

Commencement: 12 July 1982

**CHAPTER 140
CHARITABLE ASSOCIATIONS (INCORPORATION)**

Act 32 of 1981

ARRANGEMENT OF SECTIONS

1. Interpretation
2. Incorporation of committee of charitable association
3. Appeals from refusal of grant of incorporation
4. Applications for incorporation
5. Certificate of incorporation
6. Gazetting of incorporations
7. Registered Office
8. Vesting of assets and liabilities
9. Validity of contracts of committees
10. Cancellation of certificates of incorporation
11. Appeals to Supreme Court from cancellations
12. Disposal of assets on cancellations
13. Registration of changes
14. Transfer of interests in land
15. Inspection of register
16. Regulations

SCHEDULE 1 – Application for incorporation of the committee of a charitable association

SCHEDULE 2 – Certificate of incorporation of committee of a charitable association

CHARITABLE ASSOCIATIONS (INCORPORATION)

To provide for the incorporation of committees of charitable associations and other purposes incidental thereto.

1. Interpretation

In this Act, unless the context otherwise requires –

"association" means any association or body or persons;

"charitable purposes" includes objects of a religious, educational, cultural, scientific or sporting nature or for general social welfare and any other object the main purpose of which is not financial profit which the Minister declares to be charitable for the purposes of this Act;

"Registrar" means the Registrar appointed by the Minister for the purpose of this Act.

2. Incorporation of Committee of charitable association

(1) The Committee, having not less than six members, of any association established for charitable purposes may apply to the Registrar for a certificate of incorporation of the committee as a corporate body.

(2) The Registrar shall either refuse to grant a certificate or if he is satisfied that the application complies with the requirements of this Act and the association is established for charitable purposes grant a certificate.

(3) When granting a certificate the Registrar may attach such conditions in addition to any that may be attached under section 3(4) as he may consider necessary for the proper functioning and welfare of the association.

(4) On the date set out in the certificate of incorporation a committee shall become a body corporate and may sue and be sued and do and suffer to be done all that corporate bodies may do and suffer to be done.

3. Appeals from refusal of grant of incorporation

(1) When refusing to grant a certificate of incorporation the Registrar shall give reasons for such refusal in writing to the applicant committee.

(2) The Registrar may refuse to grant a certificate for the reason that the objects of the association discriminate against any person, group of persons or class of persons.

(3) A committee which has been refused a certificate of incorporation may appeal in writing to the Minister within 14 days of receiving notification of the reasons for refusal from the Registrar.

(4) The Minister may either refuse the appeal or order the Registrar to grant a certificate of incorporation to the Committee subject to such conditions, if any, as he may consider appropriate.

(5) The decision of the Minister shall be final and may not be questioned in a Court except on a point of law.

4. Applications for incorporation

(1) Every application to the Registrar under section 2 of this Act shall be in the form and contain the particulars specified in Schedule 1 and shall be signed by not less than half of the members of the Committee making the application.

(2) The application shall be accompanied by a copy of the articles of association or other documents setting up the association.

(3) The Registrar may require evidence to certify the particulars in the application and such other evidence or information as he may consider necessary.

5. Certificate of incorporation

(1) A certificate of incorporation hereunder shall be in the form set out in Schedule 2 and such certificate bearing the seal and signature of the Registrar shall be conclusive evidence of the incorporation of the committee named therein and the date thereof.

(2) The Registrar shall not issue a certificate of incorporation in a name he considers undesirable or resembles too closely the name of any already incorporated committee or other body whether incorporated or not.

6. Gazetting of incorporations

The Registrar shall publish in the Gazette a notice of every incorporation under this Act.

7. Registered office

A committee incorporated hereunder shall have a registered office at which any legal process may be served.

8. Vesting of assets and liabilities

(1) On the date set out in a certificate all assets and liabilities held for the benefit of the association named in the certificate including any interest in land referred to in its application shall vest in its committee.

