a funder. If a charity's constitution requires it to have an audit, then this has to be adhered to. However, if it has the constitutional power to do so, a charity may amend that clause in its constitution - a suitable clause³ is contained in ACRE's Model Trust Deed.

All charities, even those which are unregistered because their annual income is less than £5,000 (see 2.1 above), must supply within two months of receiving a request in writing

² The Charity Commission's *Statement of Recommended Practice*

³ Clause 20

from any person a copy of the charity's latest accounts, for which a reasonable fee may be charged.

Charitable companies are required to keep their accounts in accordance with company law, although the Charity Commission will also expect them to conform to SORP (Standards of Recommended Practice) and produce a SOFA (Statement of Financial Activities). Companies with a turnover under £90,000 per annum do not need an audit or statement from a reporting accountant. Between £90,000 and £500,000, they will need an 'accountant's report'. Over £500,000 a full audit is required.

2.5 Annual return

Charities with a gross annual income or expenditure greater than £10,000 are required to complete an annual return and submit it to the Charity Commission within 10 months of the end of their financial year. The largest charities have to complete the whole return, those with income and expenditure under £500,000 part of the form. The return is designed both to update the register of charities, and to enable the Commission to monitor the performance of charities and their trustees.

Charities with a gross income or expenditure of £10,000 or less are not required to complete the return, but they do have a duty to tell the Charity Commission of any changes to the details of their charity. The Charity Commission has available a Database Update form for this purpose.

2.6 Disqualification of trustees

The 1993 Act lists the conditions under which anyone is disqualified from serving as a trustee. They are:

- an unspent conviction for an offence involving dishonesty or deception;
- an undischarged bankruptcy;
- an undischarged composition or arrangement with creditors;
- the removal of the person concerned from his/her office as a charity trustee by the Charity Commission or High Court;
- his/her being subject to a disqualification order under the Company Directors' Disqualification Act 1986.

The Charity Commission is empowered, on application, to waive some of these disqualifications in the case of particular trustees.

2.6.1 Waiver of trustee disqualification

A person who has been removed as a charity trustee by the Charity Commission, High Court or Court of Session in Scotland is disqualified from serving as a trustee for any charity unless the Charity Commission waives the disqualification. The Commission has to grant any application for a waiver where the person has been disqualified under these provisions for more than five years, unless it has good reason for not granting the waiver. However the Commission cannot grant a waiver under these provisions where the person would become a trustee of a charitable company, and he or she is an undischarged bankrupt or is disqualified from serving as a company director.

2.7 Professional and commercial fund-raising and public collections

When the relevant provisions come into effect, professional fundraisers will have to state the amount of remuneration they are receiving in connection with an appeal, and how the remuneration is determined. If that amount is not known at the time of the appeal, they will have to give as accurate an estimate as possible. Under previous legislation, professional

fundraisers only had to state in general terms the method by which their remuneration was determined.

Commercial participators will have to state the amount (or estimate, if the amount is not known at the time) from their charitable promotion that will be given to charities or used for charitable purposes.

Rules similar to those for professional fundraisers are extended, and will include officers, employees and trustees of charitable institutions or companies connected with charitable institutions. If such individuals are acting in that capacity as a collector for a public collection, and are remunerated either in their role as officer, employee or trustee or as a collector, they will be required to disclose certain information, including the fact that they are receiving remuneration. There is an exception for people in this category who receive less than £5 per day, £500 per year or £500 for a specific collection.

2.8 Public charitable, philanthropic and benevolent collections

When the relevant provisions come into effect, a collection in a public place will require a Public Collections Certificate (PCC), issued by the Charity Commission and a permit from the relevant local authority. A door to door collection (whether for money or goods) will require a PCC and notification to the local authority. An exemption for local short-term collections applies where the collection is local in nature, takes place within a prescribed period of time, and the organisation has notified the local authority about the collection.

PCCs will be valid for up to five years. There will be special provisions for the certificate to be transferred from its holder(s) to another trustee or trustees within the same unincorporated charity.

