



Charities Act 1993 (repealed)

1993 CHAPTER 10

PART VI

CHARITY ACCOUNTS, REPORTS AND RETURNS

Modifications etc. (not altering text)

- C1** Pt. VI (ss. 41-48) modified (1.1.1999) by [1998 No. 1, s. 3\(3\)](#); Archbishops Instrument dated 14.10.1998

Commencement Information

- II** Pt. VI (ss. 41-48) wholly in force at 1.3.1996; Pt. VI (ss. 41-48) not in force at Royal Assent see s. 99(2); Pt. VI (ss. 41-48) in force for certain purposes at 15.10.1995 by [S.I. 1995/2695, art. 3](#) (with [art. 4](#)); Pt. VI (ss. 41-48) in force for all other purposes at 1.3.1996 by [S.I. 1995/2695, art. 2](#) (with [art. 4](#))

41 Duty to keep accounting records.

- (1) The charity trustees of a 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 statements of accounts are prepared by them under section 42(1) below, those statements of accounts comply with the requirements of regulations under that provision.
- (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.

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- (3) The charity trustees of a charity shall preserve any accounting records made for the purposes of this section in respect of the charity for at least six years from the end of the financial year of the charity in which they are made.
- (4) Where a charity ceases to exist within the period of six years mentioned in subsection (3) above as it applies to any accounting records, the obligation to preserve those records in accordance with that subsection shall continue to be discharged by the last charity trustees of the charity, unless [^{F1}the Commission consents] in writing to the records being destroyed or otherwise disposed of.
- (5) Nothing in this section applies to a charity which is a company.

Textual Amendments

- F1** Words in s. 41(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 132](#); [S.I. 2007/309](#), art. 2, Sch.

42 Annual statements of accounts.

- (1) The charity trustees of a charity shall (subject to subsection (3) below) prepare in respect of each financial year of the charity a statement of accounts complying with such requirements as to its form and contents as may be prescribed by regulations made by the [^{F2}Minister] .
- (2) Without prejudice to the generality of subsection (1) above, regulations under that subsection may make provision—
 - (a) for any such statement to be prepared in accordance with such methods and principles as are specified or referred to in the regulations;
 - (b) as to any information to be provided by way of notes to the accounts;
 and regulations under that subsection may also make provision for determining the financial years of a charity for the purposes of this Act and any regulations made under it.
- [^{F3}(2A) Such regulations may, however, not impose on the charity trustees of a charity that is a charitable trust created by any person (“the settlor”) any requirement to disclose, in any statement of accounts prepared by them under subsection (1) —
 - (a) the identities of recipients of grants made out of the funds of the charity, or
 - (b) the amounts of any individual grants so made,
 if the disclosure would fall to be made at a time when the settlor or any spouse or civil partner of his was still alive.]
- (3) Where a charity’s gross income in any financial year does not exceed [^{F4}£250,000], the charity trustees may, in respect of that year, elect to prepare the following, namely—
 - (a) a receipts and payments account, and
 - (b) a statement of assets and liabilities,
 instead of a statement of accounts under subsection (1) above.
- (4) The charity trustees of a charity shall preserve—
 - (a) any statement of accounts prepared by them under subsection (1) above, or
 - (b) any account and statement prepared by them under subsection (3) above,

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for at least six years from the end of the financial year to which any such statement relates or (as the case may be) to which any such account and statement relate.

- (5) Subsection (4) of section 41 above shall apply in relation to the preservation of any such statement or account and statement as it applies in relation to the preservation of any accounting records (the references to subsection (3) of that section being read as references to subsection (4) above).
- (6) The [^{F2}Minister] may by order amend subsection (3) above by substituting a different sum for the sum for the time being specified there.
- (7) Nothing in this section applies to a charity which is a company.
- [^{F5}(8) Provisions about the preparation of accounts in respect of groups consisting of certain charities and their subsidiary undertakings, and about other matters relating to such groups, are contained in Schedule 5A to this Act (see section 49A below).]

Textual Amendments

- F2** Word in s. 42 substituted (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), art. 1(2), **Sch. para. 4(q)**
- F3** S. 42(2A) inserted (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 133(2)**; [S.I. 2008/945](#), art. 2, **Sch. 1** (with art. 7)
- F4** Word in s. 42(3) substituted (1.4.2009) by [The Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), **9** (with art. 16)
- F5** S. 42(8) added (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 133(3)**; [S.I. 2008/945](#), art. 2, **Sch. 1**

43 Annual audit or examination of charity accounts.

- [^{F6}(1) Subsection (2) below applies to a financial year of a charity if—
- (a) the charity's gross income in that year exceeds £500,000; or
 - (b) the charity's gross income in that year exceeds the accounts threshold and at the end of the year the aggregate value of its assets (before deduction of liabilities) exceeds [^{F7}£3.26 million].
- “The accounts threshold” means £100,000 or such other sum as is for the time being specified in section 42(3) above.]
- (2) If this subsection applies to a financial year of a charity, the accounts of the charity for that year shall be audited by a person who—
- [^{F8}(a) is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006;]
 - (b) is a member of a body for the time being specified in regulations under section 44 below and is under the rules of that body eligible for appointment as auditor of the charity.
- (3) If subsection (2) above does not apply to a financial year of a charity [^{F9}but its gross income in that year exceeds [^{F10}£25,000].] the accounts of the charity for that year shall, at the election of the charity trustees, either—
- (a) be examined by an independent examiner, that is to say an independent person who is reasonably believed by the trustees to have the requisite ability and practical experience to carry out a competent examination of the accounts, or

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(b) be audited by such a person as is mentioned in subsection (2) above.