(2) The Director of the department responsible for land shall register a committee incorporated hereunder as owner of all interest in land listed in an application for incorporation upon the lodging with him of a copy of the application for incorporation of each committee incorporated under this Act certified by the Registrar accompanied by a certified copy of the certificate of incorporation.

9. Validity of contracts of committees

(1) All contracts made in writing by a committee incorporated hereunder whether required by law to be in writing or not shall be validly made, varied or discharged if signed by not less than two committee members.

(2) All contracts which under the law may be made orally shall be validly made, varied or discharged orally if so done on behalf of a committee by any person acting with express or implied authority.

10. Cancellation of certificates of incorporation

(1) If the Registrar is of the opinion that –

- (a) an incorporation hereunder was obtained by fraud, misrepresentation or mistake; or
- (b) any of the objects of an association, the committee of which has been incorporated have become unlawful; or
- (c) a committee incorporated hereunder or its association is discriminating against any person, group of persons or class of persons; or
- (d) an association, the committee of which has been incorporated, is being used for an unlawful purpose; or
- (e) a committee incorporated hereunder or its association is not functioning or by reason of the state of its affairs, able properly to function or has become dissolved; or
- (f) a committee incorporated hereunder has failed to comply with any of the provisions of this Act,

he may require the responsible committee by notice in writing to show cause within 30 days as to why its incorporation should not be cancelled.

(2) A notice under subsection (1) shall if the Registrar is unable to serve it at the registered office of the committee or on one or more of its registered members be properly given if published in the Gazette and broadcast over a national radio network on not less than 3 non-consecutive days.

(3) If within 30 days of service of a notice a committee fails to satisfy the Registrar he may cancel its incorporation by notice published in the Gazette.

(4) A cancellation shall take effect at the end of 42 days after the date of publication of the notice of cancellation or on confirmation of cancellation by the Supreme Court under section 11 whichever occurs later.

(5) Upon a cancellation taking effect a committee shall cease to be a corporate body but without prejudice to liabilities incurred by it before or after cancellation.

(6) The Registrar may require any member of a committee that has ceased to be incorporated hereunder to return a certificate of incorporation and neglect or refusal to do so shall be an offence, a person convicted thereof being liable to a fine of VT 20,000.

(7) The Registrar shall cancel the incorporation of a committee incorporated hereunder on dissolution of its association.

11. Appeals to Supreme Court from cancellations

Within 42 days of a cancellation under section 10 a committee or any member may appeal to the Supreme Court against such cancellation and the Court may confirm, set aside or vary the order of cancellation or make such order as it may consider just.

12. Disposal of assets on cancellation

If the articles, rules or constitution of an association, the committee of which has been incorporated hereunder, make inadequate or no provision on cancellation under section 10 or dissolution of the association for the disposal of assets vested in the committee the Minister shall upon cancellation make such order as he shall consider proper.

13. Registration of changes

A committee incorporated hereunder shall lodge with the Registrar, within 30 days of any of the following, details thereof –

- (a) change of registered office;
- (b) resignations, removals and appointments of committee members;
- (c) changes in the articles, rules or constitution of association.

14. Transfer of interests in land

A committee incorporated hereunder shall lodge with the Minister not less than 15 days before the transfer, details of any transfer of any interest in land that it intends to make.

15. Inspection of register

The Registrar shall make available for inspection his register of committees incorporated hereunder, and documents filed with him in relation thereto, on payment of the fee, prescribed in accordance with section 16(1).

16. Regulations

(1) The Minister for the better carrying out of the provisions of this Act may by Order make regulations not inconsistent with this Act.

(2) Without derogating from the generality of subsection (1) the Minister may by Order –

- (a) prescribe fees payable on applications for incorporation;
- (b) repeal or amend the Schedules;
- (c) prescribe fees for certification of documents by the Registrar.

