
The Official Custodian for Charities

**Annual Accounts
2010-11**

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Annual Accounts 2010-11

(For the year ended 31 March 2011)

Accounts presented to the Parliament pursuant to Section 2(7) of the
Charities Act 1993 (as amended)

Ordered by the House of Commons to be printed on 30 June 2011

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ISBN: 9780102973303

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID P002436959 07/11

Printed on paper containing 75% recycled fibre content minimum.

Contents

Foreword to the Accounts	2
Statement of the Official Custodian for Charities' Responsibilities	4
The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament	5
Receipts and Payments Account and Statement of Balances for the year ended 31 March 2011	7
Notes to the Accounts	8

Foreword to Accounts

Introduction

This publication presents the Annual Accounts for the Official Custodian for Charities (the Official Custodian) for the year ended 31 March 2011. The **Receipts and Payments Account** records the cash inflows and outflows for the year 1 April 2010 to 31 March 2011. It also shows the total funds of the Official Custodian as at 31 March 2011. The **Notes to the Accounts** explains the basis on which transactions are recorded and provides further analysis of the disclosures in the Receipts and Payments Account. Further notes have been included to provide greater clarity.

The Official Custodian

By virtue of section 2 of the Charities Act 1993, the Official Custodian is a corporation sole whose function is to act as a custodian trustee for charities in respect of land or other property vested in the Official Custodian by an Order of the Court or the Charity Commission.

The Charity Commission designates one of its officers to be the Official Custodian, under section 2(2) of the Charities Act 1993. Up until 31 October 2010, that officer was Ken Brew. The Board of the Charity Commission approved the appointment of Sharon Martin as Official Custodian with effect from 1 November 2010.

The Role and Powers of the Official Custodian

Under section 22 of the Charities Act 1993, the Official Custodian has the same powers, duties and liabilities as a custodian trustee appointed under section 4 of the Public Trustee Act 1906, except that s/he has no power to charge fees for his/her statutory services.

The responsibility for managing charity property held in the name of the Official Custodian remains wholly with the managing trustees. The Official Custodian cannot exercise any powers of management. Although section 4 of the Public Trustee Act 1906 determines that all sums payable to or out of the income or capital of the trust property shall be paid to or by the custodian trustee, in practice, and within the provisions of section 4, the Official Custodian allows dividends and other income derived from the trust property to be paid to the managing trustees.

Land and interests in land may be vested in the Official Custodian under section 21 of the Charities Act 1993. The primary advantage of vesting land in the name of the Official Custodian is that there is no further need for new deeds to be made when the trustees of the charity change. The Official Custodian cannot take part in managing land vested in him/her. For example, the Official Custodian has no power to enter into lease agreements or pay taxes in respect of the property. Charity trustees keep all the powers and duties of management, and will account for the land and buildings in their own financial statements.

The only charity property, other than land, to be held by the Official Custodian is that which has been transferred to him by an Order of the Court or the Commission for the protection of the charity under section 18 of the Charities Act 1993. The primary aim of the Official Custodian, in respect of property entrusted to him/her for its protection, is to safeguard that property until authorised to arrange its transfer to the managing trustees or their appointed representatives. When in the form of cash, it is either held in a current account at a bank or, for more significant sums, for a longer period in a deposit account. When in the form of securities, the Official Custodian may sell any investments only on the instructions of the trustees or their appointed representatives. Where necessary, s/he uses stockbrokers for this purpose. A webpage on the roles and responsibilities of the Official Custodian can be viewed on the Commission's website www.charitycommission.gov.uk.

The Chief Executive of the Charity Commission, as its senior full-time official, carries the responsibilities of Accounting Officer. He has overall responsibility for public funds in respect of all functions performed by officers of the Charity Commission, including the Official Custodian.

Sharon Martin
Official Custodian for Charities
16 June 2011

Statement of the Official Custodian for Charities' Responsibilities

Under section 2(6) of the Charities Act 1993, the Official Custodian for Charities (the Official Custodian) is required to prepare a statement of accounts for each financial year. The financial statements are prepared on a cash basis and must properly present the receipts and payments for the financial year and the balances held at the end of the year. In preparing the financial statements, the Official Custodian is required to apply, on a consistent basis, any relevant accounting guidance given from time to time by HM Treasury.

The Official Custodian is responsible for the keeping of proper accounts. S/he must ensure that proper financial procedures are followed and that accounting records are maintained in the form prescribed, and all assets for which s/he is responsible are safeguarded. These responsibilities are established by a direction to the Official Custodian regarding her accounting responsibilities, issued by the Charity Commission (the Commission) under section 2(3) of the Charities Act 1993.

The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

I certify that I have audited the financial statements of the Official Custodian for Charities for the year ended 31 March 2011 under the Charities Act 1993. These comprise the Receipts and Payments Account, the Statement of Balances and the related notes. These financial statements have been prepared under the accounting policies set out within them.

