

The Office of the Registry General

Policy and Procedures for the Supervision and Operation of a Temporary Fundraising Campaign under Bermuda Charity Legislation

1. Introduction

This document outlines the policies and procedures for the supervision and operation of a temporary fundraising campaign in compliance with **Section 43 of the Charities Act 2014** and **Section 13 of the Charities Regulations 2014** (collectively the Legislation). The objective is to ensure transparency, accountability, and compliance with legal obligations when individuals solicit the public for funds to support a charitable cause. **This guidance is only applicable for individuals or entities that are not registered charities. A registered charity and the entities it supports are able to carry out general fundraising in support of their purposes under the terms of their existing registration and do not require a temporary fundraising licence. Both licences, however, are equally valid and are diligently reviewed and enforced to the same standard by the Registry General.**

2. Registration and Licence

2.1 Temporary Fundraising Registration Requirement

- Any fundraising campaign that solicits funds for charitable purposes in Bermuda must be registered with the Registry General. (e.g. bake sales, sports events, raffles, GoFundMe campaigns, etc) To do this, the individuals or entity managing the fundraising campaign must ensure they apply for a **Temporary Fundraising Licence** (the Licence) as set out under the Legislation.
- The **Application for a Temporary Fundraising Licence** form (the Application) is available on the Registry General's website or by a request to the Charity Team at the Office of the Registry General and may be amended from time to time by the Registrar.

2.2 Completing the Application

- The Application must be completed in full by two individuals, the Applicant and the Responsible Custodian of the Funds, who are independent of each (i.e. they should not be from the same household but, for example, siblings or other family members at different addresses are permissible). Both will be jointly and individually responsible to ensure compliance with the Legislation.
- The applicants must indicate no more than two stated purposes for the fundraising, a primary purpose and an optional secondary purpose.

- The purposes of the temporary fundraiser may be for the public benefit but it is not a requirement.
- **A temporary fundraiser for the purposes of covering medical costs will require one of the following supporting documents:**
 - a letter from a doctor or hospital confirming the need for medical treatment;
 - A letter from a doctor or hospital confirming that treatment has been carried out or is ongoing; or
 - A letter from an organization like the Lady Cubit Compassionate Association confirming they have covered the cost of medical treatment for the individual identified in the fundraiser.
- The application should be sent to Registry General's office (see Section 7 below).
- The Registrar will review the application and may request any additional information deemed necessary at their discretion.

2.3 Granting the Licence

- Once the application is approved by the Registrar, a License will be issued by the Charity Team and a copy sent via email to the primary applicant. The original certificate will be kept on file at the Registry General's Office.
- The Licence will be valid for a maximum period of three (3) months from the date of issue.
- The Licence may be extended for a period of up to a further three (3) months by request, prior to the expiration date and at the discretion of the Registrar.
- The Registry General will maintain a public list of all Licences which will include the names of the applicant, the responsible custodian of the funds, and the licence number.

3. Fundraising Requirements and Restrictions

- Fundraising may **not** take place before a Licence has been issued.
- The fundraising campaign must ensure funds are only raised through the methods identified in the Application and only used for the stated purposes.
- Any publication with details on the fundraising campaign must include the Temporary Fundraising Licence Number given on the License. This includes, but is not limited to, flyers and posters, social media posts, and newspaper articles.

4. Record Keeping and Reporting

- A statement of account must be submitted to the Registrar no later than two (2) months following the expiration of the Licence and should include the following details:
 - dates that the fundraising commenced and was completed;
 - revenue/funds raised;
 - payments of funds to the beneficiary(ies) or in support of the stated purposes;

- repayment of borrowed funds, if applicable (e.g. for medical expenses prior to the start of the fundraising campaign);
 - expenses not directly related to the stated purposes, if applicable (e.g. bank fees);
 - note of any remaining funds and their proposed use; and
 - any additional information that may be requested by the Registrar.
- All receipts, bank transfer details, and other financial records connected with the crowdfunding campaign must be retained and made available to the Registrar General upon request.

5. Conclusion of the Fundraising Campaign

- Upon the expiration of the Licence, the fundraising campaign must cease taking donations and any crowdfunding webpage must be updated to indicate the fundraiser has concluded.
- If the applicants wish to continue any fundraising on a temporary basis following the expiration of the license a new Application must be submitted.
- If the fundraising is required for a longer period or is expected to be a regularly occurring event, consideration should be given to lodging an application to become a Registered Charity.

6. Specific Policies and Procedures for Crowdfunding

6.1 What is Crowdfunding?

- Crowdfunding is a form of alternative financing, defined as the practice of funding a project or venture by raising money from a large number of people, typically by using the internet.
- Some examples of crowdfunding companies are Kickstarter, Indigogo, and GoFundMe, with the latter being the most widely used platform in Bermuda for crowdfunding.
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- If someone is raising funds on behalf of an established charity that involves payments directly to that charity and not to the individual, there is no need to apply for a Temporary Fundraising Licence. (e.g. a social media post in memory of a deceased family member that directs people to the donation website for P.A.L.S instead of donations being made to the individual directly)

6.2 Additional Requirements for Crowdfunding Campaigns

- Any crowdfunding campaign that seeks funds from a resident of Bermuda, regardless of which country the campaign is based in, must comply with the registration requirements set in this policy.
- At least one of the applicants for the License must be either a Bermudian citizen or a resident of Bermuda.

- In addition to the publications set out above in Section 3.1, the assigned temporary fundraising number must also be quoted in the description on any crowdfunding webpage set up for the campaign.
- The crowdfunding account must be set up by and registered in the name of either the primary applicant or the responsible custodian of the funds.
- The bank account used to receive funds must be in the name of either the primary applicant or the responsible custodian of the funds.
- Upon the expiration of the Licence, any crowdfunding webpage must be updated to indicate the fundraiser has concluded and may not accept any additional funds.

7. Contacting the Registry General

- Applications and any questions can be directed to the Charity Team at the Registry General as follows:
 - General E-Mail – charityinfo@gov.bm
 - Legal and Compliance Officer, Matthew Nester – mtnester@gov.bm
 - Telephone – 444-1947
- Queries can also be made in person at the Registry General's office located on the first floor of the Government Administration Building at 30 Parliament Street, Hamilton.