SCHEDULE 1

(Section 4)

APPLICATION FOR INCORPORATION OF THE COMMITTEE OF A CHARITABLE ASSOCIATION

We the undersigned committee members of the
apply to the Registrar of Charitable Associations for incorporation in accordance with the
Charitable Associations (Incorporation) Act [Cap. 140] and state as follows –

1. The name of the committee when incorporated shall be
The Committee (Inc.).

2. The registered office of the Committee (Inc.)
shall be at

3. The names, addresses and occupations of the members of the committee are –

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)

4. The members of the committee were elected or appointed in accordance with articles/rules/
constitution of the association on the following date or dates –

NAME DATE OF ELECTION OR APPOINTMENT

5. The objects of the association are –

.....
*(The objects of the association may be given by reference here to specific parts of
attachment 6(b).)*

6. Attached hereto are –

(a) a statement of the assets and the liabilities of the association signed by us;

(b) a certified copy of the articles/rules/constitution of the association which includes

—

(i) the manner of appointment and removal of committee members;

(ii) the manner of changing the articles/rules/constitution;

(iii) the manner of dissolving the association;

(iv) the manner of disposal of assets on dissolution or cancellation of certificate of incorporation.

DATED this day of, 20

Committee member
Committee member
Committee member
Committee member
Committee member
Committee member

SCHEDULE 2

(Section 5)

CERTIFICATE OF INCORPORATION OF COMMITTEE OF A CHARITABLE ASSOCIATION

I HEREBY CERTIFY THAT The committee of the Association has this day been incorporated under the name, The Committee (Inc.) under the provisions of the Charitable Associations (Incorporation) Act Cap. 140 subject to the conditions contained in the Schedule.*

DATED this day of, 20.....

Registrar of Charitable Associations

SCHEDULE

Conditions of Incorporation

**delete unnecessary wording if no conditions are attached.*

Table of Amendments

8(2) Title of Director updated per Act 24 of 2003

Error! No text of specified style in document.
Error! No text of specified style in document.

REPUBLIC OF VANUATU

**CHARITABLE ASSOCIATIONS (INCORPORATION) (AMENDMENT)
ACT NO. 8 OF 2015**

Arrangement of Sections

- 1 Amendment**
- 2 Commencement**

REPUBLIC OF VANUATU

Assent: 04/08/2015
Commencement: 31/08/2015

**CHARITABLE ASSOCIATIONS (INCORPORATION) (AMENDMENT)
ACT NO. 8 OF 2015**

An Act to amend the Charitable Association (Incorporation) Act [CAP 140].

Be it enacted by the President and Parliament as follows-

1 Amendments

The Charitable Association (Incorporation) Act [CAP 140] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

**AMENDMENTS OF CHARITABLE ASSOCIATION (INCORPORATION)
ACT [CAP 140]**

1 After section 8

Insert

Error! Unknown document property name.

“8A. Annual reports

- (1) A Committee must provide to the Registrar within 3 months after the anniversary of the incorporation of the Committee, a report on the operations of the Committee for the preceding year.
- (2) An Annual report under subsection (1) must be made to the Registrar in the prescribed form and must be accompanied by the prescribed annual report filing fee.
- (3) The Minister may by Regulation prescribe the form of an annual report and the amount of fee to be paid under subsection (2).
- (4) If a Committee fails to file an annual report required under subsection (2), the Registrar must at least 10 working days prior to the date that is 3 months after the anniversary of incorporation of the Committee, give notice to the Committee to comply with this section.
- (5) If a Committee fails to comply within 14 days after the expiry of a final notice issued by the Registrar under subsection (4), the Registrar is to appoint a Receiver for the purposes of rectifying all breach of the Committee or cancel the certificate of incorporation dissolving the Charitable Association and disposing of the assets according to the Constitution of the Committee.”
- (6) The Registrar may issue a fine to a Committee for failing to comply with a notice issued under subsection (4) and (5).
- (7) The Minister may by Regulation, prescribe the amount of fine to be paid under subsection (6).
- (8) For the purposes of this section **anniversary** means the annual recurrence of the date on which a Committee was registered in a previous year.”