[^{F11}This is subject to the requirements of subsection (3A) below where the gross income exceeds £250,000, and to any order under subsection (4) below.]

[^{F12}(3A) If subsection (3) above applies to the accounts of a charity for a year and the charity's gross income in that year exceeds £250,000, a person qualifies as an independent examiner for the purposes of paragraph (a) of that subsection if (and only if) he is an independent person who is—

- [^{F13}(a) a member of one of the bodies listed in subsection (3B) below; or
- (b) a Fellow of the Association of Charity Independent Examiners.]
- [^{F13}(c)]

[^{F14}(3B) The bodies referred to in subsection (3A)(a) above are—

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Institute of Chartered Accountants in Ireland;
- (d) the Association of Chartered Certified Accountants;
- (e) the Association of Authorised Public Accountants;
- (f) the Association of Accounting Technicians;
- (g) the Association of International Accountants;
- (h) the Chartered Institute of Management Accountants;
- (i) the Institute of Chartered Secretaries and Administrators;
- (j) the Chartered Institute of Public Finance and Accountancy.]

(4) Where it appears to [^{F15}the Commission]—

- (a) that subsection (2), or (as the case may be) subsection (3) above, has not been complied with in relation to a financial year of a charity within ten months from the end of that year, or
- (b) that, although subsection (2) above does not apply to a financial year of a charity, it would nevertheless be desirable for the accounts of the charity for that year to be audited by such a person as is mentioned in that subsection,

[^{F15}the Commission] may by order require the accounts of the charity for that year to be audited by such a person as is mentioned in that subsection.

(5) If [^{F16}the Commission makes] an order under subsection (4) above with respect to a charity, then unless—

- (a) the order is made by virtue of paragraph (b) of that subsection, and
- (b) the charity trustees themselves appoint an auditor in accordance with the order,

the auditor shall be a person appointed by [^{F17}the Commission].

(6) The expenses of any audit carried out by an auditor appointed by [^{F18}the Commission] under subsection (5) above, including the auditor's remuneration, shall be recoverable by [^{F18}the Commission]—

- (a) from the charity trustees of the charity concerned, who shall be personally liable, jointly and severally, for those expenses; or
- (b) to the extent that it appears to [^{F18}the Commission] not to be practical to seek recovery of those expenses in accordance with paragraph (a) above, from the funds of the charity.

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- (7) [^{F19}The Commission] may—
- (a) give guidance to charity trustees in connection with the selection of a person for appointment as an independent examiner;
 - (b) give such directions as [^{F20}it thinks] appropriate with respect to the carrying out of an examination in pursuance of subsection (3)(a) above;
- and any such guidance or directions may either be of general application or apply to a particular charity only.

- [^{F21}(8) The Minister may by order—
- (a) amend subsection (1)(a) or (b), (3) or (3A) above by substituting a different sum for any sum for the time being specified there;
 - (b) amend subsection (3A) by adding or removing a description of person to or from the list in that subsection or by varying any entry for the time being included in that list.]
- [^{F22}(c) amend subsection (3B) by adding or removing a body to or from the list in that subsection or by varying any entry for the time being included in that list.]

[^{F23}(9) Nothing in this section applies in relation to the accounts of a charity for a financial year if those accounts are required to be audited in accordance with [^{F24}Part 16 of the Companies Act 2006] .]

[^{F25}(10) Nothing in this section applies in relation to a financial year of a charity where, at any time in the year, a charity is an English National Health Service charity or Welsh National Health Service charity (as defined in sections 43A and 43B respectively).]

Textual Amendments

- F6** S. 43(1) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), **ss. 28(2)**, 79(2); S.I. 2007/309, art. 2, Sch.
- F7** Words in s. 43(1)(b) substituted (1.4.2009) by [The Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), **10(a)** (with art. 16)
- F8** S. 43(2)(a) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 17** (with arts. 6, 11, 12)
- F9** Words in s. 43(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), **ss. 28(4)(a)**, 79(2); S.I. 2007/309, art. 2, Sch.
- F10** Word in s. 43(3) substituted (1.4.2009) by [The Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), **10(b)** (with art. 16)
- F11** Words in s. 43(3) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), **ss. 28(4)(b)**, 79(2); S.I. 2007/309, art. 2, Sch.
- F12** S. 43(3A) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), **ss. 28(5)**, 79(2); S.I. 2007/309, art. 2, Sch.
- F13** S. 43(3A)(a)(b) substituted for (a)(b)(c)(with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **2(3)**
- F14** S. 43(3B) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(1), **2(4)**
- F15** Words in s. 43(4) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 134(2)**; S.I. 2007/309, art. 2, Sch.
- F16** Words in s. 43(5) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 134(3)(a)**; S.I. 2007/309, art. 2, Sch.

