

[STATUTES OF GREAT BRITAIN AND IRELAND, 1916]

6 & 7 GEO. 5

CHAPTER 43.

An Act to provide for the Registration of Charities
for purposes connected with the present War.

[23rd August 1916.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**Prohibition
against rais-
ing money
for war
charities un-
less regis-
tered.**

1.—(1) It shall not be lawful to make any appeal to the public for donations or subscriptions in money or in kind to any war charity as herein-after defined, or to raise or attempt to raise money for any such charity by promoting any bazaar, sale, entertainment or exhibition, or by any similar means, unless the charity is registered under this Act and the approval in writing of the committee or other governing body of the charity has been obtained, either directly or through any person duly authorised to give such approval on behalf of such governing body,

and if any person contravenes the provisions of this section he shall be guilty of an offence against this Act:

Provided that this Act shall not apply to any collection at divine service in a place of public worship nor to any charity which may, under any regulations made under this Act, be exempted by the registration authority from the provisions of this section.

(2) This section, so far as it relates to registration, shall not apply to any charity until the expiration of one month after the passing of this Act, nor to any charity pending the decision of the registration authority on an application for the registration of such charity made within such month.

2.—(1) The registration authority shall—

(a) as respects the City of London, be the Mayor, Aldermen, and Commons of the City of London in common council assembled;

(b) as respects a municipal borough or urban district, be the council of the borough or district;

Provided that any such council may act through a committee of the council, which may, if the council think fit, comprise persons (including women) who are not members of the council.

(2) Applications for registration or exemption under this Act shall be sent to the registration authority for the area in which the administrative centre of the charity is situate,

and any question as to where the administrative centre of any charity is situate shall be finally determined by the Charity Commissioners.

(3) The registration authority may, before registering any charity, make such inquiries with respect to the charity as they think fit, but shall not refuse to register any charity having its administrative centre within the area of the authority unless they are satisfied

that the charity

is not established in good faith for charitable purposes, or

will not comply with the conditions imposed by this Act, or

that it will not be properly administered.

(4) An appeal from a refusal by a registration authority to register any charity shall lie to the Charity Commissioners,

and, if as the result of such appeal the Charity Commissioners determine that the application for registration ought not to be refused, the registration authority shall register the charity.

(5) Every registration authority

shall give to each charity registered or exempted a certificate of registration or exemption, and

**Registra-
tion of war
charities.**

shall keep a register of the charities registered by them under this Act, and lists of all charities registration of which has been refused by them and of all charities which have been exempted from registration by them, and

shall send to the Charity Commissioners a copy of such register and such lists, and

shall from time to time notify the Charity Commissioners of any changes in the particulars entered in the register and of changes in such lists.

(6) The Charity Commissioners shall keep a combined register of all charities registered under this Act, and

a combined list of all charities in respect of which applications for registration under this Act have been refused, and

a combined list of all charities which have been exempted from registration under this Act.

(7) Any expenses incurred by a council as registration authority under this Act may be paid out of any fund or rate out of which the expenses of the council are payable.

(8) Any expenses incurred by the London County Council under this Act shall be defrayed out of the county fund as expenses for general county purposes.

**Conditions
to be com-
plied with
by
registered
charities.**

3. Charities registered under this Act shall comply with the following conditions—

(i) the charity shall be administered by a responsible committee or other body consisting of not less than three persons;

and minutes shall be kept of the meetings of the committee or other body in which shall be recorded the names of the members of the committee or other body attending the meetings;

(ii) proper books of account shall be kept,

and such accounts shall include the total receipts and the total expenditure of any collection, bazaar, sale, entertainment, or exhibition held with the approval of the governing body of the charity,

and the accounts shall be audited at such intervals as may be prescribed by regulations under this Act by some person or persons approved by the registration authority,

and copies of the accounts so audited shall be sent to the registration authority;

(iii) all moneys received by the charity shall be paid into a separate account at such bank or banks as may be specified as respects the charity in the register;

(iv) such particulars with regard to accounts and other records as the registration authority or the Charity Commissioners may require shall be furnished to the registration authority or the Charity Commissioners,

and the books and accounts of the charity shall be open to inspection at any time by any person duly authorised by the registration authority or by the Charity Commissioners.

4. The Charity Commissioners may, subject to **Regulations.** the approval of the Secretary of State, make regulations—

(a) prescribing the forms for applications under this Act and the particulars to be contained therein;

(b) prescribing the form of the registers to be kept under this Act and the particulars to be entered therein;

(c) providing for the inspection of registers and lists kept under this Act, and the making and the furnishing and certification of copies thereof and extracts therefrom;

(d) prescribing the fee (not exceeding ten shillings) to be paid on registration, and the fees for making or obtaining copies of, and extracts from, registers and lists;

(e) requiring notification to the registration authority of any changes requiring alterations in the particulars entered in the register;

(f) providing for the exemption of charities from this Act and prescribing the grounds of exemption;

(g) generally for carrying this Act into effect.

5.—(1) The registration authority, if satisfied that any charity registered under this Act is not being carried on in good faith for charitable purposes, or is not complying with any of the conditions imposed under this Act, or is not being properly administered,

may remove the charity from the register, and

**Removal
from the
register.**

shall notify such removal to the Charity Commissioners, and

if they so remove it shall give public notice of its removal:

Provided that an appeal shall lie to the Charity Commissioners against the decision of the registration authority to remove a charity from the register.

