

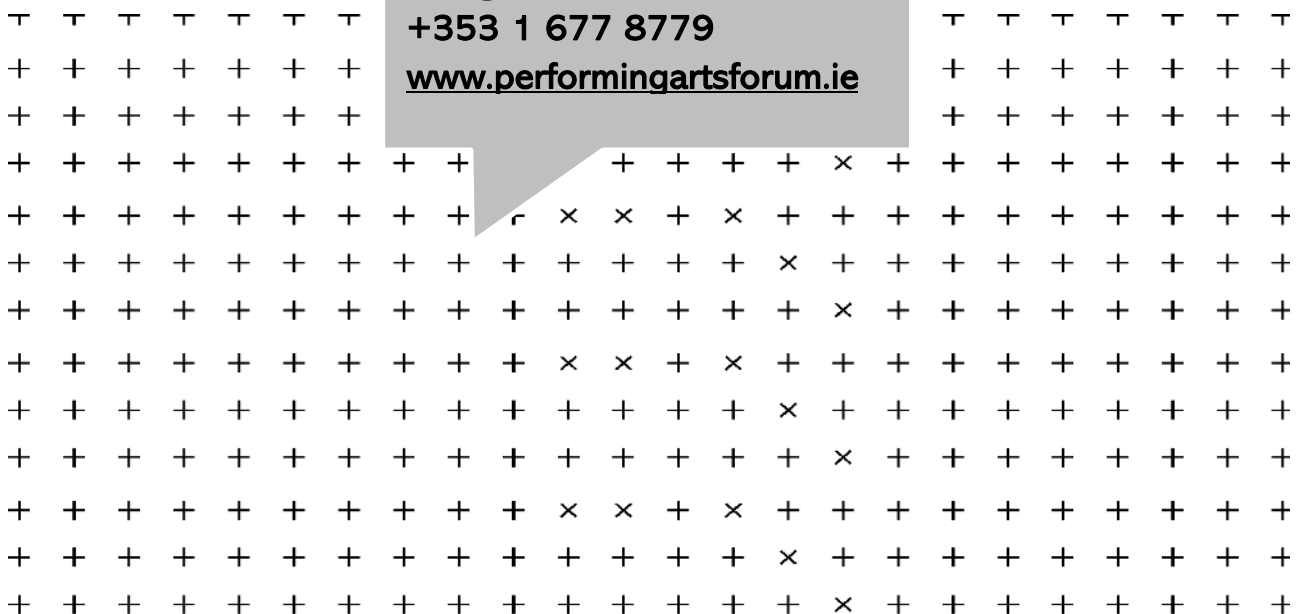
PERFORMING ARTS FORUM

THE CHARITIES ACT // FACTSHEET

info@performingartsforum.ie

+353 1 677 8779

www.performingartsforum.ie



The Charities Act (2009) and Arts Organisations Factsheet

While this Factsheet is intended as a general guide, it should not be substituted for professional legal advice.

Key actions and deadline

For arts organisations with charitable status go to www.charitiesregulatoryauthority.ie to check if your organisation is registered.

Comply with the Regulator's requirements.

If your organisation is not already listed, contact the Charities Regulator directly.

Is the Charities Act 2009 relevant to my organisation?

This legislation only applies to charitable organisations, whether incorporated or not. Most charitable organisations take one of three legal forms:

Incorporated: A company governed by a Constitution

Unincorporated: An unincorporated association with a Constitution or Rules

A charitable trust established by Trust Deed.

If your organisation is incorporated as a company limited by guarantee (CLG) or by shares (DAC or LTD), or if it is unincorporated but with charitable status, then the Charities Act is relevant.

Note that every organisation, including arts organisations, in receipt of a CHY number from the Revenue Commissioners is automatically considered a charity. The relevance of the Charities Act for arts organisations that have charitable status or act as a charity is that they must register with the Charities Regulatory Authority.

The Register of Charities

The Register of Charities has been established and will be maintained by the Charities Regulatory Authority. It is published online by the Authority, based on the list of organisations deemed eligible by Revenue for charitable tax exemption and having a CHY number.

Reporting to the Charities Regulator

When your charity's annual return to the Charities Regulatory Authority (CRA) is due, you will login to your CRA online account, update your charity's details as needed and upload the required documentation. Making your charity's annual return will involve the following:

- Provide details of your charity's activities during the reporting period
- Provide income and expenditure information about your charity
- Upload accounts and reports as pdfs for the period
- Make a declaration that your charity's details are up to date and your annual return is complete.

Reports and Accounts to be uploaded:

A copy of your annual report if you already prepare one under the Companies Acts or other reporting framework.

- A copy of your annual statement of accounts ([unless you have a financial reporting exemption under the Charities Act](#)). If your charity's gross income in the financial year to which the statement of accounts relates was less than €100,000, you have the option of submitting an income and expenditure report and statement of assets and liabilities instead of an annual statement of accounts.
- If your charity's gross income in the financial year to which the accounts relates was equal to or greater than €100,000, your accounts should be audited and you should also supply a copy of the auditor's report.

Fundraising cash

Remember that the stated aim of regulating charities is to ensure greater accountability, increase transparency in the sector and implement codes of good practice for fund-raising activities. Be aware of best fundraising practices, especially if you are collecting cash donations and note the additional rules in the 2009 Charities Act. See www.ictr.ie - Irish Charities Tax Research Limited.

Reporting

The Regulator requires financial information to be submitted annually within a specific timeframe. The deadline for annual reporting is 10 months after your financial year end.

Summary of some key requirements of the Charities Act

Charities Act requirements of Charities - incorporated and unincorporated			
Gross Annual Income (or total expenditure)	€10,000 or less	Between €10,000-€100,000	Above €100,000
Type of accounts	Proper books of account and annual activity report	Proper books of account and annual activity report	Proper books of account and annual activity report
Requirement for annual statement of accounts	None	a) Annual statement of accounts b) Income & expenditure account, Statement of assets & liabilities	Annual statement of accounts
External scrutiny	None	a) Audited b) Examined	Audited
Reporting to the Charities Regulatory Authority	No annual reporting	Accounts plus external report	Accounts plus auditor's report

Resources

Charities Regulatory Authority info@charitiesregulatoryauthority.ie,

Tel 01 633 1500 www.charitiesregulatoryauthority.ie

The Companies Registration Office www.cro.ie

Publications

The Charities Act (2009) www.irishstatutebook.ie/2009/en/act/pub/0006/print.html#sec93

The Wheel (2012): *Solid Foundations*

ArtsGovernance provides advice and services to boards, directors and managers seeking to improve their organisation's financial circumstances and corporate governance.

www.artsgovernance.com