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- F17** Words in s. 43(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 134(3)(b)**; S.I. 2007/309, art. 2, Sch.
- F18** Words in s. 43(6) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 134(4)**; S.I. 2007/309, art. 2, Sch.
- F19** Words in s. 43(7) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 134(5)(a)**; S.I. 2007/309, art. 2, Sch.
- F20** Words in s. 43(7) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 134(5)(b)**; S.I. 2007/309, art. 2, Sch.
- F21** S. 43(8) substituted (27.2.2007) by Charities Act 2006 (c. 50), **ss. 28(6)**, 79(2); S.I. 2007/309, art. 2, Sch.
- F22** S. 43(8)(c) inserted (with effect in accordance with art. 1(3) of the amending S.I.) by The Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527), arts. 1(1), **2(5)**
- F23** S. 43(9) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by The Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527), arts. 1(1), **2(6)**
- F24** Words in s. 43(9) substituted (6.4.2008) by virtue of The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 192(4)** (with arts. 6, 11, 12)
- F25** S. 43(10) inserted (E.W.) (with effect in accordance with art. 1(2) of the amending S.I.) by Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order 2005 (S.I. 2005/1074), arts. 1(2), **3(2)**

Modifications etc. (not altering text)

- C2** S. 43 excluded (19.12.2008) by The Charities Act 2006 (Commencement No. 5, Transitional and Transitory Provisions and Savings) Order 2008 (S.I. 2008/3267), arts. 2, 13(3) (as substituted 1.8.2011) by The Charities Act 2006 (Changes in Exempt Charities) Order 2011 (S.I. 2011/1725), art. 1(2), Sch. para. 6(5)

[^{F26}43A Annual audit or examination of English National Health Service charity accounts

- (1) This section applies in relation to a financial year of a charity where, at any time in the year, the charity is an English National Health Service charity.
- (2) In any case where [^{F27}paragraph (a) or (b) of section 43(1) is satisfied in relation to] a financial year of an English National Health Service charity, the accounts of the charity for that financial year shall be audited by a person appointed by the Audit Commission.
- (3) In any other case, the accounts of the charity for that financial year shall, at the election of the Audit Commission, be—
 - (a) audited by a person appointed by the Audit Commission; or
 - (b) examined by a person so appointed.
- (4) Section 3 of the Audit Commission Act 1998 (c. 18) applies in relation to any appointment under subsection (2) or (3)(a).
- (5) [^{F28}The Commission] may give such directions as [^{F29}it thinks] appropriate with respect to the carrying out of an examination in pursuance of subsection (3)(b); and any such directions may either be of general application or apply to a particular charity only.
- (6) The Comptroller and Auditor General may at any time examine and inspect—
 - (a) the accounts of the charity for the financial year;
 - (b) any records relating to those accounts; and

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- (c) any report of a person appointed under subsection (2) or (3) to audit or examine those accounts.

(7) In this section—

“Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England^{F30} ...; and

“English National Health Service charity” means a charitable trust, the trustees of which are—

- (a) a Strategic Health Authority;
- (b) a Primary Care Trust;
- (c) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in England;
- (d) [^{F31}trustees appointed in pursuance of paragraph 10 of Schedule 4 to the National Health Service Act 2006 for a National Health Service trust falling within paragraph (c);
- (da) special trustees appointed in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973, section 95(1) of the National Health Service Act 1977 and section 212(1) of the National Health Service Act 2006 for such a National Health Service trust, or]
- (e) trustees for a Primary Care Trust appointed in pursuance of [^{F32}paragraph 12 of Schedule 3 to the National Health Service Act 2006] .

Textual Amendments

- F26** Ss. 43A, 43B inserted (E.W.) (with effect in accordance with art. 1(2) of the amending S.I.) by [Regulatory Reform \(National Health Service Charitable and Non-Charitable Trust Accounts and Audit\) Order 2005 \(S.I. 2005/1074\)](#), arts. 1(2), **3(3)**
- F27** Words in s. 43A(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 135(2)**; [S.I. 2007/309](#), art. 2, Sch. (with art. 7)
- F28** Words in s. 43A(5) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 135(3)(a)**; [S.I. 2007/309](#), art. 2, Sch.
- F29** Words in s. 43A(5) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 135(3)(b)**; [S.I. 2007/309](#), art. 2, Sch.
- F30** Words in s. 43A(7) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(i), **Sch. 18 Pt. 9**; [S.I. 2008/172](#), art. 4(a)(n)(i)
- F31** Words in s. 43A(7) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 161(a)** (with Sch. 3 Pt. 1)
- F32** Words in s. 43A(7) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 161(b)** (with Sch. 3 Pt. 1)

43B Annual audit or examination of Welsh National Health Service charity accounts

- (1) This section applies in relation to a financial year of a charity where, at any time in the year, the charity is a Welsh National Health Service charity.
- (2) In any case where [^{F33}paragraph (a) or (b) of section 43(1) is satisfied in relation to] a financial year of a Welsh National Health Service charity, the accounts of the charity for that financial year shall be audited by the Auditor General for Wales.

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(3) In any other case, the accounts of the charity for that financial year shall, at the election of the Auditor General for Wales, be audited or examined by the Auditor General for Wales.

(4) In this section—

“Welsh National Health Service charity” means a charitable trust, the trustees of which are—

- (a) a Local Health Board;
- (b) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in Wales;
- (c) [^{F34} trustees appointed in pursuance of paragraph 10 of Schedule 3 to the National Health Service (Wales) Act 2006 for a National Health Service trust falling within paragraph (b); or
- (d) special trustees appointed in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973, section 95(1) of the National Health Service Act 1977 and section 160(1) of the National Health Service (Wales) Act 2006 for such a National Health Service trust.]

[References in this Act to an auditor or an examiner have effect in relation to this section ^{F35}(5) as references to the Auditor General for Wales acting under this section as an auditor or examiner.]]

