
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Regulations relating to Gift Aid declarations (the Donations to Charity by Individuals (Appropriate Declarations) Regulations 2000: S.I.2000/2074). The principal effect of the amendments is to remove the requirement for charities to send donors a written record of their declaration where it has been made orally, provided that the charity keeps sufficient records of declarations which can be audited by H.M. Revenue and Customs.

Regulation 1 provides for citation and commencement and regulation 2 for amendment of the 2000 Regulations. Regulation 3 up-dates a previous reference to the Commissioners of Inland Revenue. Regulation 4 clarifies the drafting relating to declarations given electronically.

Regulation 5 effects the substantive amendments to the 2000 Regulations. The substituted regulation 4 sets out the constituent elements of a declaration. The substituted regulation 5 sets out the requirements for charities to keep records relating to declarations. A charity can either keep an auditable record (paragraphs (1)(a) and (2)) or send written statements for all declarations to the donor (paragraphs (1)(b) and (4) to (6)). If the auditable record is not adequate, the written statement has to be sent to the donor for all the declarations affected (paragraphs (3) to (6)).

The substituted regulation 6 sets out the circumstances in which a declaration is deemed never to have had effect (including where the records are not maintained (sub-paragraphs (a) and (c))). The substituted regulation 7 provides for the ordinary cancellation of declarations as regards the future.

A Regulatory Impact Assessment for these Regulations is published on the HMRC website at www.hmrc.gov.uk.