

CHARITIES ACT 2011

The Charities (Annual Return) (Common Investment Funds and Charity Authorised Investment Funds) Regulations 2015

*Made 22 December 2015
Coming into force 1 January 2016*

In the exercise of the powers conferred on it by sections 169(1) and (4) and 347(3)(a) and (b) of the Charities Act 2011^(a) as extended by section 26(3) of the Welsh Language Act 1993^(b) the Commission hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Charities (Annual Return) (Common Investment Funds and Charity Authorised Investment Funds) Regulations 2015 and shall come into force on 1st January 2016.

Prescribed Form

2. The prescribed form in which the annual return shall be made for the purposes of section 169(1) of the Charities Act 2011^(a) is that set out in the Schedule to these Regulations and which can be accessed online from the Charity Commission's website at:

<http://www.gov.uk/>

Prescribed Information

3. (1) (a) The information to be contained in the annual return of a common investment scheme made, or having effect as if made, under section 96 of the Charities Act 2011 and which is administered and managed by a Corporate Trustee and a Corporate Fund Manager (whether or not there is an Advisory Board the members of which are also charity trustees) for a financial year which ends on or after 1st January 2016 is that required by the questions set out in the Schedule to these Regulations;

(b) The information to be contained in the annual return of a charitable authorised investment fund for a financial year which ends on or after 1st January 2016 is that required by the questions set out in the Schedule to these Regulations.

(2) References above to the information required include the equivalents of that information and declarations in the Welsh language, and the information required, and their Welsh equivalents, is the information prescribed for the purposes of section 169(1) of the Charities Act 2011 as so extended.

^(a) 2011 c.25.

^(b) 1993 c. 38.

(3) A scheme is not a "common investment scheme" for the purposes of these Regulations if its trusts provide for property to be transferred to that scheme only by or on behalf of a participating charity of which the charity trustees are the trustees appointed to manage the scheme.

(4) In these Regulations-

"the 2014 Regulations" means The Charities (Annual Return) (Common Investment Funds) Regulations 2014;

"Advisory Board" means a group of named individuals/a named body corporate (if any) appointed by the common investment scheme, or any successor group appointed pursuant to the scheme, or in the case of CAIF, appointed pursuant to the Trust Deed, as advisory board/committee;

"AIF" refers to an alternative investment fund and has same the meaning as listed in the Glossary to the FCA Handbook;

"CAIF (charity authorised investment fund)" means an investment fund which is authorised by the FCA and is a registered charity;

"common investment scheme" has the meaning given by paragraph (5);

"Corporate Fund Manager" means the body corporate appointed manager by the common investment scheme, or any successor body appointed pursuant to the scheme, being a body which is:

- (a) authorised by the FCA to act as a manager of an AIF; and
- (b) independent of the Advisory Board, if any, and the Corporate Trustee;

"Corporate Trustee" means a body corporate appointed trustee in the common investment scheme, or any successor body appointed pursuant to the scheme, being a body which is:

- (a) authorised by the FCA to act as a depositary of an AIF; and
- (b) independent of the Advisory Board, if any and the Corporate Fund Manager;

"FCA" means the Financial Conduct Authority, being the designated agency referred to in section 1A of and Schedule 1ZA to the FSMA;

"FCA Handbook" means the Handbook of Rules and Guidance issued by the Financial Conduct Authority, as amended or replaced from time to time;

"FSMA" means the Financial Services and Markets Act 2000.

(5) Subject to paragraph 3(3), in these Regulations, "common investment scheme" means a common investment fund or CIF established by a scheme under section 22 of

the Charities Act 1960^(a), section 24 of the Charities Act 1993^b or section 96 of the 2011 Act.

Application, revocation and transitional provisions

4. (1) The 2014 Regulations are revoked.

(2) Despite paragraph (1), the 2014 Regulations continue to apply in relation to the annual returns of common investment schemes for financial years which ended on or before 31 December 2015.

Dispensation

5. Trustees managing a fund under a common deposit scheme made, or having effect as if made, under section 100 of the Charities Act 2011, shall not be required to prepare an annual return in respect of any financial year to which these Regulations apply.

^(a) The Charities Act 1960 was repealed by the Charities Act 2006 (c.50) but there remain some common investment funds established by schemes under it.

^b The Charities Act 1993 was consolidated in the Charities Act 2011 but there remain some common investment funds established by schemes under it.

