SUBSIDIARY LEGISLATION 492.02

VOLUNTARY ORGANISATIONS (ANNUAL RETURNS AND ANNUAL ACCOUNTS) REGULATIONS

31st July, 2020

LEGAL NOTICE 317 of 2020.

Citation and scope.

1. (1) The title of these regulations is the Voluntary Organisations (Annual Returns and Annual Accounts) Regulations.

(2) The scope of these regulations is to ensure transparency and accountability in the preparation and submission of annual returns and annual accounts by voluntary organisations, carrying out activities intended to achieve the principal purpose and objectives of such organisations.

Interpretation.

2. In these regulations, unless the context otherwise requires:

"accountant" shall have the same meaning assigned to it by article 2 of the Accountancy Profession Act and for the purpose of these regulations shall not be an administrator, a member or an employee of the enrolled voluntary organisation for which the accountant is drawing up and signing the accounts;

Cap. 281.

"the Act" means the Voluntary Organisations Act;

Cap. 492.

"administrator" shall have the same meaning assigned to it by the Act;

"affiliated organisation" means any voluntary organisation established by the administrators, founders or promoters of a parent voluntary organisation, to achieve the same or ancillary purposes from common funds or opportunities;

"annual accounts" means all accounting records of income and expenditure kept by a voluntary organisation for the respective financial year;

"auditor" shall have the same meaning assigned to it by article 2 of the Accountancy Profession Act, and for the purpose of these regulations shall not be an administrator, a member or an employee of the enrolled voluntary organisation for which the auditor is auditing the accounts;

Cap. 281.

"Category 1 voluntary organisation" means a voluntary organisation whose generated revenue and income does not exceed or is equal to fifty thousand euro (€50,000), subject to the provisions

stipulated in Schedule III;

"Category 2 voluntary organisation" means a voluntary organisation whose generated revenue and income exceeds fifty thousand euro (€50,000) but does not exceed or is equal to two hundred and fifty thousand euro (€250,000), subject to the provisions stipulated in Schedule III;

"Category 3 voluntary organisation" means a voluntary organisation whose generated revenue and income exceeds two hundred and fifty thousand euro (€250,000), subject to the provisions stipulated in Schedule III;

"the Commissioner" shall have the same meaning assigned to it by the Act;

"criminal activity" means an activity carried out by a voluntary organisation or a member thereof, which is contrary to law or which breaches any of the provisions of the Criminal Code, the Code of Police Laws and, or the Prevention of Money Laundering Act;

Cap. 9.
Cap. 10.
Cap. 373.

"employee" means a person not being an administrator, who has entered, or is employed by virtue of a contract of service with the voluntary organisation, or any person who has undertaken personally to execute any work or services for, and under the immediate direction and control of a voluntary organisation against remuneration, but excluding any work or services performed in a professional capacity or as a contractor for another person, when such work or service is not regulated by a specific contract of service. Such work or services to voluntary organisations may include, but are not limited to fundraising activities or public events;

"financial period" means a period of twelve (12) months or such period as specified in Schedule VII, covering the respective financial year and which shall be deemed to commence from the date of enrolment;

"GAPSME" means General Accounting Principles for Small and Medium-Sized Entities as established under the Accountancy Profession (General Accounting Principles for Small and Medium-Sized Entities) Regulations;

S.L. 281.05

"generated revenue" means the gross income generated from the use of capital or assets, donations, grants and any other funds raised through public events or fundraising activities which are received by voluntary organisations during the respective financial year, before any costs or expenses are deducted;

"IFRS" means International Financial Reporting Standards;

"income" means:

(i) any subsidies, grants or donations made to the relevant organisation, but does not include internal transfers within and between affiliated organisations and, or parent and subsidiary organisations;

(ii) any cash deposits made to the organisations or any other transfer of funds under terms which indicate that it is not an ordinary commercial arrangement but is intended to operate as a grant or donation to the organisation and includes membership fees;

(iii) any donation in kind relating to any property, assets of any kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and any legal document or instrument, signed and attested, which assigns or conveys title to the property or confirms any interest therein;

"market levels and market conditions" shall have the same meaning assigned to it by article 2 of the Act;

"ordinary expenses" means expenses incurred for the administration of the voluntary organisation and any expenses incurred in fundraising activities or public events, or for the purpose of attaining the principal purpose and objectives of the voluntary organisation, but shall not include any form of remuneration paid to donees;

"parent organisation" means an organisation which qualifies as a voluntary organisation established under article 3 of the Act and which may constitute or establish subsidiary voluntary organisations or segregated cells, as the case may be, and which is required to prepare the annual accounts for the respective financial year;

"respective financial year" means the financial year in respect of which annual accounts are prepared by voluntary organisations;

"Second Schedule" means the Second Schedule of the Civil Code; Cap. 16.

"segregated cells" means cells established by enrolled voluntary organisations in the manner provided by articles 20 and 20B of the Second Schedule of the Civil Code, for the purpose of protecting and separating the assets and liabilities, income, capital or property pertaining to the organisation itself from those pertaining to other cells or subsidiaries forming part of such voluntary organisation; Cap. 16.