Textual Amendments

- F26** Ss. 43A, 43B inserted (E.W.) (with effect in accordance with art. 1(2) of the amending S.I.) by [Regulatory Reform \(National Health Service Charitable and Non-Charitable Trust Accounts and Audit\) Order 2005 \(S.I. 2005/1074\)](#), arts. 1(2), **3(3)**
- F33** Words in s. 43B(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 136(2)**; [S.I. 2007/309](#), art. 2, [Sch.](#) (with art. 8)
- F34** Words in s. 43B(4) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 162** (with Sch. 3 Pt. 1)
- F35** S. 43B(5) added (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 136(3)**; [S.I. 2007/309](#), art. 2, [Sch.](#)

44 Supplementary provisions relating to audits etc.

(1) The [^{F36}Minister] may by regulations make provision—

- (a) specifying one or more bodies for the purposes of section 43(2)(b) above;
- (b) with respect to the duties of an auditor carrying out an audit under section 43[^{F37}, 43A or 43B] above, including provision with respect to the making by him of a report on—
 - (i) the statement of accounts prepared for the financial year in question under section 42(1) above, or
 - (ii) the account and statement so prepared under section 42(3) above,^[F38] or
 - (iii) the accounts so prepared under [^{F39}section 394 of the Companies Act 2006] (duty to prepare individual accounts),]

as the case may be;

[^{F40}(c) with respect to the making of a report—

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- (i) by an independent examiner in respect of an examination carried out by him under section 43 above; or
 - (ii) by an examiner in respect of an examination carried out by him under section 43A or 43B above;]
 - (d) conferring on such an auditor or on an independent examiner [^{F41}or examiner] a right of access with respect to books, documents and other records (however kept) which relate to the charity concerned;
 - (e) entitling such an auditor or an independent examiner [^{F41}or examiner] to require, in the case of a charity, information and explanations from past or present charity trustees or trustees for the charity, or from past or present officers or employees of the charity;
 - (f) enabling [^{F42}the Commission], in circumstances specified in the regulations, to dispense with the requirements of section 43(2) or (3) above in the case of a particular charity or in the case of any particular financial year of a charity.
- (2) If any person fails to afford an auditor or an independent examiner [^{F43}or examiner] any facility to which he is entitled by virtue of subsection (1)(d) or (e) above, [^{F44}the Commission] may by order give—
- (a) to that person, or
 - (b) to the charity trustees for the time being of the charity concerned,
- such directions as [^{F45}the Commission thinks] appropriate for securing that the default is made good.

^{F46}(3)

Textual Amendments

- F36** Word in s. 44(1) substituted (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), art. 1(2), **Sch. para. 4(s)**
- F37** Words in s. 44(1)(b) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 137(2)(a)**; [S.I. 2007/309](#), art. 2, Sch.
- F38** S. 44(1)(b)(iii) and word inserted (with effect in accordance with art. 1(3) of the amending S.I.) by [The Charities Act 2006 \(Charitable Companies Audit and Group Accounts Provisions\) Order 2008 \(S.I. 2008/527\)](#), arts. 1(2), **3**
- F39** Words in s. 44(1)(b)(iii) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 192(5)** (with arts. 6, 11, 12)
- F40** S. 44(1)(c) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 137(2)(b)**; [S.I. 2007/309](#), art. 2, Sch.
- F41** Words in s. 44(1)(d)(e) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 137(2)(c)**; [S.I. 2007/309](#), art. 2, Sch.
- F42** Words in s. 44(1)(f) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 137(2)(d)**; [S.I. 2007/309](#), art. 2, Sch.
- F43** Words in s. 44(2) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 137(3)(a)**; [S.I. 2007/309](#), art. 2, Sch.
- F44** Words in s. 44(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 137(3)(b)**; [S.I. 2007/309](#), art. 2, Sch.
- F45** Words in s. 44(2) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 137(3)(c)**; [S.I. 2007/309](#), art. 2, Sch.
- F46** S. 44(3) repealed (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), Sch. 8 para. 137(4), **Sch. 9**; [S.I. 2007/309](#), art. 2, Sch.

Status: Point in time view as at 01/08/2011.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), Part VI. (See end of Document for details)

Modifications etc. (not altering text)

- C3** S. 44 excluded (19.12.2008) by [The Charities Act 2006 \(Commencement No. 5, Transitional and Transitory Provisions and Savings\) Order 2008 \(S.I. 2008/3267\)](#), [arts. 2, 13\(3\)](#) (as substituted 1.8.2011) by [The Charities Act 2006 \(Changes in Exempt Charities\) Order 2011 \(S.I. 2011/1725\)](#), [art. 1\(2\)](#), [Sch. para. 6\(5\)](#)

[^{F47}**44A Duty of auditors etc. to report matters to Commission**

- (1) This section applies to—
- (a) a person acting as an auditor or independent examiner appointed by or in relation to a charity under section 43 above,
 - (b) a person acting as an auditor or examiner appointed under section 43A(2) or (3) above, and
 - (c) the Auditor General for Wales acting under section 43B(2) or (3) above.
- (2) If, in the course of acting in the capacity mentioned in subsection (1) above, a person to whom this section applies becomes aware of a matter—
- (a) which relates to the activities or affairs of the charity or of any connected institution or body, and
 - (b) which he has reasonable cause to believe is likely to be of material significance for the purposes of the exercise by the Commission of its functions under section 8 or 18 above,
- he must immediately make a written report on the matter to the Commission.
- (3) If, in the course of acting in the capacity mentioned in subsection (1) above, a person to whom this section applies becomes aware of any matter—
- (a) which does not appear to him to be one that he is required to report under subsection (2) above, but
 - (b) which he has reasonable cause to believe is likely to be relevant for the purposes of the exercise by the Commission of any of its functions,
- he may make a report on the matter to the Commission.
- (4) Where the duty or power under subsection (2) or (3) above has arisen in relation to a person acting in the capacity mentioned in subsection (1), the duty or power is not affected by his subsequently ceasing to act in that capacity.
- (5) Where a person makes a report as required or authorised by subsection (2) or (3), no duty to which he is subject is to be regarded as contravened merely because of any information or opinion contained in the report.
- (6) In this section “connected institution or body”, in relation to a charity, means—
- (a) an institution which is controlled by, or
 - (b) a body corporate in which a substantial interest is held by,
- the charity or any one or more of the charity trustees acting in his or their capacity as such.
- (7) Paragraphs 3 and 4 of Schedule 5 to this Act apply for the purposes of subsection (6) above as they apply for the purposes of provisions of that Schedule.]