These provisions will replace part III of the Charities Act 1992, which has never been brought into effect. Until the new provisions come into effect, the 1916 and 1939 legislation governing public and house-to-house collections remains in effect.

2.9 Collections in public places

Previous legislation referred to 'street' collections. The Act extends this to collections in 'public places' which include some privately owned land, such as railway station ticket halls and supermarket forecourts. Once a charity has a public collections certificate it will be able to apply to a local authority for a permit to hold collections at certain times in certain places in that local authority area. Local authorities will ensure that there are not too many collections taking place at the same time, in the same place.

2.10 Door to door collections

Previous legislation referred to 'house to house' collections. The 2006 Act refers instead to 'door to door' collections, to make clear that this includes business premises. A charity with a public collections certificate will be able to conduct door-to-door collections without permission from a local authority, but it must inform the local authority that the collection is taking place.

2.11 Local, short-term collections

Some collections will be exempt from licensing and will not require either a certificate or permit, but organisers will have to notify the local authority that the collection is taking place; and so, small scale activities like carol singing should not be disproportionately affected.

2.12 Investments

The 1993 Act empowers the Secretary of State to vary the restriction imposed on charities as to the proportion of their investments (other than those held in a Common Investment Fund) that they hold in equities (wider range investments) and in Gilts (narrower range)⁴, and to make new regulations so that additional types of investment can be made.

In April 1995, an order was introduced permitting charities to hold 75%, as opposed to the previous limit of 50%, of their assets in equities. NOTE, however, that broadening the scope of investment opportunities available to charity trustees in no way removes their obligation to take all due care in their financial transactions.

2.13 Land and buildings

The 2006 Act lays down various new procedures for charities when they are disposing of real property, i.e. land and/or buildings - including leases, and also when seeking a mortgage on a building. These procedures, if followed correctly, will save the need to obtain Charity Commission or court approval for the transaction(s).

When disposing of real property by way of a sale, or of a lease for a period greater than seven years, charities must first obtain a written report from a qualified surveyor, advertise their intention to dispose of the property if he/she so advises, and then sell or let on the best terms that can reasonably be obtained in the light of the surveyor's report. Where the disposition is to another charity with similar aims or consists of renting property to a beneficiary of the charity, this last stipulation is waived i.e. the disposition can be for less than full market value.

In the case of a lease for less than seven years, the trustees may rely on the advice of anyone reasonably believed by them to have the requisite ability and practical experience to give such competent advice.

Where land is held on trusts which stipulate that it must be used for the purposes of the charity, as in the case of the majority of village halls, the trustees must, unless the property is to be replaced by another to be held on the same trusts or the disposition is to consist of granting a lease for a period of two years or less, give public notice of their intention to dispose of it, and take into consideration any representations received. The Charity Commission is empowered to waive these requirements where they consider such action to be in the best interests of the charity.

In cases where the disposition is to some connected person, land held by or in trust for a charity may only be sold, leased or otherwise disposed of with an order of the court or of the Charity Commission.

A connected person is defined as:

- a trustee of the charity;
- a donor of any land to the charity;
- any close relative of such trustee or donor;
- an officer, agent or employee of the charity;

4. *Equities*: or '*Ordinary Shares*': investments in joint stock - i.e. limited - companies. Ordinary shareholders are entitled to net profits after expenses (including interest charges and tax) have been paid, usually in the form of dividends. In the situation of a company being wound up - e.g. due to insolvency - they are entitled to a share in any remaining assets once debts and the claims of 'preference shareholders' have been discharged.

Gilts: '*Gilt Edged Securities*' or '*Government Bonds*': financial securities issued by governments as a means of borrowing (and lending) money. 'Gilt edged' securities are regarded as a safe asset, provided that the relevant government is able to honour its debts.

(Reference: *Collins Dictionary of Economics*, 1993).

- the spouse of any person in these categories;
- an institution controlled by any person in these categories: or
- a body corporate in which any such person has a substantial interest.

Section 37 of the 1993 Act states that all sales and leases of charity land will have to include in the contract, lease, conveyance or other transfer document statements that the land is held by or in trust for a charity, and that the disposition is in accordance with the appropriate provisions of the 1993 Act. The solicitors acting for charities will need to incorporate the exact wording required in the transfer document.

