Government of Bermuda

Ministry of Labour and Economy
Registry General

GUIDANCE NOTES ON CHARITIES THAT ARE PRIVATELY FUNDED

Updated September 2026 — incorporating the Charities Amendment Act 2025, the Charities Amendment (No. 2) Act 2026, and the Charities Amendment Regulations 2026

Pursuant to the Registry General's oversight of the charitable/not-for-profit sector in Bermuda, these Guidance Notes assist those who administer charities that are privately funded. They set out the minimum standards necessary for compliance with the legal duties and responsibilities under the Charities Act 2014 (the "Act"), as most recently amended by the Charities Amendment Act 2025 (enacted 10 December 2025), the Charities Amendment (No. 2) Act 2026 (enacted 14 September 2026), and the Charities Amendment Regulations 2026 (also enacted 14 September 2026) (together, the “Amendments").

These Guidance Notes reflect the current legal and regulatory framework as at 14 September 2026. Charity trustees should read these notes together with the Act, the Charities Regulations 2014 as amended, and the new prescribed application form referred to below.

1. What is a "privately funded" charity?

The definition in section 2 of the Act is unchanged by the recent amendments:

> *"Charity that is privately funded" means a charity that does not solicit funds from the Bermuda public, does not receive funding from the Bermuda Government or from Bermuda public sources.*

Please note throughout the rest of this guidance a charity that is privately funded will be simply referred to as a privately funded charity (“PFC”).

2. The Register

The default position for a PFC is that it must register with the Registry General in the same manner as a public registered charity. Section 17(1A) of the Act establishes that these will be kept in a separate register specifically for PFCs and the new section 17(1B) confirms expressly that this separate part of the register is not open to public inspection.

PFCs that have been exempted are not put on a register and information on them is only recorded by the Registry General, per the new section 17A(2A).

Section 21(4) of the Act has been amended to make it explicitly clear that all records relating to PFCs, whether registered or exempt, are **not** available for public inspection, and include:

1. the separate part of the register for charities that are privately funded (section 17(1A));
2. the record of exempted charities maintained by the Registrar (section 17A(2A));
3. statements of accounts submitted by registered PFCs under section 37; and
4. annual reports submitted by registered PFCs under section 38.

3. Obligations within one month of formation – exemption from registration

Section 17A(1) establishes that the charity trustees of a newly formed PFC, within one month of its formation, must notify the Registrar of the PFC's establishment through an application for exemption from registration. This is done with the updated form "Application for Exemption from Registration for a Charity that is Privately Funded" which is available on the Registry General website at Register a Charity - Government of Bermuda. Along with the form the following documents must be provided:

1. a copy of the trust deed, bye-laws, or other constitutional document establishing the PFC; and
2. a copy of the service agreement in place where the PFC is managed by a Corporate Service Provider.

4. If the charity does not qualify for exemption or it is refused by the Registrar General

Section 17A(1C) provides that where the charity trustees of the PFC:

1. believe the PFC does not qualify for an exemption from registration; or
2. have applied for exemption but it has been refused by the Registrar General

then they must apply for registration under section 17(3) within 30 days of being informed of the refusal in writing, using the form "First Time Application to Register as a Charity," also available on the Registry General's website.

For a PFC all relevant regulations for public registered charities will apply, including an annual application for re-registration the obligation to file annual reports and financial statements. Please refer to the Registry General's guidance on the Charities Regulations 2014 and applicable Filing Deadlines.

5. Ongoing duty to notify changes

Section 17A(2B) places a continuing duty on the charity trustees to notify the Registrar of any change in circumstance that affects the charity's eligibility to qualify for exemption under section 18(4). For example, this could be a change of trustee, corporate service provider, or trust administrator. Failure to do so may attract a civil penalty (see Section 9 below).