Status: Point in time view as at 01/08/2011.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), Part VI. (See end of Document for details)

Textual Amendments

F47 S. 44A inserted (1.4.2008) by Charities Act 2006 (c. 50), ss. 29(1), 79(2) (with Sch. 10 para. 8); S.I. 2008/945, art. 2, Sch. 1

Modifications etc. (not altering text)

C4 S. 44A excluded (19.12.2008) by The Charities Act 2006 (Commencement No. 5, Transitional and Transitory Provisions and Savings) Order 2008 (S.I. 2008/3267), arts. 2, 13(3) (as substituted 1.8.2011) by The Charities Act 2006 (Changes in Exempt Charities) Order 2011 (S.I. 2011/1725), art. 1(2), Sch. para. 6(5)

45 Annual reports.

- (1) The charity trustees of a charity shall prepare in respect of each financial year of the charity an annual report containing—
- such a report by the trustees on the activities of the charity during that year, and
 - such other information relating to the charity or to its trustees or officers, as may be prescribed by regulations made by the ^{F48}Minister].

- (2) Without prejudice to the generality of subsection (1) above, regulations under that subsection may make provision—
- for any such report as is mentioned in paragraph (a) of that subsection to be prepared in accordance with such principles as are specified or referred to in the regulations;
 - enabling ^{F49}the Commission] to dispense with any requirement prescribed by virtue of subsection (1)(b) above in the case of a particular charity or a particular class of charities, or in the case of a particular financial year of a charity or of any class of charities.

- (3) ^{F50}Where ^{F51}a charity's gross income in any financial year] exceeds ^{F52}£25,000], ^{F53}a copy of] the annual report required to be prepared under this section in respect of that year] shall be transmitted to ^{F54}the Commission] by the charity trustees—
- within ten months from the end of that year, or
 - within such longer period as ^{F54}the Commission] may for any special reason allow in the case of that report.

^{F55}(3A) Where ^{F56}a charity's gross income in any financial year does not exceed] ^{F57}£25,000], ^{F58}a copy of] the annual report required to be prepared under this section in respect of that year shall, if ^{F59}the Commission so requests, be transmitted to it] by the charity trustees—

- in the case of a request made before the end of seven months from the end of the financial year to which the report relates, within ten months from the end of that year, and
- in the case of a request not so made, within three months from the date of the request,

or, in either case, within such longer period as ^{F60}the Commission] may for any special reason allow in the case of that report.]

- (4) Subject to subsection (5) below, ^{F61}any ^{F62}copy of an annual report transmitted to the Commission] under this section] shall have attached to it ^{F63}a copy of] the statement of accounts prepared for the financial year in question under section 42(1) above

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- or (as the case may be) [^{F63}a copy of] the account and statement so prepared under section 42(3) above, together with—
- (a) where the accounts of the charity for that year have been audited under section 43 [^{F64}, 43A or 43B] above, a copy of the report made by the auditor on that statement of accounts or (as the case may be) on that account and statement;
 - (b) where the accounts of the charity for that year have been examined under section 43 [^{F65}, 43A or 43B] above, a copy of the report made by the [^{F66}person carrying out the examination]
- (5) Subsection (4) above does not apply to a charity which is a company, and any [^{F67}copy of an] annual report transmitted by the charity trustees of such a charity under [^{F68}this section] shall instead have attached to it a copy of the charity's annual accounts prepared for the financial year in question under [^{F69}Part 15 of the Companies Act 2006] , together with
- [^{F70}(a) where the accounts of the charity for that year have been audited under [^{F71}Part 16 of that Act] , a copy of the report made by the auditor on those accounts;
 - (b) where the accounts of the charity for that year have been audited under section 43 above, a copy of the report made by the auditor on those accounts;
 - (c) where the accounts of the charity for that year have been examined under that section, a copy of the report made by the person carrying out the examination.]
- (6) Any [^{F72}copy of an] annual report transmitted to [^{F73}the Commission] under [^{F68}this section], together with the documents attached to it, shall be kept by [^{F73}the Commission] for such period as [^{F74}it thinks fit].
- [^{F75}(7) The charity trustees of a charity shall preserve, for at least six years from the end of the financial year to which it relates, any annual report prepared by them under subsection (1) above [^{F76}of which they have not been required to transmit a copy to the Commission.]
- (8) Subsection (4) of section 41 above shall apply in relation to the preservation of any such annual report as it applies in relation to the preservation of any accounting records (the references [^{F77}to subsection (3)] of that section being read as references to subsection (7) above).
- (9) The [^{F48}Minister] may by order amend subsection (3) or (3A) above by substituting a different sum for the sum for the time being specified there.]

