

BERMUDA

CHARITIES ACT 2014

2014 : 2

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WHEREAS it is expedient to repeal and re-enact, with substantial amendment, the Charities Act 1978;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

PART 1

PRELIMINARY

Citation

1 This Act may be cited as the Charities Act 2014.

Interpretation

2 In this Act, unless the context otherwise requires—

"AML/ATF regulated financial institution"*[Deleted by 2026 : 27 s. 2]*

"beneficiary", in relation to a charity, means a person, or group of persons, receiving charitable, humanitarian or other types of assistance through the services of the charity;

"charity" means an entity which is established in Bermuda for charitable purposes only;

"charity that is privately funded" means a charity that does not solicit funds from the Bermuda public, does not receive funding from the Bermuda Government or from Bermuda public sources;

"charitable purposes" means purposes which are exclusively charitable purposes (as defined in section 3);

"charity trustees" means the persons having the general control and management of the administration of a charity;

"Committee" means the committee known as the Charity Commissioners for Bermuda referred to in section 7;

"entity" means a person other than an individual natural person;

"exempted charity" means a charity which under section 18 is not required to be registered;

"FIA" means the Financial Intelligence Agency established under section 3 of the Financial Intelligence Agency Act 2007;

"financial crime" means any offence which involves—

(a) fraud;

(b) "money laundering" as defined in section 7(1) of the Proceeds of Crime Act 1997; or

(c) "terrorist financing" as defined in section 2 of the Anti-Terrorism (Financial and Other Measures) Act 2004;

"Minister" means the Minister responsible for charities;

"NAMLC" means the National Anti-Money Laundering Committee established under section 49 of the Proceeds of Crime Act 1997;

"officer", in relation to a charity, includes an employee of that charity;

"partner", in relation to a charity, means a person that is funded to implement a project or deliver aid or any other service on behalf of the charity;

"person" includes—

(a) an individual natural person; and

(b) a body of persons, organization, association, company, trust, undertaking or any other entity, whether incorporated or unincorporated;

"prescribed" means prescribed by the Minister by regulations made under this Act;

"registered address" in relation to a registered charity, means the address for the time being entered under section 17, in respect of that charity, in the register;

"registered charity" means a charity registered under section 17;

"Registrar" means the Registrar-General;

"Registry staff" means every public officer, or other person, employed in the Registry General;

"the last charity trustees" means every person who is a charity trustee of a charity during the last twelve months of the charity's existence;

"the register" means the register of charities and any separate part thereof maintained by the Registrar in accordance with section 17;

"trusts" in relation to a charity, means the provisions establishing it as a charity and regulating its purposes and administration, whether those provisions take effect by way of trust or not.

[Section 2 definition "the register" amended, and "charity that is privately funded" inserted by 2018 : 46 s. 2 effective 10 August 2018; definition "AML/ATF regulated financial institution" amended by 2018 : 49 s. 7 effective 7 September 2018; Section 2 definition "AML/ATF regulated financial institution" deleted by 2026 : 27 s. 2 effective 14 September 2026; Section 2 definitions "beneficiary", "financial crime", "officer" and "partner" inserted by 2026 : 27 s. 2 effective 14 September 2026]

Meaning of "charitable purpose"

3 A charitable purpose is a purpose which—

(a) falls within section 4(1); and

(b) is for the public benefit (see section 5).

Descriptions of purposes

4 (1) A purpose falls within this subsection if it falls within any of the following descriptions of purposes—

(a) the prevention or relief of poverty;

(b) the advancement of education;

(c) the advancement of religion;

(d) the advancement of health or the saving of lives;

(e) the advancement of citizenship or community development;

(f) the advancement of the arts, culture, heritage or science;

(g) the advancement of sport;

(h) the advancement of human rights, conflict resolution or reconciliation, or the promotion of religious or racial harmony or equality and diversity;

(i) the advancement of environmental protection or improvement;

(j) the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage;

(k) the advancement of animal welfare;

(l) the promotion of the efficiency of the armed forces of the Crown or of the efficiency of the police, fire and rescue services or ambulance services;

(m) any other purposes—

(i) that are not within paragraphs (a) to (l) but are recognised as charitable purposes by virtue of section 6 (provision of recreational and similar facilities, etc.); or

(ii) that may reasonably be regarded as analogous to, or within the spirit of, any purposes falling within any of paragraphs (a) to (l) or sub-paragraph (i).

(2) In subsection (1)—

(a) in paragraph (d), "the advancement of health" includes the prevention or relief of sickness, disease or human suffering;

(b) paragraph (e) includes—

(i) rural or urban regeneration; and

(ii) the promotion of civic responsibility, volunteering, the voluntary sector or the effectiveness or efficiency of charities;

(c) in paragraph (g), "sport" means sports, games or other activities which promote health by involving physical or mental skill or exertion;

(d) paragraph (j) includes relief given by the provision of accommodation or care to the persons mentioned in that paragraph; and

(e) in paragraph (l), "fire and rescue services" means services provided by fire and rescue authorities under the Bermuda Fire and Rescue Service Act 1982.

(3) Where any of the terms used in any of paragraphs (a) to (l) of subsection (1), or in paragraphs (a) to (d) of subsection (2), has a particular meaning under the law relating to charities in England and Wales, the term is to be taken as having the same meaning where it appears in that provision.

Public benefit requirement

5 (1) In this Act "the public benefit requirement" means the requirement in section 3(b) that a purpose falling within section 4(1) must be for the public benefit if it is to be a charitable purpose.

(2) In determining whether the public benefit requirement is satisfied in relation to any purpose falling within section 4(1), it is not to be presumed that a purpose of a particular description is for the public benefit.

(3) Subject to subsection (2), in this Act, any reference to the public benefit is a reference to the public benefit as that term is understood for the purposes of the law relating to charities in England and Wales.

Provision of recreational and similar facilities, etc.

6 (1) It is charitable to provide, or assist in the provision of, facilities for—

(a) recreation; or

(b) other leisure-time occupation,

if the facilities are provided in the interests of social welfare.

(2) The requirement that the facilities are provided in the interests of social welfare cannot be satisfied if the basic conditions are not met.

(3) The basic conditions are—

(a) that the facilities are provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended, and

(b) that—

(i) those persons have need of the facilities because of their youth, age, infirmity or disability, poverty, or social and economic circumstances; or

(ii) the facilities are to be available to members of the public at large or to male, or to female, members of the public at large.

(4) Subsection (1) applies in particular to—

(a) the provision of facilities at community centres and halls; and

(b) the provision and maintenance of grounds and buildings to be used for purposes of recreation or leisure-time occupation,

and extends to the provision of facilities for those purposes by the organising of any activity, but this is subject to the requirement that the facilities are provided in the interests of social welfare.

(5) Nothing in this section is to be treated as derogating from the public benefit requirement.

PART 2

FUNCTIONS OF REGISTRAR AND COMMITTEE

Committee

7 (1) There shall continue to be a committee to be called the Charity Commissioners for Bermuda ("the Committee"), which shall—

(a) have the functions given or delegated to it under this Act; and

(b) if requested by the Registrar or the Minister, or as it thinks necessary, advise the Registrar or the Minister (as the case may be) on any matter which under this Act relates to—

(i) its functions or the functions of the Registrar under this Act; or

(ii) meeting the objectives under section 10.

(2) There shall be not fewer than five and not more than seven Commissioners, who shall be appointed by the Minister, of whom one shall be so appointed as the Chairman, and another as the Deputy Chairman, of the Committee.

(3) The Minister is to exercise the power in subsection (2) so as to secure that—

(a) at least one Commissioner is an accountant;

(b) at least one Commissioner is a lawyer; and

(c) the knowledge and experience of the Commissioners (taken together) includes, in his opinion, knowledge and experience of the matters mentioned in subsection (4).

(4) The matters referred to in subsection (3)(c) are—

(a) the law relating to charities;

(b) charity accounts and the financing of charities; and

(c) the operation and regulation in Bermuda of charities of different sizes and descriptions.

(5) The Chairman shall preside at every meeting of the Committee at which he is present but—

(a) in the absence of the Chairman, the Deputy Chairman shall preside at a meeting; and

(b) in the absence of both the Chairman and the Deputy Chairman, the Commissioners present may elect one of their number to preside at a meeting.