6. Updated exemption conditions — section 18(4)

The categories of PFC that are eligible for exemption under Section 18(4) have been revised and now includes the following:

Trusts — section 18(4)(a)

At least one of the following must apply:

1. at least one of the trustees is licensed under the Trusts (Regulation of Trust Business) Act 2001; or
2. the trust is administered by a trust company that is a non-licensed AML/ATF regulated financial institution registered under section 9 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008; or
3. the trust is administered by a trust service provider that holds an unlimited trust licence under section 11 of the Trusts (Regulation of Trust Business) Act 2001.

Companies and other legal persons — section 18(4)(b)

Both of the following must apply:

1. the company or other legal person has a registered office with, and is subject to compliance oversight by, a person licensed under the Corporate Service Provider Business Act 2012; and
2. it can demonstrate to the Registrar's satisfaction that an adequate level of financial crime risk management systems and controls is exercised through its business relationship with that licensed corporate service provider.

A charity relying on section 18(4)(b) must also supply the Registrar with a copy of the service agreement between the charity and its licensed corporate service provider (section 17A(1B).

7. Civil Penalties (section 47A)

All civil penalties that may be applied under this section are determined at the discretion of the Registrar General and may be set at up to $5,000 per offence or be waived.

Civil Penalties applicable to all PFCs

All PFCs must notify the Registrar General **within one month of establishment**, either by an application to register as a charity or an application for exemption from registration.

Civil Penalties applicable to registered PFCs

Registered PFCs may be subject to a civil penalty in the following circumstances:

1. Failure to submit an annual report and accounts within 6 months after their financial year end;
2. A continuing failure to submit an annual report and accounts within 30 days after the initial deadline in item 1 above;
3. Failure to notify the Registrar General of changes to their particulars recorded in the register within 30 days, including changes to its registered address or the appointment, resignation or retirement of charity trustees;
4. Failure to notify the Registrar General of changes to its trust deed, bye-laws, constitution or other governing documents as soon as practicable

When determining whether to levy a civil penalty or how much the penalty will be, the Registrar will take into account the following:

1. The nature, circumstances and extent of the contravention and degree of culpability of the charity;
2. The ability of the charity to pay and any effect the penalty may have on its ability to continue to conduct charitable works;
3. The good faith efforts of the charity to comply in a timely manner and the length of any delay in undertaking efforts to comply; and
4. The total assets and overall financial position of the charity.

Civil penalties applicable to PFCs exempted from registration

PFCs exempted from registration must notify the Registrar General within 30 days of any changes in its circumstances that may affect its ability to qualify for the exemption. These include:

1. where a PFC has changed their corporate service provider or trust service provider;

2. where a PFC has amended the existing service agreement with their corporate service provider or executed service agreement with a new corporate service provider; or
3. any other changes that might reasonably affect the PFCs eligibility for exemption.

When determining whether to levy a civil penalty or how much the penalty will be, the Registrar will take into account the following:

1. the extent of the changes to the service agreement with the corporate service provider (if appliable);
2. the length of delay in notifying the Registrar General;
3. the good faith efforts to notify the Registrar of changes to the eligibility to qualify as an exempted PFC; and
4. the total assets and overall financial position of the PFC.

Appeals of civil penalties

A civil penalty may be appealed by lodging a notice with the Supreme Court with a copy to the Registrar General pursuant to sections 47B-47E of the Act.

8. Registry General Contact Details

The Registry General Office may be contacted as follows:

Registrar General: Mr. Aubrey Pennyman
apennyman@gov.bm | (441) 444-1953

Assistant Registrar General: Mr James Welch
jlwelch@gov.bm | (441) 246-8956

Legal & Compliance Officer: Mr Matthew T. Nester
mtnester@gov.bm | (441) 444-1947

General Inquiries and Submissions:
charitabletrustinfo@gov.bm

This note is general guidance issued under the Charities Act 2014 and does not replace the Act or the Charities Regulations 2014. Charities with questions about a specific matter should contact the Registrar General's office directly.

14 September 2026