Textual Amendments

- F48** Word in s. 45 substituted (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), art. 1(2), **Sch. para. 4(t)**
- F49** Words in s. 45(2)(b) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 138(2)**; [S.I. 2007/309](#), art. 2, Sch. (with art. 9)
- F50** Words in s. 45(3) substituted (3.11.1994) by [1994 c. 40](#), **ss. 29(1)**, 82(3)(b)
- F51** Words in s. 45(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 138(3)(a)**; [S.I. 2007/309](#), art. 2, Sch. (with art. 9)
- F52** Word in s. 45(3) substituted (1.4.2009) by [The Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), **11** (with art. 16)
- F53** Words in s. 45(3) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 138(3)(b)**; [S.I. 2007/309](#), art. 2, Sch. (with art. 9)

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- F54** Words in s. 45(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(3)** (c); S.I. 2007/309, art. 2, Sch. (with art. 9)
- F55** S. 45(3A) inserted (3.11.1994) by 1994 c. 40, **ss. 29(2)**, 82(3)(b)
- F56** Words in s. 45(3A) repealed (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(4)** (a); S.I. 2007/309, art. 2, Sch. (with art. 9)
- F57** Word in s. 45(3A) substituted (1.4.2009) by The Charities Acts 1992 and 1993 (Substitution of Sums) Order 2009 (S.I. 2009/508), arts. 1(1), **11** (with art. 16)
- F58** Words in s. 45(3A) repealed (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(4)** (b); S.I. 2007/309, art. 2, Sch. (with art. 9)
- F59** Words in s. 45(3A) repealed (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(4)** (c); S.I. 2007/309, art. 2, Sch. (with art. 9)
- F60** Words in s. 45(3A) repealed (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(4)** (d); S.I. 2007/309, art. 2, Sch. (with art. 9)
- F61** Words in s. 45(4) substituted (3.11.1994) by 1994 c. 40, **ss. 29(3)**, 82(3)(b)
- F62** Words in s. 45(4) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(5)** (a); S.I. 2007/309, art. 2, Sch. (with art. 9)
- F63** Words in s. 45(4) inserted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(5)(b)**; S.I. 2007/309, art. 2, Sch. (with art. 9)
- F64** Words in s. 45(4)(a) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order 2005 (S.I. 2005/1074), arts. 1(2), **3(4)(a)**
- F65** Words in s. 45(4)(b) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order 2005 (S.I. 2005/1074), arts. 1(2), **3(4)(a)**
- F66** Words in s. 45(4)(b) substituted (with effect in accordance with art. 1(2) of the amending S.I.) by Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order 2005 (S.I. 2005/1074), arts. 1(2), **3(4)(b)**
- F67** Words in s. 45(5) inserted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(6)**; S.I. 2007/309, art. 2, Sch. (with art. 9)
- F68** Words in s. 45(5)(6) substituted (3.11.1994) by 1994 c. 40, **ss. 29(4)(5)**, 82(3)(b)
- F69** Words in s. 45(5) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 192(6)(a)** (with arts. 6, 11, 12)
- F70** Words in s. 45(5) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by The Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527), arts. 1(1), **4**
- F71** Words in s. 45(5)(a) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 192(6)(b)** (with arts. 6, 11, 12)
- F72** Words in s. 45(6) inserted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(7)(a)**; S.I. 2007/309, art. 2, Sch. (with art. 9)
- F73** Words in s. 45(6) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(7)** (b); S.I. 2007/309, art. 2, Sch. (with art. 9)
- F74** Words in s. 45(6) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(7)** (c); S.I. 2007/309, art. 2, Sch. (with art. 9)
- F75** S. 45(7)-(9) inserted (3.11.1994) by 1994 c. 40, **ss. 29(6)**, 82(3)(b)
- F76** Words in s. 45(7) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(8)**; S.I. 2007/309, art. 2, Sch. (with art. 9)
- F77** Words in s. 45(8) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 138(9)**; S.I. 2007/309, art. 2, Sch. (with art. 9)

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46 Special provision as respects accounts and annual reports of exempt and other excepted charities.

- (1) Nothing in [^{F78}sections 41 to 45][^{F78}sections 41 to 44 or section 45] above applies to any exempt charity; but the charity trustees of an exempt charity shall keep proper books of account with respect to the affairs of the charity, and if not required by or under the authority of any other Act to prepare periodical statements of account shall prepare consecutive statements of account consisting on each occasion of an income and expenditure account relating to a period of not more than fifteen months and a balance sheet relating to the end of that period.
- (2) The books of accounts and statements of account relating to an exempt charity shall be preserved for a period of six years at least unless the charity ceases to exist and [^{F79}the Commission consents] in writing to their being destroyed or otherwise disposed of.
- [^{F80}(2A) Section 44A(2) to (7) above shall apply in relation to a person appointed to audit, or report on, the accounts of an exempt charity which is not a company as they apply in relation to a person such as is mentioned in section 44A(1).
- (2B) But section 44A(2) to (7) so apply with the following modifications—
- (a) any reference to a person acting in the capacity mentioned in section 44A(1) is to be read as a reference to his acting as a person appointed as mentioned in subsection (2A) above; and
 - (b) any reference to the Commission or to any of its functions is to be read as a reference to the charity's principal regulator or to any of that person's functions in relation to the charity as such.]
- [^{F81}(3) Except in accordance with subsections (3A) and (3B) below, nothing in section 43, 44, 44A or 45 applies to any charity which—
- (a) falls within section 3A(2)(d) above (whether or not it also falls within section 3A(2)(b) or (c)), and
 - (b) is not registered.
- (3A) Section 44A above applies in accordance with subsections (2A) and (2B) above to a charity mentioned in subsection (3) above which is also an exempt charity.
- (3B) Sections 44 and 44A above apply to a charity mentioned in subsection (3) above which is also an English National Health Service charity or a Welsh National Health Service charity (as defined in sections 43A and 43B above).]
- (4) Except in accordance with subsection (7) below, nothing in section 45 above applies to any charity [^{F82}which—
- (a) falls within section 3A(2)(b) or (c) above but does not fall within section 3A(2)(d), and
 - (b) is not registered.]
- (5) If requested to do so by [^{F83}the Commission], the charity trustees of any such charity as is mentioned in subsection (4) above shall prepare an annual report in respect of such financial year of the charity as is specified in [^{F84}the Commission's request].
- (6) Any report prepared under subsection (5) above shall contain—
- (a) such a report by the charity trustees on the activities of the charity during the year in question, and
 - (b) such other information relating to the charity or to its trustees or officers,

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as may be prescribed by regulations made under section 45(1) above in relation to annual reports prepared under that provision.