(6) The Chairman, Deputy Chairman or other Commissioner (as the case may be) who is presiding at a meeting shall have a casting vote in the event of an equality of votes upon any question before the meeting.

(7) Three Commissioners shall constitute a quorum for a meeting.

(8) The Commissioners shall hold office during the pleasure of the Minister and, subject thereto, for a term of three years, and shall be eligible for re-appointment from time to time.

(9) Subject to this section, the Committee may regulate its own proceedings.

(10) In this section—

(a) "accountant" means a person who in the opinion of the Minister is qualified to practise, in Bermuda or in any other jurisdiction, as an accountant or as an auditor; and

(b) "lawyer" means a person who in the opinion of the Minister is qualified to practise, in Bermuda or in any other jurisdiction, as an attorney, as a barrister, or as a solicitor.

Functions of Registrar

8 (1) The Registrar shall have the functions given to him under this Act.

(2) Unless a function of the Registrar has been delegated to the Committee, the Registrar shall where practicable exercise his functions after consultation with the Committee.

Delegation of Registrar's functions to Committee

9 (1) The Registrar may, by instrument in writing, delegate any of his functions under this Act (except the power of delegation conferred by this subsection) to the Committee.

(2) A delegation under subsection (1) may—

(a) be made subject to such conditions, qualifications and exceptions as the Registrar may stipulate in the instrument of delegation; and

(b) be revoked or varied by any subsequent instrument.

(3) In exercising any functions delegated to it under this section the Committee—

(a) shall be deemed to be the Registrar; and

(b) shall have the powers and duties of the Registrar.

(4) Any instrument made under this section is not subject to the Statutory Instruments Act 1977.

Objectives of Registrar and Committee

10 In exercising their functions under this Act, the Registrar and the Committee have the following objectives—

(a) to increase public trust and confidence in charities ("the public confidence objective");

(b) to promote awareness and understanding of the operation of the public benefit requirement ("the public benefit objective");

(c) to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities ("the compliance objective");

(d) to promote the effective use of charitable resources ("the charitable resources objective"); and

(e) to enhance the accountability of charities to donors, beneficiaries and the general public ("the accountability objective").

Registrar's general functions

11 (1) The Registrar has the following general functions—

(a) determining whether an entity is or is not a charity;

(b) encouraging and facilitating the better administration of charities;

(c) identifying and investigating apparent misconduct or mismanagement in the administration of charities, and taking remedial or protective action in connection with misconduct or mismanagement in the administration of charities;

(d) obtaining, evaluating and disseminating information in connection with the performance of any of his functions under this Act or meeting any of the objectives under section 10;

(da) implementing a focused, proportionate and risk-based oversight or, where appropriate, monitoring programme for charities with respect to financial crime;

(db) establishing, in consultation with the NAMLC, the criteria to be used for determining the risk profiles of charities with respect to financial crime, in order to facilitate proportionate risk-based oversight or, where appropriate, monitoring;

(dc) informing the charities sector of the criteria established pursuant to paragraph (db); and

(e) giving information or advice, or making proposals, to the Minister on matters relating to any of his functions under this Act or meeting any of the objectives under section 10.

(2) The Registrar may, in connection with the general function referred to in subsection (1)(b), give such advice or guidance with respect to the administration of charities as he considers appropriate.

(3) Any advice or guidance given under subsection (2) may relate to—

(a) charities generally;

(b) any class of charities; or

(c) any particular charity,

and may take such form, and be given in such manner, as the Registrar considers appropriate.

(4) The Registrar's general function referred to in subsection (1)(d) includes (among other things) the maintenance of an accurate and up-to-date register of charities pursuant to sections 17 (registration of charity) and 23 (remedial or protective action and cancellation of registration).

(5) The Registrar's general function referred to in subsection (1)(e) includes (among other things) complying, so far as is reasonably practicable, with any request

made by the Minister for information or advice on any matter relating to any of the Registrar's functions under this Act.

[Section 11 subsection (1) amended by 2017 : 35 s. 7 effective 3 November 2017; Section 11 subsections (1)(da) and (1)(db) amended by 2026 : 11 s. 2 effective 15 April 2026; Section 11 subsections (1)(da) and (1)(db) repealed and substituted by 2026 : 27 s. 3 effective 14 September 2026]

General duties of Registrar and Committee

12 (1) The Registrar and the Committee have the general duties set out in the following subsections.

(2) So far as is reasonably practicable they shall, in performing their functions, act in a way—

(a) which is compatible with the objectives under section 10; and

(b) which they consider most appropriate for the purpose of meeting those objectives.

(3) So far as is reasonably practicable they shall, in performing their functions, act in a way which is compatible with the encouragement of—

(a) all forms of charitable giving; and

(b) voluntary participation in charity work.

(4) In performing their functions they shall have regard to the need to use their resources in the most efficient, effective and economic way.

(5) In performing their functions they shall, so far as relevant, have regard to the principles of best regulatory practice, including the principles under which regulatory activities should be proportionate, accountable, consistent, transparent and targeted only at cases in which action is needed.

(6) In performing their functions they shall, in appropriate cases, have regard to the desirability of facilitating innovation by or on behalf of charities.

(7) In managing their affairs they shall have regard to such generally accepted principles of good governance as it is reasonable to regard as applicable to their office.

Guidance as to operation of public benefit requirement

13 (1) The Registrar shall issue guidance in pursuance of the public benefit objective (referred to in section 10(b)).

(2) The Registrar may from time to time revise any guidance issued under this section.

(3) The Registrar shall carry out such public and other consultation as he considers appropriate—

(a) before issuing any guidance under this section; or

(b) (unless he considers that it is unnecessary to do so) before revising any guidance under this section.

(4) The Registrar shall publish any guidance issued or revised under this section in such manner as he considers appropriate.

(5) The charity trustees of a charity shall have regard to any such guidance when exercising any powers or duties to which the guidance is relevant.

(6) For the avoidance of doubt, any guidance issued or revised under this section is not a statutory instrument within the meaning of the Statutory Instruments Act 1977.

Supply by Registrar of copies of documents

14 The Registrar shall, at the reasonable request of any person, provide that person with copies of, or extracts from, any document in the Registrar's possession which is for the time being open to or available for inspection under any provision of this Act.

Fees and other amounts payable to Registrar

15 (1) Such fees as may be prescribed in the Government Fees Regulations 1976 shall be paid in respect of—

(a) the discharge by the Registrar of his functions under this Act, including but not limited to the annual fee on registered charities referred to in subsection (2); and

(b) the inspection of the register of charities or of other material kept by the Registrar under this Act, or the provision of copies of or extracts from documents so kept.

(2) Regulations prescribing annual fees pursuant to subsection (1)(a) may prescribe different annual fees in respect of different classes of registered charities (based on their annual incomes, so that charities in higher annual income classes pay higher annual fees).

(3) The Registrar may impose charges of such amounts as he considers reasonable in respect of the supply of any publications produced by him, and any such amounts received shall be paid into the Consolidated Fund.

(4) If a registered charity, despite demand, neglects or refuses to pay its annual fee, such non-payment is a ground for suspension or cancellation of the charity's registration under section 23.

Incidental powers

16 (1) The Registrar or the Committee may do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of their functions or general duties under this Act.

(2) But, subject to subsection (3), nothing in this Act authorises the Registrar or the Committee—

(a) to exercise functions corresponding to those of a charity trustee in relation to a charity; or

(b) otherwise to be directly involved in the administration of a charity.

(3) Subsection (2) does not—

(a) affect the power of the Registrar to direct specified action to be taken under section 23; or

(b) prohibit a member of the Committee from being a charity trustee of a charity.

PART 3

REGISTRATION OF CHARITIES AND APPEALS

Registration of charity

17 (1) The Registrar shall continue to maintain a register in which shall be entered the name and address (the "registered address") of every registered charity together with such other particulars as may be prescribed.

(1A) There shall be a separate part of the register in respect of charities that are privately funded but are not exempted under section 18(4), in which the Registrar shall enter such information as he may determine in relation to such charities.

(1B) The separate part of the register referred to in subsection (1A) shall not be open to public inspection.

(2) The registered address of a registered charity shall be—

(a) a physical address (which shall not be a post office box) in Bermuda; and

(b) the address at which anything required under, or pursuant to, this Act may be served on the charity,

and anything served on the charity at its registered address shall be deemed to be received by the charity at the time of such service.

