

CHARITIES ACT 2011

The Charities (Annual Return) 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) 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 online form which can be accessed from the Charity Commission's website at:

<https://www.gov.uk/send-charity-annual-return>

Prescribed information

3. (1) The information to be contained in the annual return of a registered charity the financial year of which ends on or after 1st January 2016 is -

(a) in the case of a registered charity for which the income in the financial year in question is not more than £25,000, that set out in Part A of the Schedule and a declaration by the trustees as set out in C1 in Part C of the Schedule to these Regulations;

(b) in the case of a registered charity for which the income in the financial year in question is more than £25,000 but not more than £500,000, that set out in Part A of the Schedule and a declaration by the trustees as set out in C2 in Part C of the Schedule to these Regulations;

(c) in the case of a registered charity for which the income in the financial year in question is more than £500,000, that set out in Part A and Part B of the Schedule, and a declaration by the trustees as set out in C2 in Part C of the Schedule.

(2) References above to the information required by the Schedule include the equivalents of that information and declarations in the Welsh language, and the information required by the Schedule, 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) Trustees managing a fund under a common investment scheme made, or having effect as if made, under section 96 of the Charities Act 2011 shall be required to prepare an annual return in accordance with the Charities (Annual Return) (Common Investment Funds) Regulations 2014 and paragraphs (1) and (2) above and regulation 4 below shall not apply to charities to which the Charities (Annual Return) (Common Investment Funds) Regulations 2014 apply.

Revocation

4. The Charities (Annual Return) Regulations 2014 shall continue to have effect in relation to the annual returns of charities for financial years ending on or before 31st December 2015 but subject to that are hereby revoked.

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.

SCHEDULE

Regulation 3

Part A Charity information.

This is to be provided by all those charities that must complete the annual return and comprises information that is primarily used to maintain the Register of Charities.

A1 Financial Period - The charity's financial year for which it is making the return will normally be 12 months, but in certain circumstances can be shorter or longer. The information required is the date of the start of the financial period and the date of the end.

A2 Income & Spending - The amount of the charity's income and expenditure based on the figures in the charity's accounts for the financial year.

A3 Charity contact — The name, address, and telephone number or numbers of the person or organisation to whom those wishing to contact the charity are directed.

A4 An Email address for Charity Commission use - The charity can supply two e mail addresses: one for Commission use, which we use to contact the charity, and one for public display on the Register of Charities. This section records e mail details which are given for Commission use.

A5 An Email address for public display

A6 Details of the charity's website

A7 Corporate trustee - If the charity has a corporate trustee, the name, address, telephone

number and email address of that trustee.

A8 & A9 Current individual trustees - The full names, addresses, dates of birth, telephone numbers and email addresses of all trustees in office at any time during the financial year, specifying whether the persons concerned are still trustees and who acts as chair of the charity.

A10 Details of any charities linked for administrative or accounting reasons.

A11 & 11a Area of operation in England and Wales - Geographical details of where a charity applied its resources in England and Wales during the financial year, even if its permitted operating area was wider.

A12 & 12a Area of operation outside England and Wales — Geographical details of where a charity applied its resources outside England and Wales during the financial year, even if its permitted operating area was wider.

A12b Total spent outside England and Wales - Details of the amount spent in, or to benefit, each of the countries in which the charity operates.

A13a What does your charity do? - Charities must specify one or more of the following categories which describe what they do:

- 101 General charitable purposes
- 102 Education/training
- 103 The advancement of health or saving of lives
- 104 Disability
- 105 The prevention or relief of poverty
- 106 Overseas aid/famine relief
- 107 Accommodation/housing
- 108 Religious activities
- 109 Arts/culture/heritage/science
- 110 Amateur sport
- 111 Animals
- 112 Environment/conservation/heritage
- 113 Economic/community development/employment
- 114 Armed Forces/emergency service efficiency
- 115 Human rights/religious or racial harmony/equality or diversity
- 116 Recreation
- 117 Other charitable purposes

A13b Who does your charity help? - Charities must specify one or more of the following categories:

- 201 Children/young people
- 202 Elderly/old people
- 203 People with disabilities
- 204 People of a particular ethnic or racial origin
- 205 Other charities/voluntary bodies
- 206 Other defined groups

207 The general public/mankind

A13c How does your charity operate? - Charities must specify one or more of the following categories:

- 301 Makes grants to individuals
- 302 Makes grants to organisations
- 303 Provides other finance
- 304 Provides human resources
- 305 Provides buildings/facilities
- 306 Provides services
- 307 Provides advocacy/advice/information
- 308 Sponsors or undertakes research
- 309 Acts as an umbrella or resource body
- 310 Other or none of these

A14 Charity activities - Charities must provide brief details of the charity's activities to supplement the broad classifications given in section A13.

