



REPUBLIC OF VANUATU

CHARITABLE ASSOCIATIONS (INCORPORATION) ACT [CAP 140]

Charitable Associations (Incorporation) Regulation
Order No. 112 of 2015

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Charitable Associations (Incorporation) Regulation Order No. 112 of 2015

In exercise of the powers conferred on me by subsection 16(2) of the Charitable Association (Incorporation) Act [CAP 140], I, the Honourable WILLIE JIMMY TAPANGARARUA, Minister of Finance and Economic Management, make the following Regulation.

To provide for forms and fees for the purposes of registration of Charitable Associations.

1 Interpretation

In this Regulation, unless the contrary intention appears:

Act means the Charitable Associations (Incorporation) Act [CAP 140];

Registrar means the Registrar of Charitable Associations for the purposes of the Act;

2 Forms

- (1) The forms as set out on Schedule 1 of this Regulation repeals the forms in Schedule 1 of the Act.
- (2) The prescribed forms are as set out in Schedule 1.
- (3) A person applying for incorporation of a committee of a charitable association must:
 - (a) provide the Registrar with a valid email address and mobile phone number for the purposes of receiving notifications by the office of the Registrar; and
 - (b) notify the registrar of any changes to the email address or mobile phone number.
- (4) A person applying for incorporation of a committee of a charitable association who is not a citizen of Vanuatu must provide the Registrar with a copy of his or her passport when incorporating a committee of a charitable association or when requested by the Registrar.

2 General requirements for documents

- (1) All documents prepared to be registered or to be delivered, sent, or forwarded to the Registrar must be easily readable by the Registrar.
- (2) If a document is required to be signed:
 - (a) the signature must be an original signature; and
 - (b) the name of the signatory must be clearly typed, printed, stamped or written adjacent to the original signature.
- (3) The Registrar is to accept documents in electronic forms and must determine the requirements, including any requirements in respect of signature, that apply in respect of documents provided in electronic form.
- (4) Subclause (1) and (2) apply to documents that are provided in electric form subject to any modifications determined by the Registrar.

3 Fees

- (1) The prescribed fees are as set out in Schedule 2.
- (2) All prescribed fees under this Regulation are to be paid to the Registrar.

4 Fines

- (1) Subject to Subclause (2), the amounts specified in Schedule 2 are payable (in addition to any standard fee payable) by way of fine for failure to deliver a document to the Registrar within the time prescribed by the Act.
- (2) Despite subclause 4(1), if any document is delivered to the Registrar after the time specified in the Act, the Registrar is satisfied that:
 - (a) the omission to deliver the documents within the time limit was accidental; or
 - (b) it was due to an oversight; or
 - (c) it is just and equitable to do so;

the Registrar may remit wholly or partly the fee payable in respect of the late delivery of the document.

5 Annual Report

- (1) The annual report must report on the operations of the Committee for the preceding year, including details of:
 - (a) whether it had operations only in Vanuatu, or in Vanuatu or in Vanuatu and other countries; and

- (b) whether it undertook activities in all or any of the following sectors:
- (i) Religious;
 - (ii) Educational;
 - (iii) Cultural;
 - (iv) Scientific;
 - (v) Sports;
 - (vi) General social welfare and community development;
 - (vii) Political Party;
 - (viii) Other object the main purpose of which is not a financial profit which the Minister declares to be charitable for the purposes of this Act.
- (c) financial accounts as set out in Schedule 3; and
- (d) on request of the Registrar, documentation supporting the details disclosed in paragraphs (a), (b) and (c).

6 Commencement

This Regulation commences on the 31 of August 2015.

Made at Port Vila this 28 day of 08, 2015.



Honourable WILLIE JIMMY TAPANGARARUA
Minister of Finance and Economic Management



SCHEDULE 1

FORM 1 | APPLICATION FOR INCORPORATION OF THE COMMITTEE OF A CHARITABLE ASSOCIATION

Section 4 Charitable Associations (Incorporation) Act [Cap. 140]

Note

If there is insufficient space on the form to supply the required information, attach a separate sheet containing the information set out in the prescribed format.

The information on this form must be either typewritten or printed legibly.