(3) Every charity, unless exempted under section 18, shall apply to the Registrar to be registered as a charity.

(4) An application under subsection (3) shall be in such form, contain such particulars, and meet such other requirements as may be prescribed.

(5) In considering any application for registration submitted by a charity, the Registrar shall have regard to—

(a) the declared purposes of the charity;

(b) the character and reputation of the persons connected with such charity; and

(c) any other matter which the Registrar may consider relevant.

(6) The Registrar shall satisfy himself, in considering any application for registration submitted by a charity—

(a) that the trusts of the charity contain a dissolution clause describing how the charity's assets, particularly contributions received from donors, will be applied in the event that the charity ceases to exist; and

(b) that the dissolution clause is consistent with the declared purposes of the charity.

(7) If the Registrar is satisfied that any applicant for registration meets the requirements under subsections (5) and (6), and is accordingly a fit and proper charity, he shall enter in the register the charity's name and address and any other prescribed particulars thereof and, in any other case, he shall refuse to register the charity.

(8) The Registrar may direct that the registration of a charity shall have effect either—

(a) indefinitely; or

(b) for a period of—

(i) one year at a time;

(ii) three years at a time; or

(iii) five years at a time,

but may direct that the registration shall have effect for a longer period, not exceeding an additional eleven months, if the registration would otherwise cease to have effect before the deadline for the submission of the charity's statement of accounts and annual report under sections 37 and 38.

(9) A charity that is registered for a definite period under subsection (8)(b), which makes application to the Registrar to renew its registration (under subsection (3)) at least one month before the expiration of its registration shall, if its registration expires before the application is decided by the Registrar, nevertheless be deemed to be a registered charity until the application is decided by the Registrar.

(10) If a charity is for the time being registered, the charity trustees (or the last charity trustees) shall—

(a) no later than 30 days after the charity changes its registered address, or any other of its particulars entered in the register, notify the Registrar of such change;

(b) as soon as practicable, notify the Registrar—

(i) if there is any change in the charity's trusts; or

(ii) if the charity ceases to exist; and

(c) as soon as practicable, supply the Registrar with particulars of any such change and copies of any new trusts or alterations of the trusts.

(11) The Minister may give general directions of a policy nature to the Registrar or the Committee (as the case may be), relating to the exercise of their functions under this section, and the Registrar and the Committee shall give effect to any such directions.

[Section 17 subsection (1A) inserted by 2018 : 46 s. 3 effective 10 August 2018; Section 17 subsection (1A) amended and subsection (1B) inserted by 2026 : 27 s. 4 effective 14 September 2026]

Notification of establishment of certain charities

17A (1) When a charity that is privately funded is established the charity trustees, within one month of the establishment thereof, shall in writing—

(a) notify the Registrar of the establishment of such charity; and

(b) provide the name of the charity, the date of its establishment and whether or not the charity trustees believe that the charity is an exempted charity,

and where the charity trustees of a charity that is privately funded believe that it is, by virtue of section 18(4), an exempted charity, the charity trustees shall, within this time period, apply in such form as may be prescribed to the Registrar to be confirmed and recorded as an exempted charity—

(c) specifying the condition in section 18(4) pursuant to which the charity is exempted from registration; and

(d) supplying the Registrar with the required documents and information confirming compliance with that condition.

(1A) An application under subsection (1) shall contain such particulars, and meet such other requirements as may be prescribed.

(1B) In the case of a charity which is a company or other legal person referred to in section 18(4)(b), the documents and information referred to in subsection (1)(d) shall include a copy of the service agreement between the charity and the person who carries on a corporate service provider business licensed under the Corporate Service Provider Business Act 2012.

(1C) Where the charity trustees of a charity that is privately funded—

(a) believe that it is not by virtue of section 18(4) an exempted charity, the charity trustees shall apply for registration under section 17(3) within the time period specified in subsection (1); or

(b) have applied to be recorded as an exempted company under subsection (1) but confirmation of its exemption from registration has been refused by the Registrar, the charity trustees shall apply for registration under section 17(3) within 30 days of being informed in writing of the refusal.

(2) Where the charity trustees of a charity notify the Registrar in accordance with this section, and apply to the Registrar within the time period specified in subsection (1) supplying the documents and information required by the Registrar, the charity trustees may continue to operate the charity until, as the case may be, the—

(a) approval of the application for registration under section 17 or refusal thereof; or

(b) confirmation by the Registrar of its exemption from registration.

(2A) The Registrar shall keep and maintain a record of all charities that are privately funded whose exemption from registration has been confirmed under subsection (2)(b) in such form and containing such information as he may determine.

(2B) The charity trustees of a charity recorded under subsection (2A) shall notify the Registrar of any change in circumstance that affects its eligibility to qualify for an exemption under section 18(4).

(3) Notwithstanding any provision of the Public Access to Information Act 2010, no person who—

(a) obtains, receives or otherwise becomes aware of information or documents relating to a charity that is privately funded; or

(b) receives a request under the Public Access to Information Act 2010 for such information or documents,

shall disclose the request or such information or documents so requested.

[Section 17A inserted by 2018 : 46 s. 4 effective 10 August 2018; Section 17A amended by 2026 : 27 s. 5 effective 14 September 2026]

Charities required to be registered unless exempted

18 (1) Every charity shall be registered under section 17 unless subsection (2) applies to it.

(2) The following are not required to be registered—

(a) a charity exempted from registration under subsection (4);

(b) a charity which for the time being—

(i) is, or is of a description, permanently or temporarily exempted by regulations made by the Minister subject to the affirmative resolution procedure; and

(ii) complies with any conditions of the exemption.

(3) Regulations made under subsection (2)(b) may include provisions allowing the Registrar to exempt a charity from registration in accordance with criteria set out in such Regulations.

(4) A charity is exempted from registration if it is privately funded and—

(a) in the case of a trust—

(i) at least one of the trustees is licensed under the Trusts (Regulation of Trust Business) Act 2001; or

(ii) it is administered by a trust company which is a non-licensed AML/ATF regulated financial institution registered under section 9 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008; or

(iii) it is administered by a trust service provider, who has received an unlimited trust licence under section 11 of the Trusts (Regulation of Trust Business) Act 2001;

(b) in the case of a company or other legal person—

(i) the company or other legal person has a registered office with, and is subject to, compliance by a person licensed under the Corporate Service Provider Business Act 2012 with respect to applicable laws, regulations or other requirements; and

(ii) the company or other legal person can demonstrate to the Registrar that an adequate level of financial crime risk management systems and controls will be exercised through the nature of the business relationship with the person who carries on the corporate service provider business under subparagraph (i).

(5) If a charity is required to be registered by virtue of subsection (1) but is not so registered, the charity trustees shall, as soon as practicable—

(a) apply to the Registrar under section 17 for the charity to be registered;

(aa) *[Repealed by 2026 : 27 s. 6]*

(b) supply the Registrar with the required documents and information.

[Section 18 subsection (4) amended by 2018 : 46 s. 5 effective 10 August 2018; Section 18 amended by 2025 : 26 s. 2 effective 10 December 2025; Section 18 amended by 2026 : 27 s. 6 effective 14 September 2026]

Directions as to what is (or is not) a separate charity

19 (1) The Registrar may direct that for all or any of the purposes of this Act an entity established for any special purposes of, or in connection with, a charity (being charitable purposes) is to be treated—

(a) as forming part of that charity; or

(b) as forming a distinct charity.

(2) The Registrar may direct that for all or any of the purposes of this Act two or more charities having the same charity trustees are to be treated as a single charity.

Effect of registration

20 (1) An entity is, for all purposes other than rectification of the register, conclusively presumed to be or to have been a registered charity at any time when it is or was on the register.

(2) For the purposes of subsection (1) an entity is to be treated as not being on the register during any period when the entry relating to it is suspended under section 23.

Right to inspect register, statements of accounts and annual reports

21 (1) Subject to subsection (4), the following are to be open to public inspection at all reasonable times—

(a) the register (including the entries cancelled when entities are removed from the register);

(b) statements of accounts submitted under section 37; and

(c) annual reports submitted under section 38.

(2) If any information contained in the register, statements of accounts or annual reports is not in documentary form, subsection (1) is to be read as requiring the information to be available for public inspection in legible form at all reasonable times.

