

CHARITIES AUTHORITY

DEPARTMENT OF CO-OPERATIVES AND FRIENDLY SOCIETIES

GUIDANCE NOTES ON FILING OF RETURNS AND MAINTENANCE OF ACCOUNTS

Be prepared, 31st March each year is the deadline for registered charitable organizations to submit their Annual Return¹ to the Charities Authority. Failure to file is taken seriously by the Authority and grant funders.

All Registered Charitable Organizations (RCOs) shall file with the Authority within three months after the end of the [organization's] financial year, the following documents:

- The Audited Financial Statements
- The Auditor's Report on the Financial Statements
- The Auditor's Report on the use of donation money and whether the use was in accordance with the charitable purpose (s) of the organization
- The Annual Report²
- The fund-raising activities (aka Plan of charitable Activities) and expenditure plans for the next financial year (aka Budget/Schedule of Expenses) [**Charities Regulations 28**]

Here are some top tips to avoid making mistakes when filing:

- Don't leave it to the last moment. Failure to file on time is against the law – if you are ready to file, do it now. Deadline extensions are not offered, and if you fail to file on time your online register entry will be flagged red as being overdue.
- All charities must keep records of their accounts and provide them to the public if requested. All registered charities must inform the Authority of their income and expenditure.
- You can now authorise your accountant, independent examiner, or another person to file the charity's return and other documents for you.
- Income and expenditure and balance sheet figures etc. must be recorded in Jamaican dollars.

¹ Form 8 - Annual Return

² Must be signed by at least one director and bears the name of the RCO.

- File your annual information in a signed hard copy. Attempts to file by way of a letter notification or by email will not be processed and your charity's online register will be marked overdue.
- The annual return prompts you to tell us if your accounts are qualified. Accounts are marked qualified when the independent examiner or auditor has doubts or concerns about some aspects of the accounts. This does not relate to the fitness of the individual scrutinizing the accounts.
- It is the Trustees'/Directors' collective responsibility to file, even if the task is given to one person.
- All registered charities must have a contact person identified to the Authority. If this individual leaves the charity, their last action should be to change their details to those of the new contact person. This is also an action attributed to the charity. Failure may lead to significant delay.
- The annual return prompts you to populate and to confirm that certain facts you entered are correct. Make sure you provide complete and accurate disclosures.
- Registered Charitable Organizations have a duty to notify the Authority of certain matters (changes) pursuant to Section 28 of the Charities Act, 2013. The Authority is to be notified of the matters by way of a Notice to the Authority (Form 7) within 28 days.
- DCFS - If you have all the information you need, completing your annual returns should only take about 20 minutes – so file on time this upcoming March.

Further to the foregoing, the law requires that:

- A registered charitable organization shall enable true and fair financial statements to be prepared and audited to enable any *recognized assessment activity*ⁱ to be carried out in relation to the charitable organization.
- A registered charitable organization shall keep written financial records that correctly record and explain its transactions and financial position and performance.
- Registered charitable organizations shall keep written financial records that enable true and fair financial statements to be prepared and to be audited.
- A registered charitable organization shall keep and maintain its books, documents, and other records in the manner and for the period required of taxpayers under the Revenue Administration Act, and the provisions of that Act shall apply in relation thereto.
- A registered charitable organization shall furnish to the Authority such particulars with regard to its accounts and other records as the Authority may require.

- The books, records or documents of every registered charitable organization shall be open at all times for inspection by an inspector or any person duly authorized by the Authority.

ⁱ Under Section 27(5) of the Charities Act, 2013 “recognized assessment activity” in relation to a charitable organization, means ---

- (a) An activity carried out by the Authority involving assessment of the organization’s entitlement to registration
- (b) An activity carried out by the Authority involving assessment of the organization’s compliance with this Act and any Regulations made under this Act, or
- (c) An activity carried out by the Commissioner General involving assessment of the charitable organization’s compliance with revenue laws.