2.14 Mortgages

Where a mortgage is granted over charity land, the authority of the court or the Charity Commission may not be necessary provided that before executing the mortgage the trustees obtain and consider advice on matters concerned with whether the loan is expedient in the interests of the charity. This extends the circumstances in which a charity does not require the formal authority of the court or the Commission to allow land belonging to a charity to be used as security. Where this may apply, advice should be obtained from ACRE or other qualified legal advisers.

It should be noted that where a village hall has an overdraft with its bank, a request by the bank 'to hold the Deeds' as security could be construed as a mortgage agreement for the purposes of sections 38 and 39 of the 1993 Act, requiring compliance with the above.

Mortgages relating to grants are subject to the same provisions as those relating to loans. This has the effect that the financial advice must address the ability of the charity to pay back the grant where neither the grant-giving body nor the charity anticipates that this will ever happen.

2.15 Incorporation of trustees

The Charity Commission has the power to issue a certificate of incorporation of the trustees. This is NOT the same thing as seeking incorporation under the Companies Acts. It does mean, however, that where the Commission considers it in the best interests of the charity to grant such a certificate, the trustees could be sued and sue others in their corporate name, and would be able to execute documents relating to land, as a body of trustees, and without the need for holding trustees.

In certain circumstances there are some advantages to trusts and unincorporated associations in this form of incorporation, but they should note that it does not limit the trustees' personal liability, nor does it incorporate or limit the liability of the members of the charity in any way. Advice should be taken before trustees decide to seek this form of incorporation.

2.16 Charitable Incorporated Organisations (CIOs)

Charities that want a corporate structure currently have to register both as charities and as companies, which means they have to meet the dual regulatory burdens of both the Charity Commission and Companies House. The 2006 Act creates a new vehicle for these charities – the Charitable Incorporated Organisation (CIO). A CIO will have the advantages of a corporate structure, such as reduced personal liability for trustees, without the burden of dual regulation.

Creating CIOs will require additional legislation which is anticipated to be in place no sooner than early 2008.

2.17 Administrative issues

- The Charity Commission is empowered to make an order directing the funds of a dormant charity account, where they are unable to locate the charity or its trustees, to be transferred to such other charity or charities as they consider appropriate.
- A charitable company may not alter the objects clause of its memorandum of association, nor any provisions in the memorandum relating to the manner in which the company's property may be used or applied, without the prior written consent of the Charity Commission.
- The Acts give additional powers of enforcement and regulation to the Charity Commission for England and Wales. In addition to those referred to above, the Commission's powers to make enquiries and to stipulate forms and procedure to be followed by trustees are considerably increased. New offences are created for those who supply misleading information, or who fail to meet certain requirements of the 1993 Act. It should be realised that these measures are to ensure that charities keep their houses in order, something which both their supporters and their beneficiaries are entitled to demand.
- **Amending administration rules within the governing document**
The legislation gives the trustees of all non-company charities power to pass a resolution to alter the parts of their charity's governing document which set out how they administer their charity, for example the number of trustees needed to form a quorum at meetings. They will only need to use this power if it is not already included in the charity's governing document.
- **Effective use of permanent endowment**
Permanent endowment can be either charitable funds or property, such as land or a building, which a charity can't spend or sell in its entirety. Trustees of permanently endowed charities can use the income generated by permanent endowment but, except for very small charities, they can't usually spend the capital. The Act now allows a wider range of smaller charities to spend the capital, and for larger charities power to do the same in certain circumstances and if the Charity Commission agree.
- **Payment of trustees**
The legislation does not allow trustees to be paid for being trustees. Voluntary trusteeship still remains a key principle of charity. However, the legislation allows trustees to pay an individual trustee for providing an additional service to the charity - if they think it's in the best interest of the charity - without having to come to the Commission for authorisation to do so.

An example of this could be a trustee who is also a plumber providing plumbing services to the charity as long as the trustees agree that it is in the charity's best interest, i.e. because the plumber is charging a better price or in some way delivering a better service than the trustees could get elsewhere.