For office use only

Document number

Place barcode here

1. The name of the committee when incorporated will be:

Note: The name must end in 'Committee (Inc.)'

2. Addresses

Registered Office

This must be a physical address in Vanuatu at which any legal process can be served.

Province or Municipality:

Postal address of the Association (if any)

Postal address to which communications from the Registrar may be sent (this may be the same as the registered office only if the postal service delivers to that address).

Province or Municipality:

Email address:

SCHEDULE 1
FORM 1 | APPLICATION FOR INCORPORATION OF THE COMMITTEE OF A
CHARITABLE ASSOCIATION

3. Committee Members

Full name:	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	
Full name:	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	
Full name:	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	

* The members must have been elected/appointed in accordance with the articles/rules/constitution of the association. The Registrar may require evidence confirming the validity of the election/appointment.

Full name:	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	
Full name:	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	
Full name:	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	

SCHEDULE 1
FORM 1 | APPLICATION FOR INCORPORATION OF THE COMMITTEE OF A
CHARITABLE ASSOCIATION

4. Objects of the Committee of the Charitable Association

The objects are as contained in the attached articles/rules/constitution.

5. Applicant signatures

By signing below, the applicant(s) declares to the best of their knowledge and belief that the information provided in this application is correct.

The application must be signed by not less than half of the members of the Committee making the application (eg if there are 6 members, it must be signed by at least 3 members).

Full legal name of applicant*:

Signature:

Date:/...../.....

Full legal name of applicant*:

Signature:

Date:/...../.....

Full legal name of applicant*:

Signature:

Date:/...../.....

Full legal name of applicant*:

Signature:

Date:/...../.....

6. Lodged by

Name:

Address:

Other contact details:

Telephone:

Email :

SCHEDULE 1
FORM 1 | APPLICATION FOR INCORPORATION OF THE COMMITTEE OF A
CHARITABLE ASSOCIATION

7. Checklist

The following must accompany this form:

- ☐ A statement of the assets and liabilities of the association signed by the applicants.
- ☐ A certified copy of the articles/rules/constitution which includes:
 - The manner of appointment and removal of committee members;
 - The manner of changing the articles/rules/constitution;
 - The manner of dissolving the association;
 - The manner of disposal of assets on dissolution or cancellation of certification of incorporation.

Please deliver documents to Vanuatu Financial Services Commission, Companies House, Rue Bougainville, PMB 9023, Port Vila,
Efate, Vanuatu

FORM 2 | APPLICATION FOR CHANGE OF DETAILS OF THE COMMITTEE OF A CHARITABLE ASSOCIATION

Note

If there is insufficient space on the form to supply the information required, attach a separate sheet containing the information set out in the prescribed format.

The information on this form must be either typewritten or printed legibly.

For office use only

Document number

Place barcode here

1. Change of name of Charitable Association Committee

The current name of the Committee:

The new name of the Committee:

Note: The name must end in 'Committee (Inc.)'.

NOTE: If the name has changed, a new copy of the Constitution must also be attached.

2. Change of Address Details

New registered office:

This must be a physical address at which any legal process can be served.

Province or Municipality:

Postal address of the Association (if any)

Postal address to which communications from the Registrar may be sent (this may be the same as the registered office only if the postal service delivers)

Province or Municipality:

3. Change of Committee Members

Committee Members resigned or removed:

Full name (including any former name):

Reason (eg resignation or removal):

Date of resignation or removal:

Full name (including any former name):

Reason (eg resignation or removal):

Date of resignation or removal:

SCHEDULE 1
FORM 2 | APPLICATION FOR CHANGE OF DETAILS OF THE COMMITTEE OF A
CHARITABLE ASSOCIATION

New Committee Members elected or New Committee Members elected or appointed:

Full name (including any former name):	Full name (including any former name):
Reason (eg resignation or removal):	Reason (eg resignation or removal):
Date of resignation or removal:	Date of resignation or removal:
Full name (including any former name):	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	
Full name (including any former name):	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	

* The members must have been elected/appointed in accordance with the articles/rules/constitution of the association. The Registrar may require evidence confirming the validity of the election/appointment.

4. Change in details of any existing Committee Members

Only complete this section if there are any updates to Committee Member details.