"statute" shall have the same meaning assigned to it by article 2 of the Act;

"subsidiary organisation" means an enrolled voluntary organisation which forms part of a parent voluntary organisation,

provided that its purposes shall be consistent with the principal purpose and objectives of the parent organisation;

"third party" means any person who has an interest, or is involved in any manner in the matters of a voluntary organisation, but shall not, for the purpose of these regulations, include a public officer, a member of the Police Force, or any other member from the entities or authorities concerned for the purpose of obtaining and disclosing any necessary information mentioned in paragraph 5 of Schedule VI, or any other member from the entities or authorities listed in paragraph 6 of Schedule VI;

"voluntary organisation" means an organisation established in accordance with article 3 of the Act;

"voluntary organisation number" means the number allocated to a voluntary organisation by the Commissioner upon its enrolment.

"volunteer" shall have the same meaning assigned to it by article 2 of the Act.

Applicability.

3. (1) These regulations shall be binding on all enrolled voluntary organisations.

Cap. 373.

(2) Without prejudice to the provisions established in these regulations, the provisions laid down in the Prevention of Money Laundering Act shall apply *mutatis mutandis* to all enrolled voluntary organisations.

(3) These regulations shall apply with immediate effect from the commencement of the financial period with effect from the date of the enrolment of a voluntary organisation. For the purpose of first enrolment, the organisation shall submit its annual return and annual accounts to the Commissioner in the form in which they have been prepared. The Commissioner shall receive such annual returns and annual accounts, even if the said are not in compliance with regulation 8.

(4) Upon enrolment, the administrators of the concerned voluntary organisation shall submit a written declaration signed by all the administrators as prescribed in Schedule VIII.

General requirements relating to annual returns and annual accounts.

4. (1) The administrators of voluntary organisations shall prepare annual returns and annual accounts in accordance with Schedules II and III.

(2) The annual returns prepared by the administrators of the voluntary organisation shall contain all the information on the activities carried out by the organisation during the respective financial year for which accounts have been prepared.

(3) The annual accounts of a voluntary organisation shall establish the methods adopted to ensure that all income and expenditure is properly recorded and that there is transparency with regard to any benefits, expenditure and remuneration received by members and employees of a voluntary organisation or any person providing services in order to promote the principal purpose and objectives of the organisation.

(4) The annual accounts of a voluntary organisation shall also establish that the voluntary organisation is non-profit making and is dependent on donations and voluntary grants:

Provided that if a voluntary organisation engages in public collections, it shall be more accountable in accordance with regulation 11, when recording all income and expenditure, taking into consideration that the organisation has been vested with public trust.

(5) For the purpose of sub-regulation (4), the annual return shall include all such information about the voluntary organisation, as may be required, as well as about its administrators and its activities in general, and the persons preparing the annual returns shall give a true account of the facts.

Adjustment of category status of voluntary organisations.

5. The category status of voluntary organisations shall be adjusted in the manner established in Schedule I.

Changes among administrators.

6. The administrators of the voluntary organisation shall report to the Commissioner any changes among administrators of the voluntary organisation or, where such organisation is a foreign or international organisation, any change of the representative resident in Malta of the voluntary organisation, within fourteen (14) days from the date of the effected change, in terms of article 12 (1)(d) and (e) of the Act, using the prescribed form in Schedule IV.

Form and content of annual returns.

7. (1) The annual returns submitted by the voluntary organisations shall be prepared in accordance with the content and form laid down in Schedule II and shall include the following documents as attachments thereto:

(a) an organisational chart;

(b) the list of the administrators as on the last day of the respective financial year;

(c) the list of the current administrators;

(d) the documents amending the Statute;

(e) a copy of the annual report which shall be authenticated by at least two administrators;

(f) a copy of the annual accounts which shall be authenticated by at least two administrators and shall be drawn up in accordance with the requirements prescribed under Schedule II; and

(g) in the case of public collections, a statement of account relative to any event organised and, or an activity performed to make public collections which shall be drawn up in accordance with the requirements established in Schedule II.

(2) Voluntary organisations shall keep a copy of the annual accounts, annual reports and other relevant records for a period of ten (10) years following the financial period to which they refer.

(3) The information regarding the activities carried out by such voluntary organisations during the respective financial year shall be entered in the annual report prepared by the administrators of such organisation and shall:

(a) specify the respective financial year to which the report refers;

(b) contain a summary which describes:

(i) the principal activities undertaken by the organisation to promote its social purpose, including that which qualifies as public benefit; and

(ii) the principal achievements of the organisation during the respective financial year;

(c) contain a review of the organisation's financial position at the end of the respective financial year; and

(d) be dated and signed by at least two administrators.

(4) For the purpose of this regulation, the information regarding the financial activities carried out by voluntary organisations shall provide an actual and transparent analysis of the generated revenue, income, expenditure, assets and liabilities for the respective financial year, in their respective categories.