(3) If the Registrar so determines, subsection (1) does not apply to any particular information contained in the register that is specified in the determination.

(4) For the avoidance of doubt, in respect of charities that are privately funded—

(a) the part of the register referred to in section 17(1A);

(b) the record of exempted charities maintained under section 17A(2A);

(c) statements of accounts submitted under section 37; and

(d) annual reports submitted under section 38,

are not available for public inspection.

[Section 21 subsection (1)(a) amended by 2018 : 46 s. 6 effective 10 August 2018; Section 21 subsection (1)(a) amended and subsection (4) inserted by 2025 : 26 s. 3 effective 10 December 2025; Section 21 amended by 2026 : 27 s. 7 effective 14 September 2026]

Annual publication of particulars

22 (1) As soon as may be after 1 January in every year the Registrar shall publish, in such manner as he considers appropriate, the names and such other particulars as he considers appropriate, entered in the register on that date.

(2) The Registrar may from time to time, in such manner as he considers appropriate, publish—

(a) amendments to the register published under subsection (1), including particulars of which charities have been suspended or removed from the register; and

(b) such details of applications for registration as he considers appropriate.

Remedial or protective action and cancellation of registration

23 (1) Where the Registrar is satisfied that there is reasonable evidence of misconduct or mismanagement in the administration of a charity, he may give notice to that charity at its registered address that, unless the charity shows cause to the satisfaction of the Registrar within 15 days of receiving the notice (or such longer period as he may specify in the notice), the action specified in the notice will be taken against the charity unless the charity shows cause to the satisfaction of the Registrar why the action specified in the notice should not be taken.

(1A) The Registrar shall not be required to give notice to a charity as required in subsection (1), if he is reasonably of the opinion that giving notice to the charity would prejudice—

(a) a proposed investigation;

(b) an investigation; or

(c) the interests of the beneficiaries of the charity.

(1B) The Registrar may only exercise the power to freeze payments to and from a charity, pursuant to subsection (2)(c), without giving notice, if he has reasonable grounds to suspect that the charity's assets are being used for financial crime, and any charity which is subject to such a freezing order without notice may appeal the Registrar's decision within seven days of the order being issued to the Supreme Court.

(1C) Any appeal under subsection (1B) shall be commenced by notice of motion filed within seven days of the notification of the decision of the Registrar; and the Registrar shall be made respondent to every such appeal and the Attorney-General shall be served with a copy of the notice.

(1D) The rules of court governing the conduct of appeals from administrative tribunals generally, made under the Supreme Court Act 1905, shall apply to appeals under subsection (1B).

(2) The action specified in the notice under subsection (1) may include, but is not limited to—

(a) restricting the transactions that the charity may enter into;

(b) appointing a receiver or manager to administer the property and affairs of the charity;

(c) freezing payments to and from the charity;

(d) directing the charity to implement the recommendations of an auditor's report;

(e) where the Registrar is satisfied that there have been irregularities in an election of officers of the charity, requiring a new election to be held; or

(f) suspending the registration of the charity and imposing such conditions that shall be complied with during the period of suspension, and for the restoration of the charity's registration, as may be specified in the notice.

(3) Where the Registrar is satisfied that the registered charity—

(a) has refused, neglected or otherwise failed to take any action specified in a notice under subsection (1) within the time specified in the notice;

(b) or a charity trustee of the charity, has been convicted of an offence under this Act;

(c) has refused, neglected or otherwise failed to meet any of its obligations under Part 5 (Accounts and Reporting); or

(d) may no longer be a fit and proper charity,

he may give notice to that charity at its registered address that its registration will be cancelled within 15 days of receiving the notice (or such longer period as he may specify in the notice) unless the charity shows cause to the satisfaction of the Registrar why its registration should not be cancelled.

(4) Every notice of the kind specified in subsections (1) or (3) shall set out the grounds upon which the Registrar relies for the action proposed to be taken under subsection (1) or the cancellation of registration under subsection (3), as the case may be.

(5) In determining the question raised by any notice given under subsections (1) or (3), the Registrar shall take into consideration any written representation made by or on behalf of the charity and received by the Registrar within the period specified in the notice (or such further period as the Registrar may allow) and may make such other enquiries and receive such evidence as to the Registrar appears necessary for the proper determination of the question.

(6) Once the question raised by any notice under subsection (1) has been determined by the Registrar, he shall notify the charity of his decision and the action to be taken and, subject to an appeal under section 24, the charity shall comply with the decision.

(7) If the charity fails to satisfy the Registrar that it remains a fit and proper charity, then the Registrar shall cancel the registration and notify the charity of his decision, without prejudice to the right of the charity to submit a new application for registration at a later date.

(8) Where a charity's registration has been cancelled in accordance with subsection (7) and he is reasonably of the opinion that the circumstances warrant it, the Registrar may—

(a) order the charity to wind-up its affairs; and

(b) order the transfer of any of the charity’s remaining net assets to an existing registered charity having similar aims and purposes.

(9) Where the charity determines, and the Registrar is satisfied, that there is no existing registered charity having similar aims and purposes, in accordance with subsection (8), then the net assets remaining shall be rendered as bona vacantia.

[Section 23 subsections (1A) - (1D), (8) and (9) inserted by 2017 : 35 s. 7 effective 3 November 2017 ; Section 23 subsection (1B) repealed and substituted by 2026 : 27 s. 8 effective 14 September 2026]

Bona Vacantia

23A The Registrar may make rules for the provision of how the passing of a charity's remaining net assets as bona vacantia is to be dealt with for the purposes of this Act.

[Section 23A inserted by 2017 : 35 s. 7 effective 3 November 2017]

Appeals

24 (1) Where the Registrar has—

(a) refused to register a charity under section 17;

(b) directed specific action to be taken under section 23; or

(c) directed the cancellation of its registration under section 23,

the charity concerned may, within 21 days of the notification of the decision of the Registrar, appeal to the Minister against such refusal, direction or cancellation and, subject to subsection (3), the Minister's decision thereon shall be final.

(2) Where the Minister decides an appeal to him under subsection (1), he shall give the charity and the Registrar written reasons for his decision.

(3) Where a party is dissatisfied with the decision of the Minister under subsection (1), the party may appeal to the Supreme Court against the decision of the Minister and the Court may allow or dismiss the appeal or may make an order remitting the matter for further consideration by the Minister or the Registrar as the Court may consider appropriate.

(4) Any appeal under subsection (3) shall be commenced by notice of motion filed within 21 days of the notification of the decision of the Minister; and the Minister shall be made respondent to every such appeal and the Attorney-General shall be served with a copy of the notice.

(5) The rules of court governing the conduct of appeals from administrative tribunals generally, made under the Supreme Court Act 1905, shall apply to appeals under subsection (3).

PART 4

INFORMATION GATHERING AND INVESTIGATIONS

General power to call for information and documents

25 (1) The Registrar may by written order require—

(a) any person to provide the Registrar with any information which is in that person's possession and which—

(i) relates to any charity; and

(ii) is relevant to the discharge of the functions of the Registrar under this Act;

(b) any person who has custody or control of any document which relates to any charity and is relevant to the discharge of the functions of the Registrar under this Act—

(i) to provide the Registrar with a copy of or extract from the document; or

(ii) to transmit the document itself to the Registrar for inspection.

(2) A person is not required under subsection (1) to provide or produce any information or document which the person would be entitled to refuse to provide or produce on grounds of legal professional privilege.

(3) The Registrar is entitled without payment to keep any copy or extract provided to him under subsection (1).

General power to institute on-site inspections

25A (1) The Registrar may from time to time institute on-site inspections, with regard to registered charities or a particular registered charity or class of registered charities, to enable him to monitor how well the charities are in compliance with the—

(a) Charities Act 2014; or

(b) Charities Regulations 2014;

(c) *[Repealed by 2026 : 11 s. 3]*

(2) The Registrar, or an officer duly authorised by the Registrar, may at any reasonable time, on producing evidence of his authority—

(a) enter the premises of the charity;

(b) inspect the premises of the charity ;

(c) observe the carrying on of business of the charity;

(d) inspect any recorded information found on the premises of the charity and take copies of, or make extracts from, any such information; or

(e) require any person on the premises of the charity, being affiliated with the charity, to provide an explanation of any recorded information or to state where it may be found.

