OBJECTS AND POWERS OF THE ORGANIZATION ARE CRITICAL TO THE APPROVAL PROCESS

Objects & Powers

The organization should include in their constitutive documents, schedules outlining the objects and powers of the organization which is critical to the approval process. Objects are what the organization wants to accomplish, and thus answers the following questions:

a) **What? -** What charitable purpose(s) the organization wants to be involved with/what outcomes is the charity set up to achieve.

b) **Who? -** Who are the beneficiaries of the charity, who is the target group(s) e.g. women, children, animals, people in need etc.

c) **Where? -** Where is the target area for the charity? Where does your charity want to extend itself e.g., a particular parish or town, community or all of Jamaica.

Powers

Powers answers the question of how:

How? - This reveals how the organization will carry out / execute its objectives. What are the steps that will be taken in fulfilling the objectives of the organization?

Tax Administration Jamaica (TAJ's) Role (Section 16 Charities Act)

The Charities Authority (The Department of Co-Operatives & Friendly Societies), shall forward a copy of the application to the Commissioner General of TAJ, who will review the application and within fourteen(14) days indicate whether he objects to the application or not. If he objects, then he will indicate and state the reason for his objection. **The authority shall not register an organization unless the Commissioner General of TAJ issues a no objection letter.**

Other Points to Consider

1. Be Specific with your objects, ensure that the objects fit the purposes that the organization wants to fulfill. Do not include an object if it doesn't fit what you want to achieve.

2. Ensure that the objects are listed separately from the powers.

3. Ensure that each object has a specific power demonstrating how it will be accomplished. Powers inform the Department how the charity will operate.

4. Do not use vague and ambiguous wording such as, **whatever kind, other charitable purpose, good causes**, these terms are wide, the objects and powers must be specific so it can be readily identified. Remember, not all good causes are charitable causes.

5. It is not sufficient to just state the purpose as listed in the First schedule of the Charities Act, as you need to state who the beneficiaries are, what your target area is, and how it will be accomplished.

6. Include all your charitable purposes if there are more than one.

Pensions, Charities and Other Statutory Exemptions

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Tax Administration Jamaica

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WHAT IS A CHARITABLE ORGANIZATION?

Charitable Organization means (Section 2 Charities Act)

(a) a charitable trust; or

(b) any institution, whether incorporated or not, which-:

i. Is established for a charitable purpose exclusively;

ii. Is intended to and does operate for the public benefit and;

iii. Has no part of its net income or assets enuring to the personal benefit of any governing board member or settlor of the organization, or of any other private individual, but shall not include an excluded body.

Section 2 Charities Act
CHARITABLE ORGANIZATION

Documents Required

A charity can be established by any of the following -:

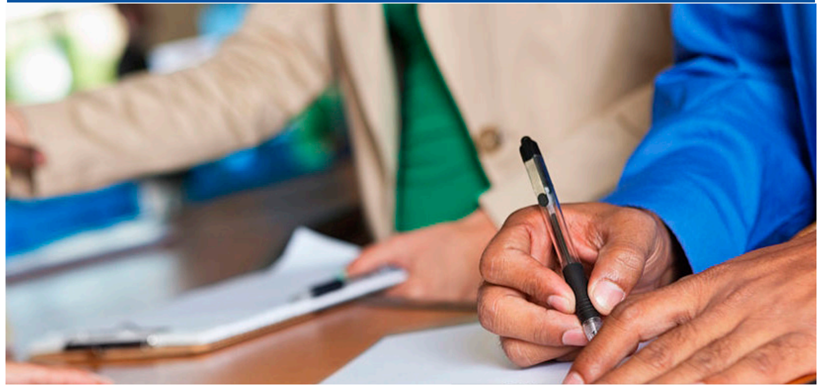
1. Articles of Incorporation
2. Trust Deed
3. Constitution (Should be registered with the Registrar General's Department)
4. Act of Parliament.
5. Memorandum and Articles of Association.

What is a Charitable Purpose?

A charitable purpose is a purpose specified in the first schedule of The Charities Act (2013) as outlined below:

1. The prevention or relief of poverty.
2. The advancement of education
3. The advancement of religion
4. The advancement of health or the saving of lives.
5. The advancement of good citizenship or community development.
6. The advancement of the arts, culture, heritage, or science.
7. The advancement of amateur sport.
8. The advancement of human rights, conflict resolution, or reconciliation.
9. The promotion of religious or racial harmony or equality and diversity.
10. The advancement of environmental protection or improvement.
11. The relief of those in need because of youth, advanced age, ill-health, disability, financial hardship or other disadvantage *(including temporary disadvantages such as the effects of a public disaster or public emergency)*.
12. The promotion of the efficiency of the armed forces or the efficiency of the police forces.
13. The advancement of animal welfare.
14. A purpose specified by the Minister, by order, subject to negative resolution of the House of Representatives, as being analogous to a purpose mentioned in paragraphs 1 to 13.

An organization must fall under one or more of the above charitable purposes **TO BE REGISTERED** as a charitable organization



Excluded Bodies

Excluded bodies means—

a. A political party or a body that promotes a political party or a candidate of a political party;
b. A trade union
c. A representative body of employers
d. A chamber of commerce or other body that promotes the interest of commercial entities: or
e. A body that promotes purposes that are
   i. Unlawful
   ii. Prejudicial to public order or public safety
   iii. In support of terrorism or terrorist activities, whether those activities occur in Jamaica or outside of Jamaica or
   iv. For the benefit of an organization, being a member of which is unlawful

Any organization that falls under this heading **WILL NOT BE REGISTERED** as a charitable organization

Non Charitable Purposes (Section 3 Charities Act)

An organization that has a purpose that is not charitable can still be registered as a charity, if in the opinion of the Commissioner General of Tax Administration Jamaica (TAJ) it is merely ancillary, secondary, subordinate, or incidental, to a charitable purpose of the organization, and it is not an independent purpose of the organization.

For example where an organization is established for the advancement of education(such as a school) but includes incidentally as one of its purposes the operation of a canteen, that organization may still be registered as a charitable organization if the canteen operation is ancillary to, and not independent of, the main purpose of advancing education.

Public Benefit (Section 4 Charities Act)

A charitable organization must be established for the public benefit, which means the benefit is:

i. Available to members of the public or
ii. Available to a section of the public ascertained by reference to some specified geographical area.

This document provides a guideline as to the criteria used by Tax Administration Jamaica in reviewing the applications received through the Charities Authority under the Charities Act, 2013.