(5) The information referred to in this regulation may also be submitted in electronic format.

Annual accounts.

8. (1) Administrators of a voluntary organisation shall prepare their annual accounts in accordance with Schedule III.

(2) Category 2 and Category 3 voluntary organisations shall also keep records of assets and liabilities. The obligations under this sub-regulation shall also apply to:

(a) in the case of a parent voluntary organisation, the annual accounts prepared and submitted by the parent organisation;

(b) in the case of a subsidiary or affiliated voluntary organisation, the annual accounts prepared by the subsidiary or affiliated organisation, submitted individually or separately from those prepared and submitted by the parent voluntary organisation;

(c) in the case of an individual voluntary organisation, which is neither a parent voluntary organisation nor a subsidiary or affiliated voluntary organisation, the annual accounts prepared and submitted by the individual voluntary organisation; and

(d) in the case of segregated cells of a voluntary organisation, the annual accounts which relate to such cells, prepared and submitted by the voluntary organisation.

List of members of a voluntary organisation.

9. All voluntary organisations shall keep an updated list of members in a register of members:

Provided that the voluntary organisations shall not be required to submit the list of members of an organisation with the annual return, notwithstanding that the Commissioner may request in writing that such a list, signed by two administrators, be submitted to him and upon such demand, the administrators shall submit the said list to the Commissioner within fifteen (15) days from notification of the request.

Remuneration to members and employees.

10. (1) The members and employees of a voluntary organisation may be entitled to remuneration for services rendered to such organisation in terms of the market levels and market conditions as defined in the Act, and such services shall be published in the annual report.

(2) Administrators of a voluntary organisation shall:

(a) declare the amount of remuneration received by its employees; and

(b) provide a copy of the contract of employment to the Commissioner, which shall be used by the Commissioner for internal purposes only.

(3) Saving the provisions of sub-regulation (2), in the case of voluntary organisations receiving government funds, the employees of such voluntary organisations shall be entitled to remuneration which shall not exceed the salary of a public officer or a civil servant, when compared to their respective designated role in such organisation.

(4) The Commissioner shall in all cases mentioned under sub-regulation (2), and in order to ensure that employees are not paid exorbitant rates, be entitled to obtain from the voluntary organisation or any other entity or authority concerned, the number of employees in such organisation and their respective designated role, together with any other information which the Commissioner may require in this regard.

(5) The remuneration of persons who are employed to carry out management duties, executive functions or fundraising activities in a voluntary organisation shall not be such as to materially prejudice the voluntary organisation from achieving its principal purpose and objectives.

Statement of accounts related to public collections.

11. (1) Voluntary organisations shall draw up a statement of account related to any event organised and, or any activity performed to make public collections in accordance with the requirements established under Schedule II and shall submit the same as an attachment to the annual return.

(2) Where donations which exceed five thousand euro (€5,000) over a period of one financial year are offered to a voluntary organisation or a member or an administrator of such voluntary organisation, it shall be the duty of the voluntary organisation or its members or administrators to identify the donor offering the donation, to verify the exact amount of the donation being offered and to declare the source of the said donation by means of a declaration made to the Commissioner, with special reference to donations offered in cash or in kind.

(3) Voluntary organisations shall issue receipts for every donation received exceeding five euro (€5) per day and shall keep such receipts for at least five years.

General duties of auditors.

12. (1) Where the annual accounts for Category 3 voluntary organisations have been prepared for the respective financial year, the certified public auditor carrying out the audit shall make a report thereon to the administrators of the organisation.

(2) The report prepared in accordance with sub-regulation (1) shall:

(a) state the name and address of the auditor and the name of the organisation concerned;

(b) be signed by the auditor;

(c) be dated and shall specify the financial year in respect of which the accounts have been prepared;

(d) specify that it is a report in respect of an audit

carried out in terms of this sub-regulation;

(e) specify that the audit has been prepared in accordance with IFRS; and

(f) state whether in the auditor's opinion the financial statements comply with the requirements of these regulations, and whether they give a true and fair view of the financial performance and financial position of the voluntary organisation.

(3) Where the auditor has formed the opinion that:

(a) accounting records have not been kept in accordance with these regulations;

(b) the accounts did not accurately reflect the annual return;

(c) any information contained in the accounts was inconsistent in any material aspect with any report of the administrators prepared in terms of regulation 7(2) with regard to the respective financial year; or

(d) any information or explanation to which the auditor is entitled under regulation 13 has not been provided to the auditor,

he shall include a statement of that opinion, providing the reasons for such opinion.

(4) The auditor shall in preparing his report, carry out such investigations, as may be necessary, in order to be able to form an opinion on the financial statements of the voluntary organisation.

(5) Such audit shall also apply to Category 1 and Category 2 voluntary organisations, where such organisations have stipulated in their statute that their annual accounts shall be subject to full audit.

Right of auditor to obtain information.

13. (1) Any person carrying out an audit of the annual accounts of an organisation shall have access to any books, documents and other records which relate to the organisation concerned, to the extent that such person considers such access necessary for the purpose of inspection, as a result of the audit which is being carried out.