Important points to remember:

- the number of trustees receiving payment in this way must be in a minority
- the amount paid must be reasonable and set out in a written agreement between the trustee and the charity; and
- the trusts or governing document must not contain any specific provision forbidding this type of payment.

- **Relief from personal liability for trustees**

Recruiting new trustees can be made harder if potential trustees are worried they may be personally liable for mistakes which put the charity's assets at risk. The legislation allows charity trustees to apply to the Charity Commission, as well as the courts, for relief from personal liability for a breach of trust where the trustee has acted honestly and reasonably. This obviously only applies where mistakes have been honestly made. The Commission and the courts will still take deliberate breaches of trust by trustees very seriously.
- **Trustee Indemnity Insurance**

Trustees can use charitable funds to purchase trustee indemnity insurance, if they believe it is in the best interests of the charity to do so, even if it is not authorised by the governing document. Charity Commission consent is required only if the governing document explicitly prohibits using the charity's funds for trustee indemnity insurance. The legislation sets out what can and cannot be covered by such insurance.
- **Deciding a charity's membership**

The legislation gives the Charity Commission the power to decide who a charity's members are, either if the charity applies to them to do so or if they need to find out during the course of an inquiry. The power also allows them to appoint someone else to do this: for example, the person who is appointed to undertake the inquiry.
- **Entering premises and obtaining documents**

There are times when documents are deliberately destroyed by those involved in a charity when the Charity Commission tells them that they are opening an inquiry. Where there is reason to believe this might happen, the legislation gives the Commission the power to get a warrant from a Justice of the Peace to enter and search premises and take away specified material, including electronic material. It also gives the power to prevent interference with, or the destruction of, specified documents, make copies of them and get information from the charity about what, and where, such documents are. These powers can only be used as part of an inquiry and the Justice(s) of the Peace will have to be satisfied that there is strong reason to believe the documents are at risk before a warrant may be granted.

3. Further advice, information and useful addresses

ACRE

Somerford Court
Somerford Road
Cirencester
Gloucestershire
GL7 1TW
Telephone: 01285 653477
Website: www.acre.org.uk

Contact details for your local Rural Community Council can be found on the [acre](http://www.acre.org.uk) website.

Community Matters

12-20 Baron Street
London
N1 9LL
Telephone: 0845 847 4253
Website: www.communitymatters.org.uk

The Stationery Office

PO Box 29
Norwich
N3 1GN
Telephone: 0870 600 5522
Website: www.tsoshop.co.uk

Charity Commission Offices

Harmsworth House	2nd Floor	Woodfield House
13-15 Bouverie Street	20 Kings Parade	Tangier
London	Queens Dock	Taunton
EC4Y 8DP	Liverpool	Somerset
	L3 4DQ	TA1 4BL

Central telephone contact for all three offices: 0870 333 0218

Website: www.charity-commission.gov.uk

Charity Commission leaflets available from Charity Commission or online:

- CC 3 Responsibilities of Charity Trustees
- CC51 Charity Accounts - the new framework
- Accounting by Charities - Statement of Recommended Practice
- Accruals Accounting for the Smaller Charity - a guide to the Charities SORP for unincorporated charities with up to £100,000 annual income and with no branches or investment assets
- The carrying out of an independent examination.

Acknowledgment

ACRE acknowledges the work of Community Matters and Norman Wilkins in researching and preparing this information sheet.

APPENDIX ONE

Timetable for implementation of provisions of the 2006 Act

The Government has set out a provisional timetable for implementation of the 2006 Act⁵. The aim is to give charities and others affected by the Act sufficient time to prepare for changes that will affect them.

The following, based on the provisional timetable, relates to the main changes introduced by the 2006 Act that are mentioned in this Information Sheet. It is in no way definitive, and is offered for indicative guidance only.