(2) Where any charity is removed from the register the Charity Commissioners may, notwithstanding that an appeal is pending—

(a) order any bank or other person who holds money or securities on behalf of the charity not to part with such money or securities without the authority of the Commissioners;

(b) order any cash or securities held for any such charity to be paid or transferred to the Official Trustees of Charitable Funds and

for that purpose may make, without any application to them for the purpose, any such order as they are authorised under section two of the *Charitable Trusts Act, 1860*, to make;

and if any person fails to comply with any such order he shall, without prejudice to any other liability, be guilty of an offence against this Act.

(3) The Charity Commissioners may also, where a charity is removed from the register, establish a scheme for the regulation of the charity in accordance with their ordinary jurisdiction under the *Charitable Trusts Acts, 1853 to 1914*, as if the charity were a charity within the jurisdiction of the Commissioners under those Acts, but without the necessity of any application being made for the purpose.

23 & 24 Vict.
c. 136.

Powers of
Charity
Commis-
sioners for
purposes of
appeals.

6. For the purposes of an appeal under this Act the Charity Commissioners shall, in relation to charities registered or applying to be registered under this Act, have all such powers with respect to requiring

accounts,
statements,

written answers to inquiries,
the attendance of persons for examination on oath or otherwise,

the production of documents,

the furnishing of copies and extracts from documents,

the examination of registers and records, and the transmission of documents for examination,

as are exercisable by them under the *Charitable Trusts Acts, 1853 to 1814*, in relation to charities within the jurisdiction of the Commissioners under those Acts,

and those Acts shall apply accordingly.

7. Where the Charity Commissioners are satisfied on the representation of the registration authority or a chief officer of police that there is reasonable ground for believing that any unregistered war charity

is not being or has not been carried on in good faith for charitable purposes, or

is not complying or has not complied with conditions substantially corresponding with the conditions imposed on registered charities under this Act, or

is not being or has not been properly administered,

the Commissioners may exercise as respects the charity any of the powers which are exercisable by them with respect to a charity which, having been registered under this Act, has been removed from the register,

and for the purpose of an inquiry into any charity under this section the Charity Commissioners shall have such powers in relation to the charity as are conferred by this Act on the Commissioners for the purposes of appeals:

Provided that the Charity Commissioners shall not exercise the power of establishing a scheme for the regulation of any charity under this section without giving the charity a full opportunity of being heard.

(2) This section shall apply

to unregistered war charities whether or not an application for registration has been made, and to war charities registration of which has been refused.

8. If any person in any application for registration or exemption or in any notification of any change requiring alterations in the registered particulars makes any false statement or false representation, or

Powers as to
unregis-
tered war
charities.

False state-
ments, &c.

if any person falsely represents himself to be an officer or agent of a war charity, or
 if he fails to send any notification which he is required under this Act to send,
 he shall be guilty of an offence against this Act.

Penalties for offences.

9.—(1) Any person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding three months.
 (2) No proceedings for an offence against this Act shall be instituted except by or with the consent of the Charity Commissioners.

Interpretation.

10. For the purposes of this Act—
 The expression “war charity” means any fund, institution, or association (whether established before or after the commencement of this Act) having for its object or amongst its objects the relief of suffering or distress, the supply of needs or comforts, or any other charitable purpose connected with the present war,
 but shall not include any fund, institution or association established before the commencement of the present war where any such object as aforesaid is subsidiary only to the principal purposes of the charity,

nor shall it include the Royal Patriotic Fund Corporation or the Statutory Committee or any local or district committee established under the *Naval and Military War Pensions, &c., Act, 1915.*

Any question whether a charity is a war charity shall be finally determined by the Charity Commissioners.

5 & 6 Geo. 5. c. 81.

Application to Scotland.

11. This Act shall apply to Scotland, subject to the following modifications:—

- (a) The Local Government Board for Scotland (herein-after referred to as the Board) shall be substituted for the Secretary of State, and the Charity Commissioners respectively.
- (b) A royal, parliamentary or police burgh, and the town council thereof, shall be substituted for a municipal borough or urban district and the council thereof respectively.

(c) Paragraph (b) of subsection (2) and subsection (3) of the section of this Act relating to removal from the register, and the section relating to the powers of the Charity Commissioners for the purposes of appeals, shall not apply, and in lieu thereof the following provisions shall be substituted, that is to say:—

The Board

may order any cash or securities held for any such charity to be paid or transferred to the Board or to such bank or other person as the Board may direct; and

may

frame a scheme providing for the future management of the charity and for the appointment of trustees to manage the same, or order

that the charity be discontinued and

that the funds be paid over to some registered charity having similar objects, or be otherwise applied as the order may direct,

and if any person fails to comply with any such order he shall without prejudice to any other liability be guilty of an offence against this Act.

(d) Subsection (2) of the section of this Act relating to penalties for offences shall not apply.

(e) For the purposes of this Act the Board may make such inquiry as they think necessary and shall (except as regards costs) have the like powers in regard to any such inquiry as they have under section twenty-five of the *Local Government (Scotland) Act, 1894*, for the purposes of that section.

57 & 58 Vict. c. 58.

12.—(1) This Act may be cited as the *War Charities Act, 1916.*

Short title and extent.

(2) This Act shall not extend to Ireland:

Provided that if either House of Parliament presents an address to His Majesty praying that this Act shall apply to Ireland it shall be lawful for His Majesty by Order in Council to extend this Act to Ireland, subject to such modification and adaptation as may be specified in the Order.