(2) The person carrying out an audit pursuant to the preceding sub-regulation, is entitled to request information from past or present members or administrators of the organisation, or from past or present employees of the organisation, as he deems necessary for the purposes of carrying out such audit.

(3) Where an auditor is carrying out an audit of the annual accounts of a parent organisation, the auditor is also entitled to:

(a) access to information mentioned in sub-regulations (1) and (2), as modified in order that the subsidiary organisations included in the parent organisation are treated as an individual organisation;

(b) access to any books, documents and other records which relate to any of the subsidiary organisations, included in annual accounts and which the auditor deems necessary for the purpose of inspection, as a result of such audit;

(c) access required in the case of any such subsidiary or affiliated organisations, to such information from past or present administrators or members of such organisations; and

(d) require that the administrators of a parent organisation take all such steps as are deemed reasonably necessary, to obtain from any such subsidiary or affiliated organisations, such information as the auditor may reasonably require for the purposes of carrying out such audit.

(4) Where an auditor is carrying out an audit of segregated cells, the auditor is obliged to audit such cells in terms of regulation 12.

Alterations and additions to the statute.

14. (1) A voluntary organisation may amend or add to the contents of its statute, including any change of its members in accordance with the statute.

(2) The administrators of any voluntary organisation shall within fourteen (14) days after the date of the written resolution or decision for registration, submit to the Commissioner the following information:

(a) a copy of any written resolution or decision of the body or juridical person of the voluntary organisation, whereby the statute is amended, together with a copy of any document amending the statute, authenticated by a notary in the case of a public deed; or duly signed by all the administrators in other cases;

(b) a revised and updated certified copy of the statute authenticated by a notary in the case of a public deed, or duly signed by all the administrators in other cases, which shall consolidate therein all other changes made in the voluntary organisation until such date, including any changes effected among the administrators of the voluntary organisation; or any change of the representative resident in Malta of the voluntary organisation, where such organisation is a foreign or

international organisation.

(3) All changes made to the statute shall be clear, unequivocal and easily identifiable. Voluntary organisations shall submit two copies of the statute, one representing a previous version of the statute containing the changes mentioned above and the other representing a new version thereof. Voluntary organisations registered with the Registrar for Legal Persons shall first notify the Public Registry and provide the Commissioner with proof of such notification referring to those changes.

(4) Any amendment or addition to the statute of a voluntary organisation referred to in sub-regulation (2), shall not come into force, unless it is registered as provided in sub-regulation (2), using the prescribed form stipulated in Schedule V.

(5) The administrators of any voluntary organisation shall be responsible for ensuring that any amendments or additions to the statute of the voluntary organisation are correct, complete and in full compliance with the Act, these regulations and any other law or regulation that may apply from time to time.

(6) All voluntary organisations shall, within fourteen (14) days notify the Commissioner of any changes in the administrators, or the representative resident in Malta in case of an international organisation. Voluntary organisations which are also registered with the Registrar for Legal Persons shall first notify the Public Registry and provide the Commissioner with proof of such notification.

(7) Where for any reason the change in administrators or resident representative is not notified as aforesaid to the Commissioner, the persons who appear as administrators in the records of the Commissioner shall remain accountable to the Commissioner until such time as the change is notified.

Review procedures.

15. The annual accounts of a voluntary organisation shall be subject to such review procedures as are specified in Schedule VI.

Financial period of annual returns and annual accounts.

16. Voluntary organisations shall prepare annual returns and annual accounts for the period of coverage, file such annual returns and annual accounts on the specified dates and shall prepare annual accounts for such financial periods as specified in Schedule VII.

Powers of the Commissioner against defaulting voluntary organisations.

17. (1) Where a voluntary organisation fails to submit the annual return with all the required documents as attachments after the lapse of thirty (30) days from the due date of filing of the annual return specified in Schedule VII, the Commissioner shall communicate a warning in writing to the administrators regarding such failure and shall provide the administrators with an opportunity to give justified reasons for the delay and may, if the Commissioner is of the opinion that the delay is justified, extend the period for filing the annual return.

(2) Where the voluntary organisation fails to provide a valid reason for the delay or fails to observe the extended period set by the Commissioner for filing the annual return, the Commissioner may cancel the enrolment of the voluntary organisation in accordance with the Act.

SCHEDULE I
(Regulation 5)

Category status of voluntary organisations

1. A Category 1 voluntary organisation shall automatically convert into a Category 2 voluntary organisation, when the generated revenue and income of the voluntary organisation exceeds fifty thousand euro (€50,000) in respect of each financial year but does not exceed or is equal to two hundred and fifty thousand euro (€250,000). When this occurs, the voluntary organisation shall inform the Commissioner in writing within fourteen (14) days from the date on which this fact comes to the voluntary organisation's knowledge.