[^{F85}(7) The following provisions of section 45 above shall apply in relation to any report required to be prepared under subsection (5) above as if it were an annual report required to be prepared under subsection (1) of that section—

- (a) subsection (3), with the omission of the words preceding “a copy of the annual report”, and
- (b) subsections (4) to (6).]

^{F86}(8)

Textual Amendments

- F78** Words in s. 46(1) substituted (1.6.2010 for specified purposes, 1.8.2011 for specified purposes) by Charities Act 2006 (c. 50), ss. 29(2)(a), 79(2) (with Sch. 10 para. 8); S.I. 2010/503, art. 2, Sch. 1 (with Sch. 2); S.I. 2011/1728, art. 2, Sch. 1 (with Sch. 2)
- F79** Words in s. 46(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 139(2); S.I. 2007/309, art. 2, Sch.
- F80** S. 46(2A)(2B) inserted (1.6.2010 for specified purposes, 1.8.2011 for specified purposes) by Charities Act 2006 (c. 50), ss. 29(2)(b), 79(2) (with Sch. 10 para. 8); S.I. 2010/503, art. 2, Sch. 1 (with Sch. 2); S.I. 2011/1728, art. 2, Sch. 1 (with Sch. 2)
- F81** S. 46(3)-(3B) substituted for s. 46(3) (31.1.2009 for specified purposes, 1.6.2010 in so far as not already in force) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 139(3); S.I. 2008/3267, art. 2, Sch. (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6); S.I. 2010/503, art. 2, Sch. 1 (with Sch. 2)
- F82** Words in s. 46(4) substituted (31.1.2009) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 139(4); S.I. 2008/3267, art. 2, Sch. (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)
- F83** Words in s. 46(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 139(5)(a); S.I. 2007/309, art. 2, Sch.
- F84** Words in s. 46(5) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 139(5)(b); S.I. 2007/309, art. 2, Sch.
- F85** S. 46(7) substituted (1.4.2008) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 139(6); S.I. 2008/945, art. 2, Sch. 1 (with art. 8)
- F86** S. 46(8) repealed (31.1.2009) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 139(7), Sch. 9; S.I. 2008/3267, art. 2, Sch. (with arts. 3-27) (as amended: (29.9.2009) by S.I. 2009/2648, art. 3; (26.7.2010) by S.I. 2010/1942, art. 2; and (1.8.2011) by S.I. 2011/1725, arts. 1(2), 3, Sch. para. 6)

Modifications etc. (not altering text)

- C5** S. 46(1)(2) continued (27.2.2010) by The Charities Act 2006 (Commencement No.7, Transitional and Transitory Provisions and Savings) Order 2010 (S.I. 2010/503), Sch. 2 para. 1
- C6** S. 46(5) restricted (27.2.2010) by The Charities Act 2006 (Commencement No.7, Transitional and Transitory Provisions and Savings) Order 2010 (S.I. 2010/503), Sch. 2 para. 2

47 Public inspection of annual reports etc.

- (1) [^{F87}Any document kept by the Commission] in pursuance of section 45(6) above shall be open to public inspection at all reasonable times—
 - (a) during the period for which it is so kept; or

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- (b) if [^{F88}the Commission so determines], during such lesser period as [^{F89}it may] specify.
- (2) Where any person—
- (a) requests the charity trustees of a charity in writing to provide him with a copy of the charity's most recent accounts [^{F90}or (if subsection (4) below applies) of its most recent annual report], and
- (b) pays them such reasonable fee (if any) as they may require in respect of the costs of complying with the request,
- those trustees shall comply with the request within the period of two months beginning with the date on which it is made.
- (3) In subsection (2) above the reference to a charity's most recent accounts is—
- ^{F91}(a)
- (b) in the case of [^{F92}a charity other than one falling within paragraph (c) or (d) below], a reference to the statement of accounts or account and statement prepared in pursuance of section 42(1) or (3) above in respect of the last financial year of the charity in respect of which a statement of accounts or account and statement has or have been so prepared;
- [^{F93}(c) in the case of a charity which is a company, a reference to the most recent annual accounts of the company prepared under Part VII of the Companies Act 1985 in relation to which any of the following conditions is satisfied—
- (i) they have been audited
- [^{F94}(ii) they have been examined by an independent examiner under section 43(3)(a) above;]
- (iii) they relate to a year in respect of which the company is exempt from audit [^{F95}under [^{F96}Part 16 of the Companies Act 2006] and neither section 43(2) nor section 43(3) above applied to them;] and]
- (d) in the case of an exempt charity, a reference to the accounts of the charity most recently audited in pursuance of any statutory or other requirement or, if its accounts are not required to be audited, the accounts most recently prepared in respect of the charity.
- [^{F97}(4) This subsection applies if an annual report has been prepared in respect of any financial year of a charity in pursuance of section 45(1) or 46(5) above.
- (5) In subsection (2) above the reference to a charity's most recent annual report is a reference to the annual report prepared in pursuance of section 45(1) or 46(5) in respect of the last financial year of the charity in respect of which an annual report has been so prepared.]