SCHEDULE

Regulation 2



CHARITY COMMISSION
FOR ENGLAND AND WALES

**Annual Return under section 169 of the
Charities Act 2011 for a Common Investment Fund or a
Charity Authorised Investment Fund**

CIF/CAIF (A)

Fund name

Fund number

Submission deadline

Some of the information you give in this form may become publicly available on the Register of Charities in accordance with the Charities Act 2011. These fields are marked. **P**

- This annual return should be completed by the **Manager**. By 'Manager', we refer to the body corporate appointed Manager under the Scheme(s) regulating a Common Investment Fund (CIF) or under the Trust Deed regulating Charity Authorised Investment Fund (CAIF).
- This annual return must be completed if the CIF or CAIF is registered with the Commission and the **gross income** of the CIF or CAIF is over £10,000 in the financial year covered by this annual return.
- This annual return, when completed, **must** be sent to the Commission **within 10 months** of the end of the financial year of the CIF or CAIF. Within the same period, the Manager must also submit a copy of the Manager's annual report and the annual accounts of the CIF or CAIF.
- Please enter all financial amounts in sterling to the nearest thousand pounds (£'000).
- If you need any help completing this annual return, please call the Commission's contact centre on 0300 066 9197.

Complete this annual return for financial years ending on or after 1 January 2016

1 Financial Year

a) Financial year start **P**

b) Financial year end **P**

2 Gross Income, Distributions, etc

Extract the CIF's or CAIF's gross income, *total distributions paid, Manager's fees, Corporate Trustee's fees, interest incurred, other expenses* from the CIF's or CAIF's annual accounts prepared for the last financial year.

2.1 Net asset value of the CIF or CAIF. **P**

2.2 Gross income of the CIF or CAIF. **P**

2.3 Total distributions paid or payable by the CIF or CAIF. **P**

2.4 Fees payable to the Manager, associates of the Manager and agents of either of them. **P**

2.5 Fees payable to the Trustee, associates of the Trustee and agents of either of them. **P**

2.6 Interest on borrowing incurred in the administration of the CIF or CAIF. **P**

2 Gross Income, Distributions, etc (continued)

2.7 Other expenses payable by the CIF or CAIF. **P**

2.8 Total expenditure (sum of 2.3 to 2.7 inclusive). **P**

2.9 Please complete the table below: **P**

	Income units in issue	Net asset value pence per income unit	Accumulation units in issue	Net asset value pence per accumulation unit	Net asset value of CIF £
At the beginning of the last financial year					
At the end of the last financial year					

3 Administration of the Common Investment Fund or Charity Authorised Investment Fund

3.1 Please indicate the number of participating charities with investments in the CIF or CAIF (holding income units, accumulation units or both) at the end of the last financial year.

Number of
participating
charities

3.2 Has the Manager acted within the appropriate regulations, rules and guidance of the Financial Conduct Authority (FCA)?

☐

Yes

☐

No

☐

Attach extra
information if
appropriate

3.3 Has the Manager observed full compliance with either (i) the provisions laid down in the Scheme(s) and the Scheme Particulars which regulate the CIF or (ii) with the provisions set out in the Trust Deed which regulate the CAIF?

☐

Yes

☐

No

☐

Attach extra
information if
appropriate

3.4 Please provide a copy of the CIF's or CAIF's investment objectives, including the extent (if any) to which social, environmental or ethical are taken into account, and any benchmark for the last financial year.

☐

Yes

☐

No

☐

Attach extra
information if
appropriate

3.5 (i) Please state what your policy (if any) is on corporate governance in respect of the CIF or CAIF during the last financial year.

☐

Enclosed

(ii) Did you comply with your corporate governance policy?

☐

Yes

☐

No

☐

Attach extra
information if
appropriate

3.6 Did the Manager receive any complaints (from participating charities or others) about the way the CIF or CAIF was managed or administered?

☐

Yes

☐

No

☐

Attach extra
information if
appropriate

4 Administration of the Common Investment Fund or Charity Authorised Investment Fund

4.1 Is the Manager satisfied with the performance of the CIF's auditor and solicitor?

☐

Yes

☐

No

☐

Attach extra
information if
appropriate

4.2 Has the Manager made any changes to the purposes of the fund, the distribution of its assets on dissolution or trustee benefit provisions that have not been authorised by the Charity Commission or which contravene the Commission's policy on name changes.