[Section 25A inserted by 2017 : 35 s. 7 effective 3 November 2017; Section 25A subsection (1)(c) repealed by 2026 : 11 s. 3 effective 15 April 2026]

General power to institute investigations

26 (1) The Registrar may from time to time institute investigations—

(a) with regard to registered charities or a particular registered charity or class of registered charities, either generally or for particular purposes; and

(b) with regard to any exempted charity, only if he has a reasonable suspicion that a particular exempted charity is engaging in illegal activities.

(2) The Registrar may—

(a) conduct such investigation himself; or

(b) appoint a person to conduct it and make a report to him.

Obtaining evidence etc. for purposes of investigation

27 (1) In this section "investigation" means an investigation under section 26.

(2) For the purposes of an investigation, the Registrar, or a person appointed by the Registrar to conduct it, may by written order direct any person—

(a) if a matter in question at the investigation is one on which the person has obtained, or can reasonably obtain, information—

(i) to provide accounts and statements in writing with respect to the matter, or to return answers in writing to any questions or investigations addressed to the person on the matter; and

(ii) to verify any such accounts, statements or answers by statutory declaration;

(b) to provide copies of documents which are in the custody or under the control of the person and which relate to any matter in question at the investigation, and to verify any such copies by statutory declaration;

(c) to attend at a specified time and place and give evidence or produce any such documents.

(3) For the purposes of an investigation—

(a) evidence may be taken on oath, and the person conducting the investigation may for that purpose administer oaths; or

(b) the person conducting the investigation may instead of administering an oath require the person examined to make and subscribe a declaration of the truth of the matters about which that person is examined.

(4) A person is not required under this section to provide or produce information, or to give evidence or answer questions, which the person or entity would be entitled to refuse to provide, produce, give or answer on grounds of legal professional privilege in proceedings in the Supreme Court.

(5) Section 41E of the Proceeds of Crime Act 1997 (statements made in response to customer information orders may not be used in criminal proceedings except in certain circumstances) applies with appropriate modifications to statements made by a person in compliance with a requirement imposed on him under this section as it applies to statements made by a relevant institution in response to a customer information order under that Act.

Power to obtain search warrant for purposes of investigation

28 (1) A magistrate may issue a warrant under this section if satisfied, on information given on oath by a member of the Registry staff who is authorised by the Registrar to do so, that there are reasonable grounds for believing that each of the conditions in subsection (2) is satisfied.

(2) The conditions are—

(a) that an investigation has been instituted under section 26;

(b) that there is on the premises to be specified in the warrant any document or information relevant to that investigation which the Registrar could require to be produced or provided under section 25(1); and

(c) that, if the Registrar were to make an order requiring the document or information to be so produced or provided—

(i) the order would not be complied with; or

(ii) the document or information would be removed, tampered with, concealed or destroyed.

(3) A warrant under this section is a warrant authorising the member of the Registry staff who is named in it ("the staff member"), accompanied by a police officer not below the rank of inspector—

(a) to enter and search the premises specified in it;

(b) to take such other persons with the staff member as the Registrar considers are needed to assist the staff member in doing anything that the staff member is authorised to do under the warrant;

(c) to take possession of any documents which appear to fall within subsection (2)(b), or to take any other steps which appear to be necessary for preserving, or preventing interference with, any such documents;

(d) to take possession of any computer disk or other electronic storage device which appears to contain information falling within subsection (2)(b), or information contained in a document so falling, or to take any other steps which appear to be necessary for preserving, or preventing interference with, any such information;

(e) to take copies of, or extracts from, any documents or information falling within paragraph (c) or (d);

(f) to require any person on the premises to provide an explanation of any such document or information or to state where any such documents or information may be found;

(g) to require any such person to give the staff member such assistance as the staff member may reasonably require for the taking of copies or extracts as mentioned in paragraph (e).

Execution of search warrant

29 (1) Entry and search under a warrant issued under section 28 shall be at a reasonable hour and within one month of the date of its issue.

(2) The member of the Registry staff who is authorised under such a warrant ("the staff member") shall be accompanied by a police officer not below the rank of inspector and, if required to do so, produce—

(a) the warrant; and

(b) documentary evidence that the staff member is a member of the Registry staff,

for inspection by the occupier of the premises or anyone acting on the occupier's behalf.

(3) The staff member shall make a written record of—

(a) the date and time of the staff member's entry on the premises;

(b) the number of persons (if any) who accompanied the staff member on to the premises and the names of any such persons;

(c) the period for which the staff member (and any such persons) remained on the premises;

(d) what the staff member (and any such persons) did while on the premises; and

(e) any document or device of which the staff member took possession while there.

(4) If required to do so, the staff member shall give a copy of the record to the occupier of the premises or someone acting on the occupier's behalf.

(5) Unless it is not reasonably practicable to do so, the staff member shall before leaving the premises comply with—

(a) the requirements of subsection (3); and

(b) any requirement made under subsection (4) before the staff member leaves the premises.

(6) Where possession of any document or device is taken under a warrant issued under section 28—

(a) the document may be retained for so long as the Registrar considers that it is necessary to retain it (rather than a copy of it) for the purposes of the relevant investigation under section 26; or

(b) the device may be retained for so long as the Registrar considers that it is necessary to retain it for the purposes of that investigation,

as the case may be.

(7) Once it appears to the Registrar that the retention of any document or device has ceased to be so necessary, he shall arrange for the document or device to be returned as soon as is reasonably practicable—

(a) to the person from whose possession it was taken; or

(b) to any of the charity trustees of the charity to which it belonged or related.

(8) It is an offence for a person intentionally to obstruct the exercise of any rights conferred by a warrant issued under section 28.

(9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding $10,000, to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Power to search records

30 (1) Any member of the Registry staff, if so authorised by the Registrar, is entitled without payment to inspect and take copies of or extracts from the records or other documents of—

(a) any court; or

(b) any public registry or office of records,

for any purpose connected with the discharge of the functions of the Registrar under this Act.

(2) The rights conferred by subsection (1), in relation to information recorded otherwise than in legible form, include the right to require the information to be made available in legible form—

(a) for inspection; or

(b) for a copy or extract to be made of or from it.

Restricted disclosure

31 (1) Except as provided by section 32—

(a) no person who under, or for the purposes of, this Part of the Act (Information Gathering and Investigations) receives information relating to the business or other affairs of any person; and

(b) no person who obtains such information directly or indirectly from a person who has received it as mentioned in paragraph (a),

shall disclose the information without the consent of the person to whom it relates and (if different) the person from whom it was received.

(2) This section does not apply to information which at the time of the disclosure is, or has already been made, available to the public from other sources, or to information

in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it.

Permitted disclosure

32 (1) A public authority may disclose information to the Registrar if the disclosure is made for the purpose of enabling or assisting the Registrar to discharge any of his functions under this Act.

(2) Subject to subsections (3) and (4), section 31(1) does not preclude the Registrar from disclosing to any public authority any information received by the Registrar in connection with any of his functions if—

(a) the disclosure is made for the purpose of enabling or assisting the public authority to discharge any of its functions; or

(b) the information so disclosed is otherwise relevant to the discharge of any of the functions of the public authority.

(3) Information disclosed by the Registrar under subsection (2) shall not be further disclosed except—

(a) for a purpose connected with any function of that public authority for the purposes of which the information was disclosed by the Registrar; and

(b) with the consent of the Registrar, which may be given—

(i) in relation to a particular disclosure; or

(ii) in relation to disclosures made in circumstances specified or described in the consent.

(4) In the case of information disclosed to the Registrar under subsection (1), the Registrar's power to disclose the information under subsection (2) is exercisable subject to any express restriction subject to which the information was disclosed to the Registrar.

(5) Notwithstanding subsection (4), the Registrar shall disclose to the FIA any information that comes to his attention in respect of which he has a reasonable suspicion that a charity is, or has been, involved in financial crime.

(6) Section 31(1) does not preclude the disclosure of information—

(a) to a police officer not below the rank of inspector, or to the Director of Public Prosecutions, in relation to any criminal proceedings; or

(aa) to a law enforcement agency in a jurisdiction outside Bermuda which has responsibilities in that jurisdiction for investigating or taking enforcement action against financial crime, where the Registrar is satisfied that the law enforcement agency has requested cooperation; or

(b) for the purpose of enabling or assisting an authority in a country or territory outside Bermuda (a "foreign authority") to exercise functions corresponding to those of a competent authority under the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision

and Enforcement) Act 2008 if, but only if, the Registrar is satisfied that the foreign authority is subject to restrictions on further disclosure at least equivalent to section 31 and this section.