2. A Category 1 voluntary organisation shall automatically convert into a Category 3 voluntary organisation, when the generated revenue and income of the voluntary organisation exceeds two hundred and fifty thousand euro (€250,000) in respect of each financial year. When this occurs, the voluntary organisation shall inform the Commissioner in writing within fourteen (14) days from the date on which this fact comes to the voluntary organisation's knowledge.

3. A Category 2 voluntary organisation shall automatically convert into:

(a) a Category 1 voluntary organisation when the generated revenue and income of such voluntary organisation does not exceed fifty thousand euro (€50,000) in respect of each financial year. When this occurs the voluntary organisation shall inform the Commissioner in writing within fourteen (14) days from the date on which this fact comes to the voluntary organisation's knowledge;

(b) a Category 3 voluntary organisation, when the generated revenue and income of such voluntary organisation exceeds two hundred and fifty thousand euro (€250,000) in respect of each financial year. When this occurs, the voluntary organisation shall inform the Commissioner in writing within fourteen (14) days from the date on which this fact comes to the voluntary organisation's knowledge.

4. A Category 3 voluntary organisation shall automatically

convert into a Category 2 voluntary organisation, when the generated revenue and income of the voluntary organisation exceeds fifty thousand euro (€50,000) in respect of each financial year but does not exceed or is equal to two hundred and fifty thousand euro (€250,000). When this occurs, the voluntary organisation shall inform the Commissioner in writing within fourteen (14) days from the date on which this fact comes to the voluntary organisation's knowledge.

5. A Category 3 voluntary organisation shall automatically convert into a Category 1 voluntary organisation, when the generated revenue and income of the voluntary organisation does not exceed fifty thousand euro (€50,000) in respect of each financial year. When this occurs, the voluntary organisation shall inform the Commissioner in writing within fourteen (14) days from the date on which this fact comes to the voluntary organisation's knowledge.

SCHEDULE II
(Regulations 4 and 7)

Content and form of annual returns

(applies to all categories of voluntary organisations)

The content and form of the annual return with all the required documents as attachments duly filled and compiled, which each voluntary organisation shall file with the Commissioner shall be as follows:

Content and Form

Annual return of:	.....
Name of voluntary organisation:	.....
In respect of financial year ending:	.....
VO number:	.....
Registered address:	.....
Postcode:	.....
Telephone number/s:	.....
Fax number:	.....
E-mail address/es:	.....
Website:	.....
Name of contact person:	.....
Designation:	.....
Mobile/telephone number:	.....

FOREIGN OR INTERNATIONAL ORGANIZATION/S

If the voluntary organisation is a foreign or international organisation, indicate the details of the local representative and the registered address of the local representative in Malta.

Name and Surname: .....
ID card number or registration number: .....
Registered address: .....
Postcode: .....
Telephone number/s: .....
Mobile number: .....
E-mail address/es: .....

ORGANISATIONAL CHART

(Attach as Appendix A: the organisational chart)

The organisational chart shall illustrate the organisational structure of the voluntary organisation. It shall contain a diagram of the different bodies making up the voluntary organisation, an internal breakdown of the functions and roles of each designated body, and it shall indicate the ultimate beneficial owner of the voluntary organisation.

The chart shall describe the management and administrative structure of the voluntary organisation and shall indicate the responsibility of each administrative board and any working group/s, the relationships of the administrative board/s and any working group/s with each other, and the hierarchy of management and administration.

The organisational chart shall also indicate who is responsible for the day-to-day operations of the voluntary organisation. If the organisation has any employees and, or volunteers, these details shall also be included in the organisational chart.

LIST OF CURRENT ADMINISTRATORS

(Attach as Appendix B: the current list of the administrators of the voluntary organisation)

For former administrators:

Name, surname, nationality, ID card number, residential address, designation and signature.

For new administrators:

Name, surname, nationality, ID card number, residential address, designation and signature. A copy of the passport or ID card authenticated by a lawyer or notary having a warrant to exercise his profession in Malta.

DOCUMENTS AMENDING THE STATUTE

(Attach as Appendix C: the documents amending the statute)

Has the statute of the voluntary organisation been amended in the period covered by this annual return?

Yes ☐ No ☐

If the answer to the above question is 'Yes', there shall be attached any documents amending the statute and, or a revised and updated certified copy of the statute and all other changes made in the organisation until such date, amalgamated therein. Such documents shall also include minutes of the Annual General Meeting (AGM) or the Extraordinary General Meeting (EGM) approving the amended statute.

MEMBERSHIP

(applies only to associations)

Number of registered members within the organisation as on the date of the annual return:

'Members' means those members who have a right to vote at the General Meeting of the voluntary organisation. A complete list of names and surnames of members, with addresses and identity card numbers shall be retained by the voluntary organisation and may be requested by the Commissioner for Voluntary Organisations or his representative at any time.

ANNUAL REPORT

(Attach as Appendix D: a copy of the annual report signed by at least two administrators of the voluntary organisation (also referred to Administrative Report or Activity Report).

ANNUAL ACCOUNTS

(Attach as Appendix E: a copy of the annual accounts signed by at

least two administrators of the voluntary organisation).