Textual Amendments

- F87** Words in s. 47(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 140(2) (a); S.I. 2007/309, art. 2, Sch.
- F88** Words in s. 47(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 140(2) (b); S.I. 2007/309, art. 2, Sch.
- F89** Words in s. 47(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 140(2) (c); S.I. 2007/309, art. 2, Sch.
- F90** Words in s. 47(2)(a) inserted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 140(3); S.I. 2007/309, art. 2, Sch.
- F91** S. 47(3)(a) repealed (3.11.1994) by 1994 c. 40, ss. 39, 81, 82(3)(b), Sch. 11, para. 12(a), Sch. 17

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- F92** Words in s. 47(3)(b) substituted (3.11.1994) by ss. 39, 82(3)(b), Sch. 11 para. 12(b)
- F93** S. 47(3)(c) substituted (11.8.1994) by S.I. 1994/1935, reg. 4, **Sch. 1 Pt. II para. 7**
- F94** S. 47(3)(c)(ii) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by The Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527), arts. 1(1), **5(a)**
- F95** Words in s. 47(3)(c)(iii) substituted (with effect in accordance with art. 1(3) of the amending S.I.) by The Charities Act 2006 (Charitable Companies Audit and Group Accounts Provisions) Order 2008 (S.I. 2008/527), arts. 1(1), **5(b)**
- F96** Words in s. 47(3)(c)(iii) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), **Sch. 1 para. 192(7)** (with arts. 6, 11, 12)
- F97** S. 47(4)(5) added (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 140(4)**; S.I. 2007/309, art. 2, Sch.

48 Annual returns by registered charities.

- (1) [^{F98}Subject to subsection (1A) below,] Every registered charity shall prepare in respect of each of its financial years an annual return in such form, and containing such information, as may be prescribed by regulations made by [^{F99}the Commission].
- [^{F100}(1A) Subsection (1) above shall not apply in relation to any financial year of a charity in which [^{F101}the charity's gross income does not exceed] £10,000.]
- (2) Any such return shall be transmitted to [^{F102}the Commission] by the date by which the charity trustees are, by virtue of section 45(3) above, required to transmit [^{F103}to the Commission] the annual report required to be prepared in respect of the financial year in question.
- (3) [^{F104}The Commission] may dispense with the requirements of subsection (1) above in the case of a particular charity or a particular class of charities, or in the case of a particular financial year of a charity or of any class of charities.
- [^{F105}(4) The [^{F106}Minister] may by order amend subsection (1A) above by substituting a different sum for the sum for the time being specified there.]

Textual Amendments

- F98** Words in s. 48(1) inserted (3.11.1994) by 1994 c. 40, **ss. 30(2)**, 82(3)(b)
- F99** Words in s. 48(1) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 141(2)**; S.I. 2007/309, art. 2, Sch.
- F100** S. 48(1A) inserted (3.11.1994) by 1994 c. 40, **ss. 30(3)**, 82(3)(b)
- F101** Words in s. 48(1A) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 141(3)**; S.I. 2007/309, art. 2, Sch. (with art. 10)
- F102** Words in s. 48(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 141(4)(a)**; S.I. 2007/309, art. 2, Sch.
- F103** Words in s. 48(2) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 141(4)(b)**; S.I. 2007/309, art. 2, Sch.
- F104** Words in s. 48(3) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 141(5)**; S.I. 2007/309, art. 2, Sch.
- F105** S. 48(4) inserted (3.11.1994) by 1994 c. 40, **ss. 30(4)**, 82(3)(b)
- F106** Word in s. 48(4) substituted (13.12.2006) by Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951), art. 1(2), **Sch. para. 4(u)**

Status: Point in time view as at 01/08/2011.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1993 (repealed), Part VI. (See end of Document for details)

[^{F107}49 Offences

- (1) If any requirement imposed—
- (a) by section 45(3) or (3A) above (taken with section 45(3B), (4) and (5), as applicable), or
 - (b) by section 47(2) or 48(2) above,
- is not complied with, each person who immediately before the date for compliance specified in the section in question was a charity trustee of the charity shall be guilty of an offence and liable on summary conviction to the penalty mentioned in subsection (2).
- (2) The penalty is—
- (a) a fine not exceeding level 4 on the standard scale, and
 - (b) for continued contravention, a daily default fine not exceeding 10% of level 4 on the standard scale for so long as the person in question remains a charity trustee of the charity.
- (3) It is a defence for a person charged with an offence under subsection (1) to prove that he took all reasonable steps for securing that the requirement in question would be complied with in time.]

Textual Amendments

F107 S. 49 substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 142](#); S.I. 2007/309, art. 2, [Sch.](#) (with art. 11)

[^{F108}49A Group accounts

- The provisions of Schedule 5A to this Act shall have effect with respect to—
- (a) the preparation and auditing of accounts in respect of groups consisting of parent charities and their subsidiary undertakings (within the meaning of that Schedule), and
 - (b) other matters relating to such groups.]

Textual Amendments

F108 S. 49A inserted (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), [ss. 30\(1\)](#), 79(2); S.I. 2008/945, art. 2, [Sch. 1](#)

Status:

Point in time view as at 01/08/2011.

Changes to legislation:

There are currently no known outstanding effects for the Charities Act 1993 (repealed), Part VI.