(7) A disclosure under this section does not breach—

(a) any obligation of confidence owed by the person making the disclosure; or

(b) any other restriction on the disclosure of information (however imposed).

(8) But nothing in this section authorises disclosure of information which is subject to legal professional privilege.

[Section 32 subsection (6)(aa) inserted by 2026 : 11 s. 4 effective 15 April 2026; Section 32 subsections (5) and (6)(aa) amended by 2026 : 27 s. 9 effective 14 September 2026]

Failure to comply with request for information or evidence

33 (1) If, on application made by the Registrar, it appears to the Supreme Court that a person (the "information defaulter") has failed to—

(a) provide any information or document to the Registrar or the Committee under section 25; or

(b) provide or do something that the information defaulter is required by the Registrar, or a person appointed by him to conduct an investigation, to provide or do under section 27,

the court may make an order under this section.

(2) An order under this section may require the information defaulter—

(a) to provide or do what he has failed to provide or do within such period as may be specified in the document;

(b) otherwise to take such steps to remedy the consequences of the failure as may be so specified.

PART 5

ACCOUNTS AND REPORTING

Accounting records

34 (1) The charity trustees of a registered charity shall ensure that accounting records are kept in respect of the charity which are sufficient to show and explain all the charity's transactions, and which are such as to—

(a) disclose at any time, with reasonable accuracy, the financial position of the charity at that time; and

(b) enable the trustees to ensure that, where any statement of accounts is prepared by them under section 36(1), those accounts comply with the requirements of regulations under section 36(1).

(2) The accounting records shall in particular contain—

(a) entries showing from day to day all sums of money received and expended by the charity, and the matters in respect of which the receipt and expenditure takes place; and

(b) a record of the assets and liabilities of the charity.

Preservation of accounting records

35 (1) The charity trustees of a registered charity shall preserve any accounting records made for the purposes of section 34 in respect of the charity for at least seven years from the end of the financial year of the charity in which they are made.

(2) Subsection (3) applies if a charity ceases to exist within the period of seven years mentioned in subsection (1) as it applies to any accounting records.

(3) The obligation to preserve the accounting records in accordance with subsection (1) shall continue to be discharged by the last charity trustees of the charity, unless the Registrar consents in writing to the records being destroyed or otherwise disposed of.

Preparation of statement of accounts

36 (1) The charity trustees of every registered charity shall prepare, in respect of the financial year of the charity, a statement of accounts complying with such requirements as to its form as may be determined by the Registrar, and to its contents as may be prescribed.

(2) Regulations under subsection (1) may in particular make—

(a) different provision for different classes of charity, and the classes shall be determined by the level of annual income of charities falling within a particular class;

(b) provision for any such statement to be prepared in accordance with such methods and principles as are specified or referred to in the regulations;

(c) provision as to any information to be provided by way of notes to the accounts.

(3) Regulations under subsection (1) may also make provision for the Registrar to determine the financial year of a charity for the purposes of this Act and any regulations made under it.

Submission of statement of accounts

37 (1) The charity trustees of a registered charity shall submit a copy of the statement of accounts prepared under section 36 to the Registrar within six months of the end of each financial year of the charity.

(2) The Registrar may, if he is satisfied that there are compelling reasons to do so, extend the six-month period referred to in subsection (1).

(3) The Registrar may, where he considers it desirable to do so, require that the accounts of any charity for the preceding financial year, or for a specified number of preceding years, shall be audited by a person approved by the Minister and the charity trustees of that charity shall comply with any such requirement.

(4) Any neglect or failure of any registered charity to comply with any provision of this section or with any requirement made thereunder shall be an additional ground upon which the Registrar may proceed to cancel the registration of that charity under section 23.

(5) Any accounts submitted to the Registrar under subsection (1) and any written report on, or any written results of, any audit required pursuant to subsection (3) shall be available for inspection by members of the public during normal working hours.

(6) Subsection (5) does not apply to charities that are privately funded.

[Section 37 subsection (6) inserted by 2026 : 27 s. 10 effective 14 September 2026]

Charity trustees to prepare annual reports

38 (1) The charity trustees of a registered charity shall prepare in respect of each financial year of the charity an annual report containing—

(a) a report by the charity trustees—

(i) on the activities of the charity during the relevant financial year, in particular the significant activities undertaken by the charity during the financial year to further its charitable purposes for the public benefit or to generate resources to be used to further its purposes;

(ii) on any changes during the year to its trusts;

(iia) on the details of salary information of paid staff in such manner as may be determined by the Registrar;

(iii) giving the current composition of its trustees and officers; and

(iv) if required by the Registrar in respect of that charity, giving information on the charity's financial crime risk management systems and controls;

(b) details of planned activities for the following financial year; and

(c) such other information relating to the charity or to its trustees or officers, as may be prescribed.

(2) Regulations under subsection (1)(c) may in particular make provision—

(a) for any such report as is mentioned in subsection (1)(a) to be prepared in accordance with such principles as are specified or referred to in the regulations;

(b) enabling the Registrar to dispense with any requirement prescribed by the regulations—

(i) in the case of a particular charity or a particular class of charities; or

(ii) in the case of a particular financial year of a charity or of any class of charities.

(3) *[Repealed by 2026 : 27 s. 11]*

(4) Any copy of an annual report prepared under subsection (1) shall be submitted to the Registrar at the same time as the statement of accounts prepared for the charity's financial year in question under section 36(1) and, where applicable, shall have attached to it a copy of the relevant auditor's or examiner's report.

[Section 38 subsection (1)(a)(iia) inserted and subsection (3) amended by 2026 : 11 s. 5 effective 15 April 2026; Section 38 amended by 2026 : 27 s. 11 effective 14 September 2026]

Preservation of statement of accounts and annual report

39 (1) The charity trustees of a registered charity shall preserve any statement of accounts prepared by them under section 36(1), and any annual report prepared by them under section 38(1), for at least seven years from the end of the financial year to which any such statement or report relates.

(2) Subsection (3) applies if a charity ceases to exist within the period of seven years mentioned in subsection (1) as it applies to any statement of accounts or annual report.

(3) The obligation to preserve the statement or accounts and annual report in accordance with subsection (1) shall continue to be discharged by the last charity trustees of the charity, unless the Registrar consents in writing to the statement of accounts or annual report (as the case may be) being destroyed or otherwise disposed of.

PART 6

APPLICATION OF PROPERTY CY-PRES

Occasions for applying property cy-pres

40 (1) Subject to subsection (2), the circumstances in which the original purposes of a charitable gift can be altered to allow the property given or part of it to be applied cy-pres shall be as follows—

(a) where the original purposes, in whole or in part—

(i) have been as far as may be fulfilled; or

(ii) cannot be carried out, or not according to the directions given and to the spirit of the gift;

(b) where the original purposes provide a use for part only of the property available by virtue of the gift;

(c) where—

(i) the property available by virtue of the gift; and

(ii) other property applicable for similar purposes,

can be more effectively used in conjunction, and to that end can suitably, regard being had to the spirit of the gift, be made applicable to common purposes;

(d) where the original purposes were laid down by reference to—

(i) an area which was then but has since ceased to be a unit for some other purpose; or

(ii) a class of persons or an area which has for any reason since ceased to be suitable, regard being had to the spirit of the gift, or to be practical in administering the gift; or

(e) where the original purposes, in whole or in part, have since they were laid down—

(i) been adequately provided for by other means;

(ii) ceased, as being useless or harmful to the community or for other reasons, to be in law charitable; or

(iii) ceased in any other way to provide a suitable and effective method of using the property available by virtue of the gift, regard being had to the spirit of the gift.

(2) Subsection (1) shall not affect the conditions which must be satisfied in order that property given for charitable purposes may be applied cy-pres, except in so far as those conditions require a failure of the original purposes.

(3) References in subsections (1) and (2) to the charitable purposes of a gift shall be construed, where the application of the property given has been altered or regulated by a scheme or otherwise, as referring to the purposes for which the property is for the time being applicable.

(4) A trust for charitable purposes places a trustee under a duty, where the case permits and requires the property or some part of it to be applied cy-pres, to secure its effective use for charity by taking steps to enable it to be so applied.