2 After Section 15

Insert

“15A. Powers of the Registrar to inspect

- (1) The Registrar may, by notice in writing, require a person to do all or any of the following:

- (a) produce for inspection, any documents or records that the Registrar considers necessary or relevant to an investigation or audit under this Act;
- (b) make copies of or extracts from any such documents or records;
- (c) appear before the Registrar and answer all questions concerning:
 - (i) any matter that is the subject of an investigation; or
 - (ii) the documents or records that are relevant to an investigation.

(2) For the purposes of this section, **a person** includes:

- (a) an officer employed in or in connection with any Government Department, Statutory Corporation, Statutory Entity, Constitutional Entity or Provincial Government Council; or
- (b) an officer employed in or in connection with any financial institution or insurance company; or
- (c) a Committee member; or
- (d) any person that the Registrar considers to be in a position to assist him or her in the investigation.

(3) A person who fails or refuses to comply with a requirement of the Registrar under this section, commits an offence punishable on conviction, to a fine not exceeding VT1,000,000.

15B. Offence and penalty

(1) A Committee that contravenes any provisions of this Act commits an offence punishable on conviction by a fine not exceeding VT1,000,000.

(2) Upon conviction under subsection (1), the Registrar is to cancel the certificate of Incorporation of the Committee under paragraph 10(1)(f) of the Act and is to dispose of the assets of the Committee according to the Constitution of the Committee.

(3) In addition to subsection (2), if an asset is determined to be the proceed of

Error! No text of specified style in document.
Error! No text of specified style in document.

crime under the Proceeds of Crimes Act [CAP 284], the Registrar is to produce a report on the asset and revert the same to the Attorney General to apply for forfeiture orders under that Act.”



REPUBLIC OF VANUATU

**CHARITABLE ASSOCIATIONS (INCORPORATION)
(AMENDMENT)
ACT NO. 21 OF 2017**

Arrangement of Sections

1	Amendments	2
2	Commencement	2

REPUBLIC OF VANUATU

Assent: 02/01/2018
Commencement: 05/01/2018

CHARITABLE ASSOCIATIONS (INCORPORATION) (AMENDMENT) ACT NO. 21 OF 2017

An Act to amend the Charitable Associations (Incorporation) Act [CAP 140] and for related purposes.

Be it enacted by the President and Parliament as follows-

1 Amendments

The Charitable Associations (Incorporation) Act [CAP 140] is amended as set out in the Schedule, and any other item in the Schedule has effect according to its terms.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE CHARITABLE ASSOCIATIONS (INCORPORATION) ACT [CAP 140]

1 Section 1

Insert in their correct alphabetical positions:

““beneficial owner” has the meaning given by section 1A;

“committee” means a committee:

- (a) that has made an application under section 2; or
- (b) for which a certificate of incorporation has been granted under section 2;

“confidential information” means information supplied to or obtained by the Registrar in the performance of the Registrar’s functions or the exercise of the Registrar’s powers under this Act, but does not include information that:

- (a) can be disclosed under any provision of this Act; or
- (b) is already in the public domain; or
- (c) consists of aggregate data from which no information about a specific person or business can be identified;

“Court” means the Supreme Court of Vanuatu;

“domestic regulatory authority” means a body or agency established by or under a law of Vanuatu that:

- (a) grants or issues under that law or any other law licences, permits, certificates, registrations or other equivalent permissions; and
- (b) performs any other regulatory function related to a matter referred to in paragraph (a), including developing, monitoring or enforcing compliance with standards or obligations prescribed by or under that law or any other law;

“Financial Intelligence Unit” means the Financial Intelligence Unit established under section 4 of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014;

Error! No text of specified style in document.
Error! No text of specified style in document.