STATEMENT OF ACCOUNTS WITH REGARD TO PUBLIC COLLECTIONS

Purpose

1. A statement of accounts regarding public collections shall be prepared by a voluntary organisation to enhance transparency in the activities undertaken and in the events organised by a voluntary organisation to make public collections.

Content and form of statement of accounts

2. The duly filled and compiled statement of accounts that a voluntary organisation shall file with the Commissioner shall consist of and be in the form indicated hereunder.

Statement of accounts

1. *Details regarding organised events or performed activities*:

Name of voluntary organisation:	.....
VO number:	.....
Date of statement:	.....
(a) Type of event and, or activity:	.....
(b) Period during which or date when the event took place and, or the activity was performed:	.....
(c) Place where the event took place and, or the activity was performed:	.....

2. ***Collection of Proceeds***	***Amount in €***
(a) As per list of collectors and respective amounts attached hereto	.....
(b) From other sources (indicate the sources)	.....
(c) Donations, as per list attached hereto	.....

3. ***Expenses***	***Amount in €***
(a) Printing and stationery	.....

(b)	Postage	.....
(c)	Advertising	.....
(d)	Remuneration	.....
(e)	Any other form of payment	.....
(f)	Other expenses	.....

4. Balance Disposal (Indicate details including name of all beneficiaries and amounts)	***Amount in €***

A minimum of two signatures of administrators is required:

Full name and surname of administrator	.....
Signature of administrator	.....
Full name and surname of administrator	.....
Signature of administrator	.....
Full name and surname of administrator	.....
Signature of administrator	.....

Declaration of Completeness and Correctness

By means of this declaration, I hereby confirm that the details provided, including the attached appendices, are complete and truthful as to their contents.

Full name and surname of administrator	.....
Signature of administrator	.....
Date	.....

Enclosures*

Appendix A - Organisational chart

Appendix B - List of the current administrators (former and new)

Appendix C - Documents amending the statute (if applicable)

Appendix D - Annual report

Appendix E - Annual accounts

Appendix F - Statement of accounts for public collections (if applicable)

* Tick documents where applicable

SCHEDULE III

(Regulations 4 and 8)

Content and form of annual accounts

The threshold of annual accounts which each voluntary organisation shall file with the Commissioner depends on the amount of its generated revenue and income and on whether such organisation is a Category 1, a Category 2 or a Category 3 voluntary organisation.

(a) Category 1 voluntary organisations

Basis of accounting - on a cash basis

The duly filled and compiled annual accounts that Category 1 voluntary organisations shall file with the Commissioner shall be prepared on a cash basis accounts and shall consist of the content and form indicated hereunder:

Provided that, if at the end of its financial year, a Category 1 voluntary organisation has creditors or debtors, these shall be indicated to the Commissioner in the annual report.

Details of the income and expenditure shall be indicated for every fund raising event and, or activity and the proceeds shall be transferred to the income and expenditure account.

Name of voluntary organisation: .....

VO number: .....

Financial year ending: .....

Income	***Amount in €***
Donations received in cash	.....
Donations received in kind	.....
Interest on fixed deposit accounts	.....
Interest on savings accounts	.....

Interest/dividends on investments	.....
Government local funds	.....
EU funds	.....
Private funds	.....
Membership fees	.....
Proceeds from sale of fixed assets	.....
Rents received	.....
Sponsorships received	.....
Fund raising event/activity 1 - net	.....
Fund raising event/activity 2 - net	.....
Fund Raising Event/Activity 3 - net	.....
Fund Raising Event/Activity 4 - net	.....
Fund Raising Event/Activity 5 - net	.....
Fund Raising Event/Activity 6 - net	.....
Other income	.....
Total income	.....

Expenditure	***Amount in €***
Advertising	.....
Annual registration fees	.....
Cleaning and consumables	.....
Conferences and training	.....
Insurance - motor vehicle/s	.....
Insurance - other	.....
Internet	.....
Licences	.....
Mobile expenses	.....
Postage expenses	.....
Professional fees (accountants, lawyers etc)	.....
Rent	.....
Repairs and maintenance -equipment	.....
Repairs and maintenance - motor vehicle	.....
Repairs and maintenance - office/buildings	.....
Remuneration	.....
Any other form of payment on fund raising (7%)	.....
Stationery and printing	.....
Subscriptions	.....
Telephone	.....
Travelling (foreign)	.....
Travelling (local)	.....

Wages	.....
Water and electricity	.....
Website expenses	.....
Expense 1	.....
Expense 2	.....
Other expenses	.....
Total expenditure:	.....
Excess of income over Expenditure:	.....
Excess of expenditure over Income:	.....

Cash/Bank deposits/ Investments	***Beginning of financial year in €***	***Movements of financial year in €***	***End of financial year in €***
Cash in hand/petty cash	.....	.....	.....
Current accounts	.....	.....	.....
Savings accounts	.....	.....	.....
Fixed deposit accounts	.....	.....	.....
Malta Government Stocks	.....	.....	.....
Shares	.....	.....	.....
Local investments	.....	.....	.....
Foreign investments	.....	.....	.....