Application cy-pres of gifts of donors unknown or disclaiming

41 (1) Property given for specific charitable purposes which fail shall be applicable cy-pres as if given for charitable purposes generally, where it belongs—

(a) to a donor who, after such advertisements and inquiries as are reasonable, cannot be identified or cannot be found; or

(b) to a donor who has executed a written disclaimer of his right to have the property returned.

(2) For the purposes of this section, property shall be conclusively presumed (without any advertisement or inquiry) to belong to donors who cannot be identified, in so far as it consists—

(a) of the proceeds of cash collections made by means of collecting boxes or by other means not adapted for distinguishing one gift from another; or

(b) of the proceeds of any lottery, competition, entertainment, sale or similar money-raising activity, after allowing for property given to provide prizes or articles for sale or otherwise to enable the activity to be undertaken.

(3) The court may by order direct that property not falling within subsection (2) shall for the purposes of this section be treated (without any advertisement or inquiry) as belonging to donors who cannot be identified, where it appears to the court either—

(a) that it would be unreasonable, having regard to the amounts likely to be returned to the donors, to incur expense with a view to returning the property; or

(b) that it would be unreasonable, having regard to the nature, circumstances and amounts of the gifts, and to the lapse of time since the gifts were made, for the donors to expect the property to be returned.

(4) Where property is applied cy-pres by virtue of this section, the donor shall be deemed to have parted with all his interest at the time when the gift was made; but where property is so applied as belonging to donors who cannot be identified or cannot be found, and is not so applied by virtue of subsection (2) or subsection (3)—

(a) the scheme shall specify the total amount of that property;

(b) the donor of any part of that amount shall be entitled, if he makes a claim not later than twelve months after the date on which the scheme is made, to recover from the charity for which the property is applied a sum equal to that part, less any expenses properly incurred by the charity trustees after that date in connection with claims relating to his gift; and

(c) the scheme may include directions as to the provision to be made for meeting any such claim.

(5) For the purposes of this section, charitable purposes shall be deemed to fail where any difficulty in applying property to those purposes makes that property or the part not applicable cy-pres available to be returned to the donors.

(6) In this section, unless the context otherwise requires, references to a donor include persons claiming through or under the original donor, and references to property given include the property for the time being representing the property originally given or property derived from it.

(7) In this section, "the court" means, in respect of money or property exceeding in value ten thousand dollars, the Supreme Court and, in any other case, a court of summary jurisdiction.

(8) This section shall apply to property given for charitable purposes, notwithstanding that it was so given before the coming into operation of this Act.

PART 7

MISCELLANEOUS

Restrictions on fund-raising activities

42 (1) Subject to subsection (2) and to section 43, it is an offence for a person, other than a charity registered under section 17 (or a person acting on behalf of such charity), to—

(a) solicit members of the public for; or

(b) receive from any member of the public in any public place,

a donation for any charitable purpose or for any professed purpose which is otherwise benevolent.

(2) Nothing in subsection (1) shall render unlawful the collection of donations from members of the congregation attending a religious service or prohibit or restrict the money-raising activities of an association of parents and teachers, or of pupils or former pupils, of any school in Bermuda conducted upon the premises of that school or upon other premises specifically approved for that purpose by the Registrar.

(3) Any person who contravenes any provision of subsection (1) and any person (other than a donor) who aids and abets any other person in any such contravention commits an offence.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding $5,000, to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Temporary licence to solicit and collect donations

43 (1) Nothing in section 42(1) shall render unlawful the solicitation and collection of donations from members of the public in accordance with a temporary licence granted by the Registrar under this section.

(2) A person, not being a registered charity, who wishes to solicit and collect donations from the public may apply to the Registrar for a temporary licence to do so.

(3) An application under subsection (2)—

(a) shall be in such form as the Registrar shall determine; and

(b) contain such particulars, and meet such other requirements as may be prescribed.

(4) The Registrar shall not grant an application under subsection (2) unless he is satisfied that the applicant will solicit and collect donations for a purpose which falls within section 4(1), but the purpose need not be for the public benefit.

(5) A temporary licence granted by the Registrar pursuant to an application under subsection (2) shall be granted for a period not exceeding three months but may, on further application, be extended for a further period not exceeding three months.

(6) A person who is granted a temporary licence shall, within two months of the expiration of the licence (or the expiration of an extension, if any, thereof) submit to the Registrar, a revenue and expenses report in such form, and containing such details, as may be prescribed.

Charitable status to be disclosed in publications

44 (1) The charity trustees of a registered charity shall ensure that all published printed materials and published electronic communications of the charity clearly state—

(a) the name of the charity;

(b) that it is a registered charity; and

(c) its registration number.

(2) In subsection (1)—

(a) "published printed materials" include brochures, flyers, advertisements, posters, letterheads and other similar documents that are made available to members of the public;

(b) "published electronic communications" include email messages, Internet, radio, television and similar communications that are made available to members of the public.

Supply of false or misleading information to Registrar or Committee, etc.

45 (1) It is an offence for a person knowingly or recklessly to provide the Registrar or the Committee with information which is false or misleading in a material particular if the information is provided—

(a) in purported compliance with a requirement imposed under this Act; or

(b) otherwise than as mentioned in paragraph (a) but in circumstances in which the person providing the information—

(i) intends; or

(ii) could reasonably be expected to know,

that it would be used by the Registrar or the Committee for the purpose of discharging any of their functions under this Act.

(2) It is an offence for a person wilfully to alter, suppress, conceal or destroy any document which the person is or is liable to be required, under this Act, to produce to the Registrar or the Committee.

(3) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding $5,000; or

(b) on conviction on indictment, to a fine not exceeding $10,000, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Other offences

46 (1) A person commits an offence if the person—

(a) represents that an entity is a registered charity or an exempted charity when it is not so registered or exempted;

(b) fails to apply for the registration as a charity where required by this Act to do so;

(c) being any of the last charity trustees of a registered charity, fails to notify the Registrar when the charity ceases to exist;

(d) fails to provide information which the person is required under this Act to provide to the Registrar;

(e) fails to disclose in a statement of accounts funds received from the public or from government or private sources;

(f) misuses donations received for charitable purposes, including the failure to use donations for their intended purposes;

(g) publicly solicits donations for a charity without the consent of the charity;

(h) fails to comply with the requirements of section 17(10);

(i) fails to comply with a decision of the Registrar under section 23(6);

(j) discloses information in contravention of section 31;

(k) fails to keep accounting records in accordance with section 34;

(l) fails to preserve accounting records in accordance with section 35;

(m) fails to submit a statement of accounts or annual report as required under section 37(1) or section 38(4), as the case may be;

(n) fails to preserve a statement of accounts or annual report as required by section 39; or

(o) fails to comply with the requirements of section 43(6).

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding $5,000;

(b) on conviction on indictment, to a fine not exceeding $10,000, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Regulations for detecting and preventing money laundering and terrorism financing

47 *[Repealed by 2026 : 27 s. 12]*

[Section 47 repealed by 2026 : 27 s. 12 effective 14 September 2026]

Penalty for failure to comply with the Regulations — civil penalty

47A (1) Where a charity has failed to submit annual reports and accounts or to notify the Registrar of changes to particulars in the register, in accordance with this Act or the Regulations, the Registrar may impose a civil penalty in an amount of—

(a) not more than $5000 for failure to submit annual reports and accounts within the specified time-line; or

(b) not more than $5000 for failure to notify the Registrar of changes to particulars in the register, in accordance with section 17(10) of this Act.

(1A) Where a charity has failed to submit annual reports and accounts within 30 days after the initial deadline for submission, the Registrar may impose an additional civil penalty of not more than $5000 above the existing penalty set out in subsection (1)(a).

(2) In determining whether to impose a civil penalty and its amount under subsection (1) or (1A), the Registrar shall take into account—

(a) the nature, circumstances, and extent of the contravention and degree of culpability of the charity;

(b) the total assets and overall financial position of the charity, the ability of the charity to pay and any effect the penalty may have on its ability to continue to conduct charitable works; and

(c) the good faith efforts of the charity to comply in a timely manner and the length of any delay in undertaking efforts to comply.

(2A) Where a charity has failed to notify the Registrar of a change in circumstances that affects its eligibility to qualify for an exemption under section 18, the Registrar may impose a civil penalty in an amount of not more than $5000.