“foreign government agency” means:

- (a) a body or agency established by or under a law of a foreign country; or
- (b) an arm, ministry, department or instrumentality of the government of a foreign country; or
- (c) a body or agency of a foreign country set up by administrative act for governmental purposes;

“foreign serious offence” means:

- (a) an offence against a law of another country that, if the relevant act or omission had occurred in Vanuatu, would be an offence against the laws of Vanuatu, for which the maximum penalty is imprisonment for at least 12 months; or
- (b) an offence prescribed by the Regulations;

“foreign tax evasion offence” means conduct that:

- (a) amounts to an offence against a law of a foreign country; and
- (b) relates to a breach of a duty relating to a tax imposed under the law of the foreign country (whether or not that tax is imposed under a law of Vanuatu); and
- (c) would be regarded by the courts of Vanuatu as an offence of fraudulent evasion of tax for which the maximum penalty is imprisonment for at least 12 months, had the conduct occurred in Vanuatu;

“key person” means a member of a committee, or a beneficial owner of a member of a committee;

“law enforcement agency” means:

- (a) the Vanuatu Police Force; or
- (b) the Office of the Public Prosecutor; or
- (c) the department responsible for customs and inland revenue; or
- (d) the department responsible for immigration; or

Error! Unknown document property name.

(e) such other persons prescribed for the purposes of this definition;

“Sanctions Secretariat” means the Sanctions Secretariat established under section 17 of the United Nations Financial Sanctions Act No. 6 of 2017;”

2 After section 1

Insert

“1A. Meaning of beneficial owner

- (1) A “beneficial owner” of a committee member is a natural person who ultimately controls the committee member.
- (2) For the purpose of subsection (1), “control” means exercising influence, authority or power over the committee member, and includes circumstances where the committee member is acting as a nominee or proxy on behalf of another person or entity.
- (3) For the avoidance of doubt, if a committee member is acting as a nominee or proxy on behalf of a legal person or legal arrangement, the natural person who ultimately controls the committee member is the natural person who:
 - (a) has a legal entitlement to 25% or more of the legal person or legal arrangement by way of ownership of shares or otherwise, including ownership exercised through a chain of ownership; or
 - (b) otherwise exercises control, directly or indirectly, over the legal person or legal arrangement.”

3 Subsection 2(2)

Repeal the subsection, substitute

- “(2) The Registrar must either refuse to grant a certificate or grant a certificate.
- (2A) The Registrar must grant a certificate if he or she is satisfied:
- (a) that the application complies with this Act; and
 - (b) that the association is established for charitable purposes; and
 - (c) of the source of funds used to pay the capital of the committee; and
 - (d) that key persons are fit and proper persons.

- (2B) In assessing whether or not a key person satisfies fit and proper criteria, the Registrar must take into consideration the following matters:
- (a) whether the person has been convicted of an offence or is subject to any criminal proceedings;
 - (b) whether the person is listed on a United Nations Financial Sanctions list, or a financial sanctions list under the United Nations Financial Sanctions Act No. 6 of 2017 or a financial sanctions list under a law of any jurisdiction;
 - (c) any other fit and proper criteria prescribed by regulations.”

4 Section 3 (heading)

Repeal the heading, substitute “Refusal of grant of incorporation”

5 Subsections 3(3), (4) and (5)

Repeal the subsections.

6 Subsection 4(1)

Repeal the subsection, substitute

“(1) An application to the Registrar under section 2 must:

- (a) be in the prescribed form; and
- (b) include:
 - (i) details of each key person; and
 - (ii) details as required by the Registrar of the source of funds used to pay the capital of the committee.”

7 Paragraph 10(1)(f)

Delete “,”, substitute “; or

- (g) a committee has contravened a provision of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 and that contravention has resulted in the use of an enforcement measure under Part 10AA of that Act; or
- (h) the fit and proper criteria are not met as required under this Act or Regulations; or

- (i) the rules or policies relating to the source of funds of the committee are not acceptable.”

8 Section 11

Repeal the section.

9 Section 13

Repeal the section, substitute

“13. Committee to give notice of certain changes to Registrar

- (1) A committee must give the Registrar written notice of a change in any or all of the following within 30 days after the change occurs:
 - (a) the registered office of the committee;
 - (b) the articles, rules or constitution of the association;
 - (c) a key person;
 - (d) the circumstances of a key person that may affect whether he or she meets fit and proper criteria;
 - (e) the rules or policies relating to the source of funds of the committee.
- (2) If a committee fails to comply with subsection (1), the committee commits an offence punishable upon conviction by a fine not exceeding VT 125 million.
- (3) If a committee fails to comply with subsection (1), the Registrar may cancel the certificate of incorporation of that committee.
- (4) If a committee does provide the information as required under subsection (1), but the Registrar is not satisfied that:
 - (a) the key persons are fit and proper persons having regard to the matters referred to in subsection 2(2B); or
 - (b) the rules or policies relating to the source of funds of the committee are acceptable,

the Registrar may cancel the certificate of incorporation of the committee.