A15 UK volunteers - A charity must record its best estimate of the number of individual volunteers involved in the charity during the financial year.

A16 Company number - If a charity is a company, the charity must provide details of its company number.

A17 Charity's main bank/building society account - Charities must provide the charity's main account details. Account details are not made public.

A18 Gift Aid — Charities must confirm whether they are recognised by HMRC for Gift Aid on any donations made to the charity during the financial period.

A19 Land and Buildings — Charities must confirm whether they own or lease any land or buildings and whether they are used for charitable purposes or investment purposes.

A20 Fundraising – Charities must confirm whether or not they raise funds from the public. If they do they must also confirm whether they work with a commercial participator and if they do that they have an agreement in place with the commercial participator.

A21 Trading subsidiaries – Charities must confirm whether or not they have a trading subsidiary.

A22 Paying trustees for carrying out trustee duties – Charities must confirm whether they pay one or more of their trustees for carrying out trustee duties (this does not include payment for services provided to the charity or the payment of reasonable out of pocket expenses to the trustees).

A23 Policies - Charities must confirm whether or not they have a written policy in any of the following areas:

- Risk management
- Investment

Safeguarding vulnerable beneficiaries
Conflicts of interest
Volunteer management
Complaints handling
Paying staff

A24 Grant making - Charities must confirm whether grant making is the main way that the charity carries out its purposes.

A25 Other regulators/registrars – Charities must confirm whether they are regulated by or registered with any of the listed regulators or registrars.

A26 Contracts and grants from central or local government – Charities must confirm how much they have received during the reporting period from

- (a) Contracts from central or local government to deliver services
- (b) Grants from central or local government

A27 Review of financial controls – Charities must confirm whether or not they have reviewed their financial controls during the reporting period.

Part B Financial information. Charities with an income of £500,000 or more must provide the following details. This section requires figures which are taken directly from the charity's accounts which are then displayed on the charity's Register entry in a graphical form. The categories of information needed to complete this section will normally be found in the Statement of Financial Accounts (SoFA). References to the Charities SORP (FRS 102) are given in round brackets () and to the Charities SORP [FRSSE] are given in square brackets []

B1 Resources - income and endowments

B1.1 Donations and legacies — Such as figures for gifts and donations, tax reclaimed in amounts received under gift aid and grants. Donations and legacies is defined in the Charities Statement of Recommended Practice (SORPs) at paragraph (4.31) [4,26].

B1.1a Legacies - This is the amount of legacies received that is part of the donations and legacies income reported in part B1.1.

B1.1b Endowments received — This is the amount of the year's donations and legacies income reported in B1.1 that has been added to endowments.

B1.2 Income from other trading activities — This is the resources generated by trading activities that specifically raise funds for the charity. For example, fundraising events such as jumble sales, sponsorships and shop income from selling donated goods. Other trading activities are defined in the Charities SORPs at paragraph (4.35) [4.30].

B1.3 Investment income — This is incoming resources from investment assets, including dividends and interest receivable. Investment income is shown at paragraph (4.37) [4.32] of the Charities SORPs.

B1.4 Income from charitable activities — These are any resources arising from activities promoting the charity's objects, for example; sale of goods or services as a charitable activity. Income from charitable trading is shown at paragraph (4.33) [4.28] of the Charities SORPs.

B1.5 Other incoming resources — These are the gains on the disposal of tangible fixed assets and receipt of any other incoming resources that cannot be accounted for in the previous categories (B1.1 to 1.4). The amount is shown at paragraph (4.39) [4.34] of the Charities SORPs.

B1.6 Total income and endowments — These are the total of all the incoming resources and should equal that sum of fields B1.1 to B1.5, excluding B1.1a and B1.1b.

B1.7 and B1.8 Expenditure on raising funds

B1.7 These are the costs of generating the income from donations and legacies listed at B1.1 (for example, donations, legacies, core funding grants and gifts in kind). The costs may include fundraising, advertising, marketing and direct mail materials, as well as any payments to an agent. These costs are shown at paragraph (4.44) [4.39] of the Charities SORPs. These costs will normally include publicity costs but exclude the cost of material produced to promote any of the charity's charitable purposes as these are classed as expenditure on charitable activities.

B1.8 These are all the costs incurred in generating the income listed in B1.2 and includes the cost of goods sold or services provided as part of the trade and other costs related to the trade, such as staff and premises costs. These costs are shown at paragraph (4.45) [4.41] of the Charities SORPs. These costs also include investment management costs which are shown at paragraph (4.48)[4.43] of the Charities SORPs.

B1.9 Investment management costs (included within the main SORP heading expenditure on raising funds) — These are the costs of obtaining investment advice, managing the portfolio and, for investment property, rent collection, property repairs and maintenance costs. The amount of investment management costs is included as part of the expenditure on raising funds reported in B1.7.

