

2019-03-22

OBJECTS AND REASONS

This Bill would amend the *Charities Act*, Cap. 243 in order to make better provision for the registration of charities.

Arrangement of Sections

1. Short title
2. Amendment of section 2 of Cap. 243
3. Amendment of section 5 of Cap. 243
4. Amendment of section 9 of Cap. 243
5. Repeal and replacement of *Second Schedule* of Cap. 243

SCHEDULE

BARBADOS

A Bill entitled

An Act to amend the *Charities Act*, Cap. 243.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Charities (Amendment) Act, 2019*.

Amendment of section 2 of Cap. 243

2. *Section 2 of the Charities Act, Cap. 243 in this Act referred to as the principal Act, is amended by inserting the following definition in the appropriate alphabetical order:*

“ “prominent public office” means any of the following offices in Barbados and includes a corresponding office in a foreign state:

- (a) the head of state;
- (b) any judicial office;
- (c) a Permanent Secretary, deputy Permanent Secretary, a Head of Department or deputy Head of Department;
- (d) a Minister, a member of the House of Assembly or a Senator;
- (e) a chief executive officer, deputy chief executive officer or a member of the Board of a statutory board, a statutory corporation or a state owned enterprise;
- (f) a senior military officer;
- (g) a member of the executive of a political party;
- (h) a chief executive officer, deputy chief executive officer, director, deputy director or a member of the Board of an international organization;
- (i) any other office, by whatever name called, similar to the offices mentioned in paragraphs (a) to (h);”.

Amendment of section 5 of Cap. 243

3. *Section 5 of the principal Act, is amended by inserting immediately after subsection (7) the following:*

“(7A) Every application for a charity to be registered shall be in the Form 1 prescribed in the *Second Schedule*.”.

Amendment of section 9 of Cap. 243

4. *Section 9 of the principal Act is amended by deleting subsection (3) and substituting the following:*

“(3) Every application respecting trustees of a charity to be incorporated as a Board shall be in the Form 2 prescribed in the *Second Schedule* and shall be signed by the majority of the trustees.”.

Repeal and replacement of *Second Schedule* of Cap. 243

5. *The *Second Schedule* to the principal Act is deleted and the Schedule set out in the Schedule to this Act substituted.*

SCHEDULE

(Section 4)

"SECOND SCHEDULE

(Section 5, 9)



FORMS

**APPLICATION FOR
REGISTRATION OF A CHARITY**

FORM 1

We the undersigned being the Charity Trustees of the Charity called the _____

HEREBY APPLY to have the said charity registered under the abovementioned Act.

The following are particulars of the charity:

1. Date of establishment: _____
Day/Month/Year
2. Precise Objects:
3. Address of Administrative Centre: _____

Second Schedule (Cont'd)

4. Full names, addresses and occupations or descriptions of the trustees:

(a) _____
Full name of trustee

Address

Occupation or description of trustee

(b) _____
Full name of trustee

Address

Occupation or description of trustee

(c) _____
Full name of trustee

Address

Occupation or description of trustee

Second Schedule (Cont'd)

5. Full name, address and occupation or description of the Secretary:

Full name of Secretary

Address

Occupation or description of Secretary

6. Full name, address and occupation or description of the Treasurer:

Full name of Treasurer

Address

Occupation or description of Treasurer

7. Name and address of the bank or banks at which the account of the charity is kept:

(a)

Name of Bank

Address

(b)

Name of Bank

Address

Second Schedule (Cont'd)

8. Name, address and qualification or other description of the auditor of the accounts:

_____ *Full name of Auditor*

_____ *Address*

_____ *Qualification or description of Auditor*

9. List of properties owned by the charity:

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

Second Schedule (Cont'd)

10. Please give details of any applicant, trustee, officer or beneficiary who holds or has held
- (a) a prominent public office, for example, a Head of State, any Judicial Officer, a Permanent Secretary, a Minister or a Chief Executive Officer or director of a state owned enterprise; or
 - (b) a prominent public office in an international organisation, for example, director, deputy director, member of the board or an equivalent function.

Name of Applicant

Signature of Applicant

Name of Applicant

Signature of Applicant

Second Schedule (Cont'd)



APPLICATION FOR INCORPORATION AS A BOARD

FORM 2

1. We, being trustees for _____
hereby apply to be incorporated as a Board under the provisions of the *Charities Act, Cap. 243*.
2. We desire the name of the Board to be _____

3. The registered office of the Board is to be at _____
(State an address with sufficient particularity for service by hand and service by post of documents thereat)

4. This application is made with the authority of _____
(State name of society for which the trustees act and mode of authorisation by the society. If there is no such society this should be stated)

5. The said society is registered as a charity but not itself incorporated.
6. The particulars of registration are _____

Second Schedule (Concl'd)

7. Please give details of any applicant, trustee, officer or beneficiary who holds or has held
- (a) a prominent public office, for example, a Head of State, any Judicial Officer, a Permanent Secretary, a Minister or a Chief Executive Officer or director of a state owned enterprise; or
 - (b) a prominent public office in an international organisation, for example, director, deputy director, member of the board or an equivalent function.

Name of Applicant

Signature of Applicant

Name of Applicant

Signature of Applicant

Dated this _____ day of _____, 20____."

Read three times and passed the House of Assembly this
day of _____, 2019.

Speaker

Read three times and passed the Senate this _____ day of
, 2019.

President