Other assets and liabilities	***Estimated value/amount in €***
Freehold immovable property	.....
Leasehold immovable property	.....
Equipment, furniture and fittings (depreciation)	.....
Motor vehicles (depreciation)	.....
Works of art (appreciation)	.....
Creditors	.....
Debtors	.....
Loans	.....
Equity	.....
Others	.....

The accounts have been approved by the members at the Annual General Meeting held on .....

Full name and surname of administrator: .....
Signature of administrator: .....

Full name and surname of administrator .....
Signature of administrator: .....

Full name and surname of administrator .....
Signature of administrator .....

Date: .....

(b) Category 2 Voluntary Organisations

Basis of accounting - accrual basis

Category 2 Voluntary Organisations shall keep their accounting records under the accrual basis and prepare financial statements in conformity with the requirements of GAPSME. The financial statements shall be duly verified and signed by an external accountant.

(c) Category 3 Voluntary Organisations

Basis of accounting – accrual basis

Category 3 voluntary organisations shall keep their accounting records under the accrual basis and prepare financial statements in conformity with the requirements of IFRS. The financial statements shall be duly verified and signed by an auditor.

Where compliance with the provisions of Schedule III is not sufficient or inconsistent in order to provide an actual and transparent analysis of a voluntary organisation's financial performance and in the case of Category 1 and Category 2 voluntary organisations, of their financial position, the additional information necessary to provide an actual and transparent analysis shall be provided in the accounts or in the annual report of the voluntary organisation.

SCHEDULE IV
(Regulation 6)

Notification of changes among administrators of a voluntary organisation or any change of the representative resident in Malta of the voluntary organisation where such organisation is a foreign or international organisation

Date: .....
VO number: .....
Name of the voluntary organisation: .....
Delivered by: .....

To the Commissioner for Voluntary Organisations:
..... (Name of Voluntary Organisation) is hereby giving notice in accordance with regulation 6 of the Voluntary Organisations (Annual Returns and Annual Accounts) Regulations, 2020 that:

.....
.....
.....
.....

Effective date of change: .....

Full name and surname of administrator .....
Signature of administrator .....

Full name and surname of administrator .....
Signature of administrator .....

Full name and surname of administrator .....
Signature of administrator .....

SCHEDULE V
(Regulation 14)

Notification of amendments and additions made to the statute of a voluntary organisation

Date: .....
VO number: .....
Name of the Voluntary Organisation: .....

Delivered by: .....

To the Commissioner for Voluntary Organisations:

..... (Name of the Voluntary Organisation) hereby gives notice in accordance with regulation 14 of the Voluntary Organisations (Annual Returns and Annual Accounts) Regulations, 2020 that:.....
.....
.....
.....

Effective date of change: .....

Full names and surnames and signatures of all administrators

Full name and surname of administrator .....
Signature of administrator .....

Full name and surname of administrator .....
Signature of administrator .....

Full name and surname of administrator .....
Signature of administrator .....

SCHEDULE VI
(Regulation 15)

Review procedures by the Commissioner

1. The Commissioner has the right to appoint any qualified person to scrutinise or draw up a report on the accounts of any voluntary organisation when he deems fit and necessary to do so. This shall be done without any ulterior notice.

2. The Commissioner shall on a roster basis engage qualified persons to conduct a random check on a sample basis of the cash basis accounts of Category 1 voluntary organisations and report accordingly.

3. The responsibility and costs of the reviews indicated in paragraphs 1 and 2 shall be borne by the Commissioner.

4. Saving the provisions mentioned in the preceding paragraphs, the Commissioner shall, in order to investigate matters or the conduct of affairs of a voluntary organisation, in terms of the

powers vested in him by means of article 34 of the Act, have the right to request any information, documents and, or clarifications from the administrators of any voluntary organisation, as he may deem necessary in the circumstances:

Provided that, notwithstanding the provisions of sub-article (3) of article 12D of the Act, voluntary organisations which are not subject to mandatory enrolment pursuant to article 12D and which are obliged to notify the Commissioner of their existence, shall at the end of the respective financial year, submit a copy of their annual accounts to the Commissioner.

5. The Commissioner shall also, in terms of article 34 of the Act, be entitled to request any information from any public or private entity or authority, or disclose any information to such entity or authority, for the purpose of investigating matters of a voluntary organisation, when he has a suspicion that such voluntary organisation or a member thereof is carrying out any activity relating to money laundering and financing of terrorism, or any other illicit or criminal activity as defined in terms of these regulations:

Provided that any information requested by the Commissioner in this regard shall not be divulged to third parties in terms of these regulations:

Provided further that where the Commissioner requests such information, he shall, upon a demand made by such entity or authority, provide justifiable reasons thereto, as he may deem necessary in the circumstances.