Error! No text of specified style in document.
Error! No text of specified style in document.

- (5) Section 10 applies to the cancellation of the certificate of incorporation under this section.”

10 After section 14

Insert

“14A. Disclosure of confidential information

- (1) The Registrar may disclose confidential information if the disclosure:
- (a) is required or authorised by the Court; or
 - (b) is made for the purpose of performing a function or exercising a power under this Act; or
 - (c) is made to the Financial Intelligence Unit for the purpose of performing a function or exercising a power under the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014; or
 - (d) is made to a supervisor within the meaning of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 for the purpose of performing a function or exercising a power under that Act; or
 - (e) is made to a law enforcement agency for the purpose of investigating or prosecuting an offence against a law of Vanuatu for which the maximum penalty is a fine of at least VT 1 million or imprisonment for at least 12 months; or
 - (f) is made to a law enforcement agency for the purpose of investigating or taking action under the Proceeds of Crime Act [CAP 284]; or
 - (g) is made to a domestic regulatory authority for the purpose of carrying out its regulatory functions; or
 - (h) is made to the Sanctions Secretariat for the purpose of performing a function or exercising a power under the United Nations Financial Sanctions Act No. 6 of 2017; or
 - (i) is made to a foreign government agency in accordance with section 14B.

Error! No text of specified style in document.
Error! No text of specified style in document.

- (2) A person who contravenes subsection (1) commits an offence punishable upon conviction by:
- (a) for an individual – a fine not exceeding VT15 million or imprisonment for a term not exceeding 5 years, or both; or
 - (b) for any other person – a fine not exceeding VT75 million.

14B. Disclosure to foreign government agency

The Registrar may disclose confidential information to a foreign government agency if:

- (a) the Registrar is satisfied that the disclosure is for the purpose of:
 - (i) performing a function or exercising a power under the foreign government agency’s own regulatory legislation, including investigating a breach of that legislation; or
 - (ii) performing a function or exercising a power under the foreign jurisdiction’s anti-money laundering and counter-terrorism financing regulation and supervision laws; or
 - (iii) performing a function or exercising a power under the foreign jurisdiction’s financial sanctions laws; or
 - (iv) investigating or prosecuting a foreign serious offence or a foreign tax evasion offence; or
 - (v) investigating or taking action under the foreign jurisdiction’s proceeds of crime laws; and
- (b) the Registrar is satisfied that:
 - (i) the information will be used for a proper regulatory, supervisory or law enforcement purpose; and
 - (ii) the agency is subject to adequate restrictions on further disclosure.”

11 After subsection 15A(1)

Insert

“(1A) Subsection (1) does not limit the powers of the Registrar in sections 15AA, 15AB and 15AC.”

12 Subsection 15A(3)

Repeal the subsection, substitute

- “(3) A person who fails or refuses to comply with a requirement of the Registrar under this section, commits an offence punishable on conviction, by:
- (a) for an individual – a fine not exceeding VT15 million or imprisonment for a term not exceeding 5 years, or both; or
 - (b) for any other person – a fine not exceeding VT75 million.”

13 After section 15A

Insert

“15AA.Registrar may require information and documents

- (1) Subject to subsection (2), the Registrar may, by notice in writing to a committee, require the committee to provide the Registrar with information or documents, or both, specified in the notice within the period set out in the notice.
- (2) The information or documents must relate to:
 - (a) the committee’s integrity, competence, financial standing or organisation; or
 - (b) the committee’s compliance with this Act or the Regulations.
- (3) If the committee:
 - (a) refuses or fails to give the Registrar the information or documents required by the Registrar; or
 - (b) knowingly or recklessly gives the Registrar information or documents that are false or misleading,

the committee commits an offence punishable upon conviction by the penalty set out in subsection (4).
- (4) The penalty is:

- (a) for an individual member of the committee – a fine not exceeding VT15 million or imprisonment for a term not exceeding 5 years, or both; or
- (b) for the committee– a fine not exceeding VT75 million.