☐

Yes

☐

No

☐

Attach extra
information if
appropriate

4.3 Please provide the names and dates of appointment of the solicitors and the auditors for the CIF for the last financial year.

☐

Enclosed

5 Advisory Committee/Board

5.1 Does the CIF or CAIF have an Advisory Committee/Board that is established by the Scheme(s) regulating the CIF or by the Trust Deed?

☐

Yes

☐

No

5.2 If the answer to 5.1 is yes in the case of a CIF, please provide full details of **every** member of the Advisory Committee/Board of the CIF year in the table below:

☐

Enclosed

Full name P	Home address	Date of birth

6 Any other matter

6.1 Is there any other matter that you wish to bring to the Commission's attention that has not been covered in this Annual Return?

☐

Yes

☐

No

6.2 If the answer to 6.1 is yes, please provide the information on a separate sheet.

☐

Enclosed

7 Charity contact

The current contact details for your charity are printed below.

Name of contact. **P**

Postal address of contact. **P**

Telephone number of contact. **P**

Email address of contact. **P**

If the above details are incorrect, please provide details of changes.

☐

Enclosed

Declaration - Please take care to check that the information you are giving us is correct. Those who give answers that they know are untrue or misleading may be committing an offence.

I certify that the information given in this Annual Return is correct to the best of my knowledge and it **has been brought to the attention of the Corporate Trustee** and also to the attention of the members of the Advisory Committee/Board of the CIF (if applicable).

I further confirm that there are no serious incidents or other matters which they should have brought to the Commission's attention and have not done so already.

Name of Manager

Authorised to sign in the name and on behalf of the Manager

Signed

Date

Title and full name of the person who has signed (please use BLOCK CAPITALS)

Title

Full name

Postal address

Postcode

Email address

Daytime telephone number

You may find it useful to keep a copy of your completed Annual Return for your records.

Charity Commission, PO Box 211, Bootle L20 7YX

Telephone: 0300 066 9197 Email: investmentfundaccounts@charitycommission.gov.uk

Website: www.gov.uk/charity-commission

Please send this Annual Return form and your responses and enclosures to the Charity Commission at the above address.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations ("the 2015 Regulations"), which come into force on 1 January 2016, replace the Charities (Annual Return) (Common Investment Funds) Regulations 2014 ("the 2014 Regulations") in relation to the annual returns of charities which are common investment schemes made, or having effect as if made under s96 Charities Act 2011. The 2015 Regulations apply to trustees managing a charity authorised investment fund for financial years ending on or after 1 January 2016.

Section 169(1) of the Charities Act 2011 (c.25.) (the 2011 Act) provides that every registered charity shall prepare, in respect of each of its financial years in which its gross annual income exceeds £10,000, a return of information for the Commission. Section 169(4) of the 2011 Act provides that the Commission may dispense with the requirement to prepare an annual return in the case of a particular charity or a particular class of charities, or in the case of a particular financial year of a charity or of any class of charities.

Section 347(3)(a) of the 2011 Act provides that the Commission may make different provision for different cases. Section 26(3) of the Welsh Language Act 1993 (c.38) provides that a power to specify the form of the document or the form of the words used shall include the power to prescribe separate forms of the document and of the words in Welsh.

The 2015 Regulations prescribe the form and content of the annual return for common investment schemes made, or having effect as if made, under section 96 of the 2011 Act and charity authorised investment funds and the information which the annual return should contain. The information required and the declaration must be provided as prescribed in respect of any financial year of a common investment scheme or charity authorised investment fund which ends on or after 1 January 2016. The prescribed form reflects the changes in regulatory requirements affecting such schemes introduced by the Alternative Investment Fund Managers Directive and measures to implement this in the U.K.

These Regulations merely deal with the regulatory requirements imposed on common investment schemes and on charity authorised investment funds pursuant to charity law and in particular the Charities Act 2011 and are separate from and additional to any other compliance and regulatory requirements which may be imposed on such schemes or funds by the Financial Conduct Authority or any other applicable regulatory bodies e.g. pursuant to the AIFMD implementing measures.

Common investment funds (other than pooling scheme funds) and charity authorised investment funds are required to complete an annual return under these Regulations. Common deposit funds are given a dispensation from the requirement to complete an annual return.

Sealing number: 1112/1516

Signed on 22nd December 2015

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the bottom.

Authorised Officer