Respective responsibilities of the Official Custodian for Charities and Auditor

As explained more fully in the Statement of the Official Custodian for Charities' Responsibilities, the Official Custodian for Charities is responsible for the preparation of the financial statements in accordance with the Charities Act 1993 and HM Treasury directions made thereunder. My responsibility is to audit, certify and report on the financial statements in accordance with the Charities Act 1993. I conducted my audit in accordance with International Standards on Auditing (UK and Ireland). Those standards require me and my staff to comply with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of the audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Official Custodian for Charities' circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Official Custodian for Charities; and the overall presentation of the financial statements. In addition I read all the financial and non-financial information in the Foreword to identify material inconsistencies with the audited financial statements.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the receipts and payments reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

Opinion on Regularity

In my opinion, in all material respects the receipts and payments have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

Opinion on financial statements

In my opinion:

- the financial statements properly present the receipts and payments of the Official Custodian for Charities for the year ended 31 March 2011; and
- the financial statements have been properly prepared in accordance with the Charities Act 1993 and HM Treasury directions issued thereunder.

Opinion on other matters

In my opinion the information given in the Foreword for the financial year for which the financial statements are prepared is consistent with the financial statements.

Matters for which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept; or
- the financial statements are not in agreement with the accounting records; or
- I have not received all of the information and explanations I require for my audit.

Report

I have no observations to make on these financial statements.

Amyas C E Morse
Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
Victoria
London
SW1W 9SP

Date 20 June 2011

Receipts and Payments Account and Statement of Balances for the year ended 31 March 2011

Receipts and Payments Account for the period 1 April 2010 to 31 March 2011

	2010-11			2009-10
	Specific Funds £	General Funds £	Total Funds £	Total Funds £
Receipts				
From charities	0	0	0	0
From charities for protection	0	0	0	0
From investments (interest)	1	1	2	3
Total Receipts	1	1	2	3
Payments				
Remittances made: Capital (Note 3)	0	(21)	(21)	0
Interest (Note 3)	0	(12)	(12)	0
Total Payments	0	(33)	(33)	0
Excess (shortfall) of receipts over payments for the financial year	1	(32)	(31)	3

Statement of Balances as at 31 March 2011

	2010-11			2009-10
	Specific Funds £	General Funds £	Total Funds £	Total Funds £
Balance as at 1 April 2010	2,647	749	3,396	3,393
Balance as at 31 March 2011 (Note 4)	2,648	717	3,365	3,396

The Notes on pages 8 and 9 form part of these accounts.

Sharon Martin
The Official Custodian for Charities
16 June 2011

Notes to the Accounts

Note 1: Basis of preparation

The Accounts have been prepared on a receipts and payments basis, in accordance with section 2(6) of the Charities Act 1993. Income and expenditure is recognised in the Receipts and Payments Account at the point when the cash inflows and outflows occur.

Note 2: Accounting policies

The Official Custodian has no funds of his/her own. Funds retained by the Official Custodian to meet residual liabilities ultimately belong to HM Treasury's Consolidated Fund.

Since the 11th December 1992, the Official Custodian has been divesting him/herself of investments and cash as directed by the Charity Commission under section 29 of the Charities Act 1992.

Note 3: Remittances made

During the year, one payment was made to a charity in respect of War Stock that was divested by the Official Custodian following the Charities Act 1992.

Note 4: Funds held

The funds held at bank are as follows:

	31 March 2011			31 March 2010
	Specific funds Note (a)	General funds Note (b)	Total funds	Total funds
	£	£	£	£
Deposit account balances	2,648	677	3,325	3,323
Current account balance	0	40	40	73
Total funds	2,648	717	3,365	3,396

(a) Specific Funds

- In August 2005, an amount of £1,400 was received in respect of £40,000 6.5% Convertible Unsecured Loan Stock 2000/2005 issued by Staflex International Limited (in compulsory liquidation). The money has been placed in an interest bearing deposit account in the name of the Official Custodian and now amounts to £1,524. The identity of the charity that owns the Loan Stock is as yet unknown.
- In September 2004, an amount of £997 was received in respect of £18,300 11.5% Convertible Unsecured Loan Stock 1998 issued by Espley Trust plc (in compulsory liquidation). The money has been placed in an interest bearing deposit account in the name of the Official Custodian and now amounts to £1,124. The identity of the charity that owns the Loan Stock is as yet unknown.

(b) Funds are held by the Official Custodian as follows:

- £40 in a current account; and
- £677 in an interest bearing deposit account including interest earned.

The Official Custodian did not hold any funds on protection in 2010-11 (£nil in 2009-10)

Note 5: Property protected

The following property is vested in the Official Custodian by an Order of the Charity Commission made under section 18(1)(iii) of the Charities Act 1993 as amended by the Charities Act 2006:

Date vested	Date discharged	Property
28 February 2007	-	Recreation Ground at Bath, Somerset
16 February 2009	27 May 2010	Freehold land at Grove Road, Walthamstow, London
12 August 2009	14 properties discharged at various dates throughout 2010-11	22 properties throughout England and Wales, all within one charity for which the Charity Commission has appointed an Interim Manager. Of these 22 properties, 8 remained vested in the Official Custodian at 31 March 2011.

Note 6: Land vested in the Official Custodian

As noted in the Foreword to the Accounts, land may be vested in the Official Custodian under Section 21 of the Charities Act 1993. Some will be registered at the Land Registry, some will not. Vested land should appear on the balance sheet of the appropriate charity and does not appear in the Accounts of the Official Custodian.

Note 7: Related parties

The Official Custodian is an employee of the Charity Commission. The Charity Commission bears the full cost of the Custodian function.

The Seal of the Official Custodian for Charities was affixed hereto in the presence of:

Sharon Martin
 Official Custodian for Charities

16 June 2011



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ISBN 978-0-10-297330-3