15AB. On-site inspections

- (1) The Registrar may conduct on-site inspections at the business premises occupied by a committee at any time during normal business hours.
- (2) The Registrar may for the purposes of subsection (1):
 - (a) enter the business premises of the committee during ordinary business hours; and
 - (b) inspect and take copies of any books, accounts and documents of the committee that relate to:
 - (i) the committee’s integrity, competence, financial standing or organisation; or
 - (ii) the committee’s compliance with this Act or the Regulations.
- (3) The committee must cooperate fully with the Registrar by:
 - (a) giving the Registrar all the information, and making available the documents the Registrar requires; and
 - (b) if necessary, giving the Registrar appropriate workspace and reasonable access to office services, during the inspection.
- (4) If a person intentionally obstructs the Registrar in the exercise of the Registrar’s powers under this section, the person commits an offence punishable upon conviction by:
 - (a) in the case of a natural person - a fine not exceeding VT 15 million or imprisonment not exceeding 5 years, or both; or
 - (b) in the case of a body corporate - a fine not exceeding VT 75 million.

Error! No text of specified style in document.
Error! No text of specified style in document.

- (5) In this section, a reference to the Registrar includes a person appointed by the Registrar in writing as an authorised officer for the purposes of this Act.
- (6) An authorised officer must produce written evidence of his or her appointment if required to do so while carrying out on-site inspections.

15AC. Registrar may request information or documents from a government agency

For the purpose of performing a function or exercising a power under this Act, the Registrar may request information or documents, or both, from any or all of the following:

- (a) the Financial Intelligence Unit;
- (b) a supervisor within the meaning of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014;
- (c) the Sanctions Secretariat;
- (d) a law enforcement agency;
- (e) a domestic regulatory authority;
- (f) a foreign government agency that carries out functions corresponding or similar to the functions carried out by a body or agency referred to in paragraph (a), (b), (c), (d) or (e).”

14 Subsection 15B(1)

Delete “VT1,000,000”, substitute “VT125 million”

15 After section 15B

Insert

“15C. Indemnity from liability etc.

The Registrar, and any person authorised by the Registrar, is not subject to any civil or criminal liability, action, claim or demand for anything done or omitted to be done in good faith under or for the purposes of this Act.

15D Appointment of authorised officers

The Registrar may in writing appoint persons to be authorised officers for the purposes of this Act.”

16 Schedule 1

Repeal the Schedule.

17 Transitional

- (1) This provision applies to a committee if, immediately before the commencement of this Act, the committee was incorporated under the Charitable Associations (Incorporation) Act [CAP 140].
- (2) The committee must provide the Registrar with the information required under subparagraphs 4(1)(b)(i) and (ii) of the Charitable Associations (Incorporation) Act [CAP 140] as amended by this Act (“**the additional information**”) within 6 months after the commencement of this Act.
- (3) If the committee does not provide the additional information as required under subsection (2), the Registrar may by notice in writing to the committee cancel the certificate of incorporation relating to that committee.
- (4) If the committee does provide the additional information as required under subsection (2), but the Registrar is not satisfied with the additional information having regard to the matters set out in paragraphs 2(2A)(c) and (d) of the Charitable Associations (Incorporation) Act [CAP 140] as amended by this Act, the Registrar may by notice in writing to the committee cancel the certificate of incorporation relating to that committee.
- (5) Section 10 of the Charitable Associations (Incorporation) Act [CAP 140] as amended by this Act applies to the cancelation of a certificate of incorporation.
- (6) A term or expression used in this item has the same meaning as in the Charitable Associations (Incorporation) Act [CAP 140] as amended by this Act.