B1.10 Expenditure on charitable activities — These are all the resources applied in meeting the charitable objectives, including amounts spent on grants, the direct provision of charitable services and a proportion of the charity's support costs which, if allocated will be explained in the notes to the accounts. They exclude the cost of raising funds to finance the activities and governance of the charity. These costs are shown at paragraph (4.52) [4.47] of the Charities SORPs.

B1.10a Grants to institutions — These grants form part of the expenditure on charitable activities. The SORP defined these as being grants not made to individuals. In this context grants do not include any allocated charity's support costs. The amounts of grants paid to institutions should be disclosed in the notes to the accounts. This field is for supplementary information only.

B1.11 Governance costs — These are the general costs of running the charity. They normally include audit costs, legal advice to trustees and costs of meeting constitutional and statutory requirements (e.g. trustee meetings and annual statutory accounts).

Governance costs are identified as a separate component of support costs, see paragraph (8.13) [8.13] of the Charities SORPs.

B1.12 Other expenditure — This will rarely be used as most expenditure can be categorised under the fields B1.7 to B1.11, but where it is used, the amount will be as shown at paragraph (4.56) [4.51] of the Charities SORPs.

B1.13 Total expenditure — The sum of all resources expended. This should equal the sum of B1.7 to B1.12, excluding B1.10a.

B2 Other recognised gains/(losses)

B2.1 Gains/(losses) on revaluation of fixed assets — This is the amount of any change in the value of tangible fixed assets (i.e. all assets not held for investment purposes) as a result of a revaluation during the financial year. This amount is shown at paragraph (4.62) [4.56] of the Charities SORPs.

B2.2 Actuarial gains/(losses) on defined benefit pension schemes — If your charity operates a defined benefit pension scheme, this figure will include the actuarial gains or losses on the scheme as reported in the SoFA. This amount is shown at paragraph (4.63) [4.58] of the Charities SORPs.

B2.3 Gains/(losses) on investment assets — This is the total of any unrealised gains and losses resulting from the revaluation of investment assets to market value, and gains and losses realised on the disposal of investment assets during the year. This amount is shown at paragraph (4.59) [4.57] of the Charities SORPs.

B2.4 Other gains/(losses) – This line item is found only in the Charities SORP (FRS102). For more information refer to paragraph 4.56. This amount is shown at row D3 of table 2 of the Charities SORP.

B3 Assets and liabilities

B3.1 Total fixed assets — These are assets held for continuing use, including tangible fixed assets such as land, buildings, equipment and vehicles, and any investments held on a long term basis to generate income or gains. These also include any heritage assets that are maintained or preserved as part of the charity's objects or intangible assets such as patents. The total amount of fixed assets will be shown on the balance sheet and is the total of lines A1 to A3 in both Charities SORPs.

B3.1a Fixed asset investments — These are assets held for the long term to generate income or gains. This may include quoted and unquoted shares, bonds, gifts, common investment funds, investment property and term deposits held as part of the investment portfolio. Fixed asset investments will exclude programme related investments, shown at line 4 for both Charities SORPs. This field is for supplementary information only.

B3.2 Total current assets — This includes stock, debtors, current asset investments and cash. The amount is shown as the total of lines B1 to B4 of both Charities SORPs.

B3.2a Current investment assets — These are assets held with the intention of disposing of them within the next 12 months. These are shown at line B3 of both Charities SORPs. This field is for supplementary information only.

B3.2b Cash at bank and in hand — This includes deposits with banks and other financial institutions, which are repayable on demand, but excludes bank overdrafts. Cash is shown at line B4 of both Charities SORPs. This field is for supplementary information only.

B3.3 Creditors amounts falling due within one year — This is amounts owed to creditors including loans and overdrafts, trade creditors, accruals and deferred income, that are payable within one year and are shown at line C1 of both Charities SORPs.

B3.4 Creditors amounts falling due after more than one year and provisions for liabilities — This is amounts owed to creditors payable after more than one year, with provisions for liabilities and charges, and are the total of lines C2 and C3 of both Charities SORPs.

B3.5 Defined benefit pension scheme asset or liability — This is the surplus or deficit in any defined benefit pension scheme operated and represents a potential long term asset or liability. The pension fund asset or liability is shown at line C4 of both Charities SORPs.

B3.6 Total net assets/liabilities — This is the total of all assets shown less all liabilities. The amount is the net figure from the lines A to C of both Charities SORPs as net assets or liabilities, including any pension fund asset or liability and is equal to the amount shown entered in field B3.11.

B3.7 Total fixed assets (at start of year) — This is the total amount of fixed assets at the start of the year and will be shown in the comparative figures of the balance sheet and in the notes to the accounts. For both Charities SORPs the amount is shown as the total of section A of table 5 for the previous year.