Full name (including any former name):	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	
Full name (including any former name):	Occupation:
Usual residential address:	Nationality:
Email address:	Gender:
Date of election/appointment*:	

5. Changes in the articles/rules or constitution of association

A certified copy of the amended articles/rules or constitution of the association must be attached to this form.

SCHEDULE 1
FORM 2 | APPLICATION FOR CHANGE OF DETAILS OF THE COMMITTEE OF A
CHARITABLE ASSOCIATION

6. Applicant signatures

By signing below, the applicant(s) declares to the best of their knowledge and belief that the information provided in this application is correct.

- *The application must be signed by not less than half of the members of the Committee making the application (eg if there are 6 members, it must be signed by at least 3 members).*

Full legal name of applicant*: Signature: Date:/...../.....	Full legal name of applicant*: Signature: Date:/...../.....
Full legal name of applicant*: Signature: Date:/...../.....	Full legal name of applicant*: Signature: Date:/...../.....

7. Lodged by

Name: Address:	Other contact details: Telephone: Email :
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8. Checklist

The following must accompany this form:

- ☐ A certified copy of the amended articles/rules/constitution (which must also be attached if there is a change of name) which includes:
- The manner of appointment and removal of committee members;
 - The manner of changing the articles/rules/constitution;
 - The manner of dissolving the association;
 - The manner of disposal of assets on dissolution or cancellation of certification of incorporation.

Please deliver documents to Vanuatu Financial Services Commission, Companies House, Rue Bougainville, PMB 9023, Port Vila, Efate, Vanuatu

FORM 3 | ANNUAL REPORT OF THE COMMITTEE OF A CHARITABLE ASSOCIATION

Section 8A Charitable Associations (Incorporation) Act [Cap. 140]

Note

If there is insufficient space on the form to supply the information required, attach a separate sheet containing the information set out in the prescribed format.

The information on this form must be either typewritten or printed legibly.

1. Name of Charitable Association Committee

Number of Charitable Association Committee

2. Applicant signatures

By signing below, the applicant(s) declares to the best of their knowledge and belief that the information provided in this application is correct.

- *If the Committee of Charitable Association has changed any of its details, including updating its articles/rules/constitution, it must complete Form 2.*
- *The application must be signed by not less than half of the members of the Committee making the application (eg if there are 6 members, it must be signed by at least 3 members).*

Full legal name of applicant*:
Signature:
Date:/...../.....

Full legal name of applicant*:
Signature:
Date:/...../.....

Full legal name of applicant*:
Signature:
Date:/...../.....

Full legal name of applicant*:
Signature:
Date:/...../.....

SCHEDULE 1
FORM 3 | ANNUAL REPORT OF THE COMMITTEE OF A CHARITABLE ASSOCIATION

3. Lodged by

Name:
Address:

Other contact details:

Telephone:

Email :

4. Checklist

The following must accompany this form:

- ☐ Prescribed fee.
- ☐ Copy of the annual report in prescribed form.

SCHEDULE 2

FEES AND FINES

Column A - Description of Matters incurring a fee payable to Registrar	Column B - Amount payable if the task is administered by the user through the online registry (VT)	Column C - Amount payable if the task is administered outside of the online registry (eg paper form or via email) (VT)
Application for incorporation	10,000	12,000
Certification of documents	No fee	500
Inspection of register and documents filed with Registrar	No fee	500
Change of Name	1,000	1,500
Filing of Annual Report	5,000	5,000
Fine for failure to file Annual Report within 3 months anniversary of incorporation of the Committee	5,000	5,000

SCHEDULE 3
FINANCIAL STATEMENTS

<u>Income Statement</u>
<i>Income/receipts</i>
a. Government grants
b. Donations and bequests
c. Other income receipts
d. Total income receipts (a+b+c)
<i>Expenses/Payments</i>
e. Employee expenses payments
f. Grants and donations made by the entity outside of Vanuatu as per the entry's objectives
h. Other expenses payments (e+f+g+h)
i. Total expenses/payments (e+f+g+h)
j. Net surplus (d – i)
<u>Balance Sheet</u>
k. Total assets
l. Total liabilities
m. Net assets/liabilities (k-l)