

PART II.—*Application for and Renewal of Certificate
of Approval of Registration*

Application
for
registration.
Form I.
First
Schedule.

3.—(1) Pursuant to section 15 of the Act, an applicant may apply for registration as a charitable organization by submitting to the Authority a completed application in the form set out as Form I of the First Schedule.

(2) An application under paragraph (1) shall be accompanied by—

- (a) a non-refundable application fee of five thousand dollars;
- (b) a copy of the constitution of the charitable organization which satisfies the conditions specified in paragraph (3);
- (c) Taxpayer Registration Number;
- (d) in respect of each member of the charitable organization, fit and proper questionnaire in the form set out as Form II of the First Schedule;
- (e) proof of legal status of the charitable organization;
- (f) a photograph of each governing board member, certified by a Justice of the Peace;
- (g) audited financial statements in respect of the preceding financial year prepared by a registered public accountant;
- (h) a detailed plan of charitable activities to be carried out or the plan for the disbursement of donor funds to further the charitable purposes of the organization;
- (i) a copy of the administrative and operations management policies and procedures of the charitable organization; and
- (j) any other documents and information as the Authority may require.

(3) For the purposes of paragraph (2)(b), the constitution accompanying an application shall include the following particulars—

- (a) the charitable purposes of the organization and any power conferred to carry out activities in support of those charitable purposes;

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- (b) arrangements established for the management of the organization, which shall include provisions that—
 - (i) the governing board shall be constituted by not less than two governing board members and in the case of a charitable organization that is a private company, one of whom shall be a director and the other being the company secretary;
 - (ii) outline the duties and terms of office of the governing board members;
 - (iii) require at least one governing board member to be a resident of Jamaica; and
 - (iv) require the Authority to be notified in writing of any changes in the membership of the governing board;
 - (c) procedures to address conflicts of interest between a governing board member and the charitable organization;
 - (d) provisions prohibiting governing board members from receiving payment of any kind from the charitable organization except for reimbursement of out of pocket expenses incurred while undertaking the affairs of the charitable organization;
 - (e) the required quorum for meetings of the governing board;
 - (f) the details of any immovable property and the name of any person who has legal or beneficial interest in the immoveable property;
 - (g) states the financial year of the charitable organization;
 - (h) provisions that permit the amendment of the constitution and specify the manner in which amendments are to be made;
 - (i) provisions for the dissolution of the charitable organization which specify that upon dissolution of a charitable organization, any charitable donations, funds or assets of the charitable organization be distributed to another registered charitable organization and which include procedures for the distribution of any charitable donations, funds or assets to other registered charitable organizations.
- (4) Upon receipt of an application made in accordance with paragraph (2), the Authority shall consider whether—
- (a) the applicant is connected to another charitable organization that at any time—
 - (i) has been removed from the register of charities;

See complete Charities Regulations