Section(s) of this Information Sheet	Item	Expected Implementation Date
1.	The Charity Tribunal	Early 2008
1.	Consolidation of Charity Law	2007-8 Session of Parliament (or later)
2.1	Development of guidance and consultation on the 'public benefit' test	Early 2007 onward
2.1	New definitions of Charitable Purposes	Early 2008
2.2	Charities registration requirements	Early 2007
2.4 - 2.5	Reporting and accounting requirements	Later 2007
2.6.1	Waiver of trustee's disqualification, etc	Early 2007
2.7	Professional and commercial fund-raising	Later 2007
2.8 - 2.11	Public and door-to-door collections, etc	Not before 2009
2.13	Land and buildings	Early 2007 onward
2.16	Charitable Incorporated Organisations (CIOs)	Early 2008
2.17	Administrative provisions	Various dates from 2007 onward
Other commitment	Preparation of a Plain English Guide to the 2006 Act	Early 2007

⁵ *Charities Act 2006 Implementation Plan*: Cabinet Office, Office of the Third Sector, undated

APPENDIX TWO

Charity Trustees

Charity Trustees are the people who **manage** its affairs - indeed they are often referred to as the managing trustees. Under the Charities Act 1993 it is an **offence** for anyone to act as a trustee of a charity whilst disqualified. All trustees must be aged 18 or over; the disqualifications mentioned in the Act are listed overleaf.

It is the **duty** of every trustee to manage the trust and its property for the purposes specified in its constitution, trust deed, Memorandum and Articles of Association or other governing instrument. It therefore follows that **every trustee must be given a copy of the document** to read and refer to.

Charity (or managing) trustees are **responsible** for ensuring that the affairs of the charity are conducted in a businesslike manner, and should study the Charity Commission leaflet CC3, *The Essential Trustee: What you need to know*, or at least the summary, CC3a. The Charity Commission will supply these free of charge, or the documents may be down-loaded from the Commission's website. See Section 3.

In the case of an unincorporated association, (most village halls are unincorporated) the managing trustees become individually **liable** for its actions, or inaction, such as failure to pay its bills.

If your charity is governed by a committee, it is most likely that its members comprise your managing trustees. This is regardless of who appointed them, how they were elected etc. However, an adviser co-opted to the committee without the power to vote would not be a managing trustee.

So that all trustees appreciate what they are taking on, and for the better management of the charity, ACRE has devised a simple **declaration** for your present managing trustees (and new ones elected or appointed in the future) to sign. This can be found overleaf. Whilst it is not required by the Act, it should be a useful safeguard. It can either be copied onto individual sheets, one for each trustee to sign, or the wording copied into a book for the trustees to read and sign below.

In order to complete the Charity Commission's annual return, you need to know the address and date of birth of your charity's trustees. This form also provides a simple way of recording that information when a trustee is elected or appointed.

Remember that committee members need to be as well informed as possible about the charity they are to serve. Apart from a copy of the constitution or other governing instrument, newly appointed/elected **trustees should be given relevant information such as annual reports and accounts, recent minutes, any available programme and budget, standing orders, etc.** An informal friendly briefing from one or more of the officers will also be useful and appreciated. For a suggested induction pack for village hall management committees contact ACRE or your Rural Community Council for a copy of Managing your Hall Part 1.

Declaration by Charity Trustees

Name of Charity: _____

Charity Registration No: _____

I have received and studied the constitution (or other governing instrument) of the charity and support its purposes.

I realise that as a member of its _____ Committee I am one of the organisation's managing or charity trustees, and I understand the duties and responsibilities involved, as explained to me and indicated in the Charity Commission leaflet *The Essential Trustee: What you need to know*.

I am not under 18 years of age and am not disqualified* from serving as a member of the Committee, and, in the event of my becoming disqualified, will take no further part in the affairs of the charity whilst such disqualification lasts.

Name:.....

Signed: Date:

Home address:

.....

Date of birth:

(This information is required for completion of the Charity Commission's annual return).

* *The Charities Act 1993 lists disqualifications as:*

- a) *an unspent conviction for an offence involving dishonesty or deception;*
- b) *an undischarged bankruptcy;*
- c) *an undischarged composition or arrangement with creditors;*
- d) *having been removed from the office of charity trustee by the Charity Commission or the High Court;*
- e) *being subject to a disqualification order under the Company Directors' Disqualification Act 1986.*