6. Saving the provisions of paragraph 5, the Commissioner is entitled to obtain any information from other entities or authorities, including but not limited to, the Registrar for Legal Persons, the Malta Security Service, Jobsplus, the Commissioner of Police, the Commissioner for Revenue, the Financial Intelligence Analysis Unit, the Asset Recovery Bureau, the Malta Financial Services Authority, the Commissioner for Revenue and the Courts of Justice and also to disclose any information to such other entities or authorities:

Provided that such information may include any other information from the Registrar of Courts and, or the Office of the Attorney General or the Office of the State Advocate respectively, relating to any pending criminal or civil proceedings, with particular reference to any information concerning the attachment, freezing, confiscation and seizure of assets:

Provided further that any privileged information obtained by the Commissioner upon such request, shall be used exclusively for the purposes of the powers vested in him in terms of this article and shall not be made accessible to the public.

7. The Commissioner may also request any member or administrator of the voluntary organisation, or those claiming or alleging to be members or administrators of the voluntary organisation concerned, to submit a conduct certificate issued under the Conduct Certificates Ordinance (Cap. 77), and may refuse to issue an enrolment certificate to such member or administrator of the voluntary organisation, or withdraw any issued enrolment certificate, if such member or administrator of the voluntary organisation fails to provide such conduct certificate.

8. Subject to the provisions of sub-article (3) of article 3 of the Conducts Certificate Ordinance (Cap. 77), the Commissioner may, in the course of his investigations, request a complete record of criminal convictions of any member or administrator of a voluntary organisation. The Commissioner may refuse to issue an enrolment certificate, or withdraw any issued enrolment certificate, if the person to whom the record of criminal convictions relates refuses to give his consent as required under sub-article (3) of article 3 of the Conducts Certificate Ordinance (Cap. 77).

9. For the purpose of this Schedule and in the course of any investigation made under article 7(1)(g) of the Act, the Commissioner shall have the power to summon witnesses and to administer an oath to any person concerned in the investigation and require them to give evidence.

10. In the event that such person refuses to produce the requested information, the Commissioner may impose an administrative fine not exceeding five hundred euro (€500).

SCHEDULE VII

(Regulations 16 and 17)

1. Financial period of annual return and annual accounts

The annual return and annual accounts of a voluntary organisation shall cover a financial year as stated in the statute of the organisation:

Provided that:

(a) if a voluntary organisation was enrolled between 1st January and 30th June of any year, its first annual return and annual accounts shall cover the period commencing on the date of its enrolment up to the end of its first financial year;

(b) if a voluntary organisation was enrolled between 1st July and 31st December of any year, its first annual return and annual accounts shall cover the period commencing on the date of its

enrolment up to the end of its first financial year.

Those voluntary organisations which need to amend the financial period shall request the permission from the Commissioner to effect such amendment and shall provide a justified reason for said amendment.

The Commissioner, in such instances, shall write to the voluntary organisation concerned to indicate whether or not he approves such change and to inform the voluntary organisation of the due date of filing of the annual return with all the required documents as attachments thereto.

2. Date of filing of annual return and annual accounts

The annual return and annual accounts including all the required documents as attachments thereto shall be filed as specified hereunder by not later than:

(a) ninety (90) days from the end of the respective financial year in the case of Category 1 voluntary organisations;

(b) one hundred and eighty (180) days from the end of the respective financial year in the case of Category 2 voluntary organisations; and

(c) two hundred and forty (240) days from the end of the respective financial year in the case of Category 3 voluntary organisations:

Provided that if Category 1 voluntary organisations opt to have their annual accounts subject to GAPSME in accordance with their respective statute, the annual return and accounts including all the required documents as attachments thereto, shall be filed by not later than one hundred and eighty (180) days from the end of the respective financial year:

Provided further that, if Category 1 and Category 2 voluntary organisations opt to have their annual accounts subject to full audit (IFRS) in accordance with their respective statute, the annual return and accounts including all the required documents as attachments thereto, shall be filed by not later than two hundred and forty (240) days from the end of the respective financial year.

SCHEDULE VIII
(Regulation 3(4))
Declaration Form

The administrators of an enrolled voluntary organisation hereby declare that they are aware that the organisation is obliged to submit the annual returns of the voluntary organisation to the Commissioner for Voluntary Organisations on a yearly basis for the respective financial year, pursuant to procedures relating to mandatory enrollment in terms of the Act and the regulations made thereunder, and that they shall be held responsible for submitting such documents.

The administrators of a non-enrolled voluntary organisation pursuant to article 12C of the Act, hereby declare that they are aware that the organisation is obliged to submit a declaration including the total amount of income and expenditure of the voluntary organisation to the Commissioner for Voluntary Organisations on a yearly basis for the respective financial year and that they shall be held responsible for submitting such declaration.

Details of all administrators

Full name and surname of administrator .....
Signature of administrator .....
Identity card number .....
Designation .....

Full name and surname of administrator .....
Signature of administrator .....
Identity card number .....
Designation .....

Full name and surname of administrator .....
Signature of administrator .....
Identity card number .....
Designation .....

Date:.....