B3.7a Fixed asset investments (at start of year) — These are the fixed asset investments at the start of the year and will be shown in the comparative figures of the balance sheet and in the notes to the accounts. For both Charities SORPs the amount is shown at row A4 of section A of table 5 for the previous financial year end. This field is for supplementary information only.

B3.8 Endowment funds — This is the amount of all permanent and expendable endowment funds. The amount is shown at row D1 of table 5 of both Charities SORPs.

B3.9 Restricted funds — This is the amount of all funds held that must be spent on particular purposes of the charity. The amount is shown at row D2 of table 5 of both Charities SORPs.

B3.10 Unrestricted funds — This is the amount of all funds held for the general purposes of the charity. This will include unrestricted income funds, designated funds, revaluation reserves and any pension reserve. The amount is shown at row D3 of table 5 of both Charities SORPs.

B3.11 Total funds — These are all funds shown on the balance sheet and comprise

endowments, restricted income and unrestricted funds. The amount is shown as the net total of section D of table 5 of both Charities SORPs and is equal to the total net assets shown at B3.6.

B4 Additional information — The information to complete this section will generally be found in the notes to the accounts.

B4.1 Support costs — These are costs which, while necessary to deliver the activity, do not themselves produce activity. They include central office functions of the charity and are often apportioned to activities. The amount shown here is the total amount of support costs (for charitable, fundraising and governance activities) included in the resources expended. This amount will be shown in the notes to the accounts if it is significant.

B4.2 Depreciation charge for the year — This is the amount of depreciation on tangible fixed assets (including impairment charges, if any), which will be shown as the charge for the year in the tangible fixed assets note to the accounts.

B4.3 Level of reserves — The level of reserves is calculated in accordance with paragraph (1.48) [1.49] of the Charities SORPs and is stated in the Trustees Annual Report (TAR).

B4.4 Average number of staff employed — This is the number of employees stated in the notes to the accounts in accordance with paragraph (9.29) [9.30] of the Charities SORPs.

Part C Declarations — Please note that you may be committing an offence if you provide information which you know is untrue or misleading.

C1 For charities with an income of not more than £25,000 in the relevant financial year

By submitting this form I certify that the information I have provided herein is correct to the best of my knowledge and has been brought to the attention of all the trustees.

I further understand that submission is deemed to be acceptance that the trustees have read and understood the Privacy Notice.

Submitted on behalf of all the charity trustees by

(Please provide title, full name and telephone number and date the submission)

C2 For charities with an income of more than £25,000 in the relevant financial year

By submitting this form I certify that the information I have provided herein is correct to the best of my knowledge and has been brought to the attention of all the trustees. 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.

I further understand that submission is deemed to be acceptance that the trustees have read and understood the Privacy Notice.

Submitted on behalf of all the charity trustees by

(Please provide title, full name and telephone number and date the submission)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations ("the 2015 Regulations"), which come into force on 1st January 2016, replace the Charities (Annual Return) Regulations 2014 ("the 2014 Regulations") in relation to the annual returns of charities for financial years ending on or after 1st 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 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 in which the annual return should be submitted and the information which the annual return should contain. The information required by Part A and the declaration in C1 in Part C of the Schedule to the 2015 Regulations must be provided as prescribed in respect of any financial year of a charity which ends on or after 1st January 2016 and where the gross income of the charity in that financial year is not more than £25,000 (twenty five thousand pounds).

The information required by Part A and the declaration in C2 in Part C of the Schedule to the 2015 Regulations must be provided as prescribed in respect of any financial year of a charity which ends on or after 1st January 2016 and where the gross income of the charity in that financial year is more than £25,000 (twenty five thousand pounds) but not more than £500,000 (five hundred thousand pounds).

The information required by Parts A and B and the Declaration in C2 in Part C of the Schedule to the 2015 Regulations must be provided where the gross income of the charity for that financial year is more than £500,000 (five hundred thousand pounds).

Common investment funds (other than pooling scheme funds) are required to complete an annual return under the Charities (Annual Return) (Common Investment Funds) Regulations 2014 and no requirement is imposed on such charities in the 2014 Regulations. Common deposit funds are given a dispensation from the requirement to complete an annual return.

The following assessment relating to the Annual Return regulations has been produced:

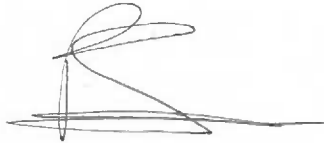
an Impact Assessment of the effect which the Charities (Annual Return)

Regulations 2015 would have in terms of the cost to charities of preparing and submitting the annual return.

A copy will be available on the Charity Commission website when these regulations are published on the website.

Sealing Number: 1111/1516

Signed on 22nd December 2015

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

Authorised Officer