(2AA) Where a charity has failed to notify the Registrar of its establishment as a charity that is privately funded within one month of its establishment, the Registrar may impose a civil penalty in an amount of not more than $5000.

(2B) Where a charity fails to notify the Registrar under subsection (2A) or under subsection (2AA), the Registrar shall take into account the following in determining whether to impose a civil penalty—

(a) the extent of the changes to the service agreement with the corporate service provider business;

(b) the length of delay in notifying the Registrar;

(c) the good faith efforts to notify the Registrar of changes to the eligibility to qualify as an exempted charity; and

(d) the total assets and overall financial position of the charity.

(3) *[Repealed by 2026 : 11 s. 6]*

[Section 47A inserted by 2017 : 35 s. 7 effective 3 November 2017; Section 47A amended by 2025 : 26 s. 4 effective 10 December 2025; Section 47A amended by 2026 : 11 s. 6 effective 15 April 2026; Section 47A amended by 2026 : 27 s. 13 effective 14 September 2026]

Civil penalty — filing of notice of appeal

47B Any person wishing to appeal to the Supreme Court against a decision of the Registrar, made by him in accordance with section 47A, shall lodge with the Registrar of the Supreme Court and the Registrar a notice of appeal.

[Section 47B inserted by 2017 : 35 s. 7 effective 3 November 2017]

Civil penalty — service of notice of appeal

47C The appellant shall serve copies of the notice of appeal under this section on all other parties to the proceedings.

[Section 47C inserted by 2017 : 35 s. 7 effective 3 November 2017; Section 47C amended by 2026 : 11 s. 7 effective 15 April 2026]

Civil penalty — procedure after filing notice of appeal

47D Upon receipt of the notice of appeal, lodged in accordance with section 47, the Registrar shall forward to the Registrar of the Supreme Court all documents received by him, and the Registrar of the Supreme Court shall cause to be made copies of all documents received by him pursuant to this section, and copies of all such documents shall be forwarded to the appellant and to all parties on whom a copy of the notice of appeal under this section has been served.

[Section 47D inserted by 2017 : 35 s. 7 effective 3 November 2017]

Civil penalty — procedure at the hearing of an appeal

47E (1) An appeal to the Supreme Court shall be by way of argument on the record, without prejudice to the power of the Court to admit further evidence, either orally or by affidavit, as the Court shall direct.

(2) The parties to the proceedings on appeal shall be heard in such order as the Court may direct.

[Section 47E inserted by 2017 : 35 s. 7 effective 3 November 2017]

Charities exemption

47F *[Repealed by 2026 : 27 s. 14]*

[Section 47F repealed by 2026 : 27 s. 14 effective 14 September 2026]

Regulations: general

48 (1) The Minister may, after consultation with the Registrar and the Committee, make regulations for carrying into effect this Act, and without prejudice to the generality of the foregoing, such regulations may provide—

(a) for the particulars to be submitted by a charity applying to be registered under section 17;

(b) for the notification of any subsequent change in any of the material particulars contained in an application for registration;

(c) for the particulars to be entered in the register and for the rectification thereof;

(d) for the information and particulars to be included in the statement of accounts prepared under section 36;

(e) for reporting by charities, including due diligence requirements in relation to beneficiaries, donors and partners;

(f) for any other matter which is under this Act to be prescribed; and

(g) for a contravention of such regulations to be an offence, subject to the limitation that no such offence shall be punishable with more than—

(i) on summary conviction, a fine of $5,000;

(ii) on conviction on indictment, a fine of $10,000, or imprisonment for a term of two years, or both such fine and imprisonment.

(1A) The Minister may, after consulting with the Registrar and the Committee, make such regulations as he thinks appropriate in respect of charities for the purposes of detecting and preventing financial crime.

(1B) Without prejudice to the generality of subsection (1A), such regulations may—

(a) require charities to establish and maintain procedures relating to the identification of donors and beneficiaries, the keeping of records, the making of reports, the vetting of employees, the verification of the effective design and operation of systems to detect and prevent financial crime, and the training of employees; and

(b) provide for a contravention of such regulations to be an offence, subject to the limitation that no such offence shall be punishable with more than—

(i) on summary conviction, a fine of $50,000; or

(ii) on conviction on indictment, a fine of $750,000, or imprisonment for a term of two years, or both such fine and imprisonment.

(2) Unless this Act expressly otherwise provides, any regulations made by the Minister under this Act shall be subject to the negative resolution procedure.

[Section 48 subsection (1)(e) amended, and subsections (1A) and (1B) inserted by 2026 : 27 s. 15 effective 14 September 2026]

Repeal

49 The Charities Act 1978 is hereby repealed.

Savings

50 (1) Parts 3 and 5 shall not apply to any entity established under any other public Act, other than a company established under the Companies Act 1981, nor to any school for the time being established in Bermuda, unless the Registrar is of the opinion, after application in writing by such an entity or school, that it would be in the public interest for the entity or school to be registered under the Act and subject to its requirements.

(2) Nothing in this Act shall be construed so as to abridge or derogate from the Social Welfare Act 1971.

[Section 50 subsection (1) repealed and replaced by 2017 : 35 s. 7 effective 3 November 2017; Section 50 subsection (1) amended by 2026 : 27 s. 16 effective 14 September 2026]

Transitional

51 (1) The registration of any charitable organization already registered under the Act hereby repealed shall continue in force notwithstanding such repeal, but shall for all purposes hereafter be deemed to have been a charity registered under section 17 of this Act and this Act shall apply to such charity accordingly.

(2) The trustees of an entity deemed to be a charity under subsection (1) shall as soon as practicable, but—

(a) in respect of a registration that has effect indefinitely, not later than a period of twelve months after the coming into operation of this Act; and

(b) in respect of a registration that has effect for a period of twelve months at a time, no later than the expiration of that period of registration,

submit the charity's trusts to the Registrar for his approval.

(3) The charity's trusts submitted for approval under subsection (2) shall include—

(a) a dissolution clause (which is consistent with the declared purposes of the charity) describing how the charity's assets, particularly contributions received from donors, will be applied in the event that the charity ceases to exist; and

(b) such other particulars as may be prescribed.

(4) The requirement that the charity's trusts, submitted for approval under subsection (2), shall include a dissolution clause may be waived by the Registrar in the case of a charity that is established under a private Act in order to give it sufficient time

to amend that Act so as to include a dissolution clause, but if the dissolution clause is not submitted to the Registrar for approval within such period as the Registrar shall in writing require, the charity's registration shall be taken to be cancelled immediately after the expiration of that period.

(5) If a charity's trusts are not submitted to the Registrar within the period applicable to that charity under subsection (2), the charity's registration shall be taken to be cancelled immediately after the expiration of that period.

(6) The Registrar may, where a charity has submitted its trusts within the period applicable to that charity under subsection (2) but the Registrar is not satisfied that the requirements of subsection (3) have been satisfied, in writing require further particulars of the charity's trusts within a specified period.

(7) Where the Registrar requires further particulars of a charity's trusts under subsection (6), and the further particulars are not submitted within the period required by the Registrar, the charity's registration shall be taken to be cancelled immediately after the expiration of that period.

General amendments of references in other legislation to Charities Act 1978, charitable organization, etc

52 Wherever in any other public Act of the Legislature of Bermuda or in any statutory instrument made, given or issued in Bermuda—

(a) "Charities Act 1978" appears, it shall be read as a reference to this Act; or

(b) "charitable organization" (or a variation of that expression) appears, it shall be read as a reference to a charity registered, or deemed to be registered, under this Act,

and the Minister may make regulations amending the legislation accordingly.

Consequential amendment to Financial Intelligence Agency Act 2007

53 Section 18 of the Financial Intelligence Agency Act 2007 is amended—

(a) by deleting "or" at the end of paragraph (b) thereof;

(b) deleting the full stop at the end of paragraph (c) thereof, and substituting "; or"; and

(c) after paragraph (c) thereof, inserting—

"(d) the Registrar-General to discharge his functions under the Charities Act 2014.".

Commencement

54 This Act shall come into operation on such date as the Minister may by notice in the Gazette appoint.

CHARITIES ACT 2014

[Assent Date: 26 March 2014]

[Amended by:

2017 : 35
2018 : 46
2018 : 49
2025 : 26
2026 : 11
2026 : 27]