

# Challenging a decision of the Commission

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Guidance for anyone considering challenging  
a decision made by the Charity Commission  
for Northern Ireland



# Challenging a decision of the Commission

This guidance provides the information you will need to challenge a decision that has been made by the Charity Commission for Northern Ireland (the Commission).

The review procedure offers a genuine opportunity for decisions made by the Commission to be reviewed internally.

You also have the option to appeal to a separate body - the Charity Tribunal (the Tribunal). You do not need to use the Commission's internal review procedure before applying to the Charity Tribunal.

The Commission is committed at all times to making decisions which are:

- legally correct;
- fair;
- proportionate; and
- consistent.

Please check our website [www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk) to make sure you're using the latest version of the application form and guidance.

## Our Vision

The Commission's vision is to deliver, in partnership with other key stakeholders in the charitable sector:

"a dynamic and well governed charities sector in which the public has confidence, underpinned by the Commission's effective delivery of its regulatory and advisory role"

## Our Values

The Commission aspires to be respected and valued in the execution of its functions and will ensure that in the performance of our role as the Charity Regulator for Northern Ireland we will be:

**Independent:** we will maintain independence in our decision making, acting without fear or favour, in the public interest.

**Accountable:** we will be proactive in accounting to all our stakeholders, which will include involving others on a continuous and appropriate basis and taking responsibility for our decisions.

**Proportionate:** our actions, procedures and culture will be proportionate to the burden of regulation on charities of different sizes, to the degree of risk involved and to the potential impact within the resources available to us.

**Impartial:** we will exercise our powers and discretion in a way which is non-partisan and even-handed.

**Transparent:** we will communicate with and listen to our stakeholders and will be clear about our actions, intentions and expectations.

**Consistent:** we will act consistently in our decision making.

## Equality and accessibility

The Charity Commission for Northern Ireland is totally committed to equality and diversity in all that we do.

We intend to make all of our guidance available to all stakeholders. We will aim to meet all accessibility needs and offer other languages and formats for this guidance, for example Braille or audio or meet any other requirements needed in line with the Commission's Equality Scheme.

If you have any accessibility requirements please contact us.



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# Introduction

## Key information

### What does this guidance cover?

This guidance provides information on the Commission's internal decision review process, and also where to go for information on challenging a decision at the Charity Tribunal. You can use our internal decision review process to challenge any decision which is set out in Schedule 3 to the Act (see [Appendix](#)).

Some of the subjects covered are complex.

You may need this guidance for a number of reasons. For example:

1. As a charity trustee who wishes to challenge a decision the Commission has made such as issuing, or choosing not to issue, a [direction](#) for the protection of charity property;
2. As a person affected by a decision the Commission has made in reference to a charity, such as charity [beneficiaries](#) objecting to the sale of land.

### What does this guidance not cover?

You should not rely on this guidance to provide a full description of legal matters affecting your charity and the guidance does not replace advice from a charity's own professional advisers.

Charities may also be subject to other legislation or regulation. For example, [charitable companies](#) also have to be mindful of the requirements of company law. More information on this can be accessed from [Companies House](#).

This guidance will not be relevant if you wish to challenge a decision which is not listed in Schedule 3 to the Act, our decision to make a [cy-pres scheme](#), or our decision to make a [section 47 order authorising an ex-gratia payment](#). In the case of a cy-pres scheme, a challenge must be lodged with the Court of Appeal. In the case of a section 47 order, an appeal can only be brought to the Attorney General and/or the High Court.

### Who does this guidance apply to?

This guidance is aimed at charity [trustees](#), members of management committees, directors of charitable companies, or someone acting on behalf of a charity (eg solicitor, accountant, agent or adviser). It applies to all types of charity, whether they are companies, trusts or associations.

This guidance currently only applies to those organisations that appear on the [deemed list](#) of charities.

In the future, it will also apply to those organisations that are registered with the Commission.

### What is our approach to decision making?

The Commission adopts a risk based approach when making a decision. This means that we look at a range of factors when assessing information provided and in identifying any further information we might require. These factors may include:

- the nature of the decision being challenged;
- the profile of the charity concerned;
- public interest in the organisation;
- whether the case is likely to set a precedent.

### What are legal requirements and best practice?

In this guidance, where we use the word **'must'** we are referring to a specific legal or regulatory requirement. We use the word **'should'** for what we regard as best practice, but where there is no specific legal requirement. Trustees should follow the good practice guidance unless there is a good reason not to.

### Where can you find definitions of key terms?

You will find definitions of key terms in the glossary towards the end of this guidance. If you are viewing the guidance online, you can click on a word and you will be brought straight to the definition in the glossary.

### The Charities Act (Northern Ireland) 2008

References in this guidance document to "the Act" are to the Charities Act (Northern Ireland) 2008.

## How do you use this guidance?

This guidance is divided into two sections which set out and explain the different mechanisms for the action you wish to take.

**You will know which section is relevant to you by answering the following questions.**

1. Do you want to request that the Commission reviews a decision we have made?

**Yes: go to [Section 1](#)**

2. Do you want information on challenging one of our decisions through the Charity Tribunal?

**Yes: go to [Section 2](#)**

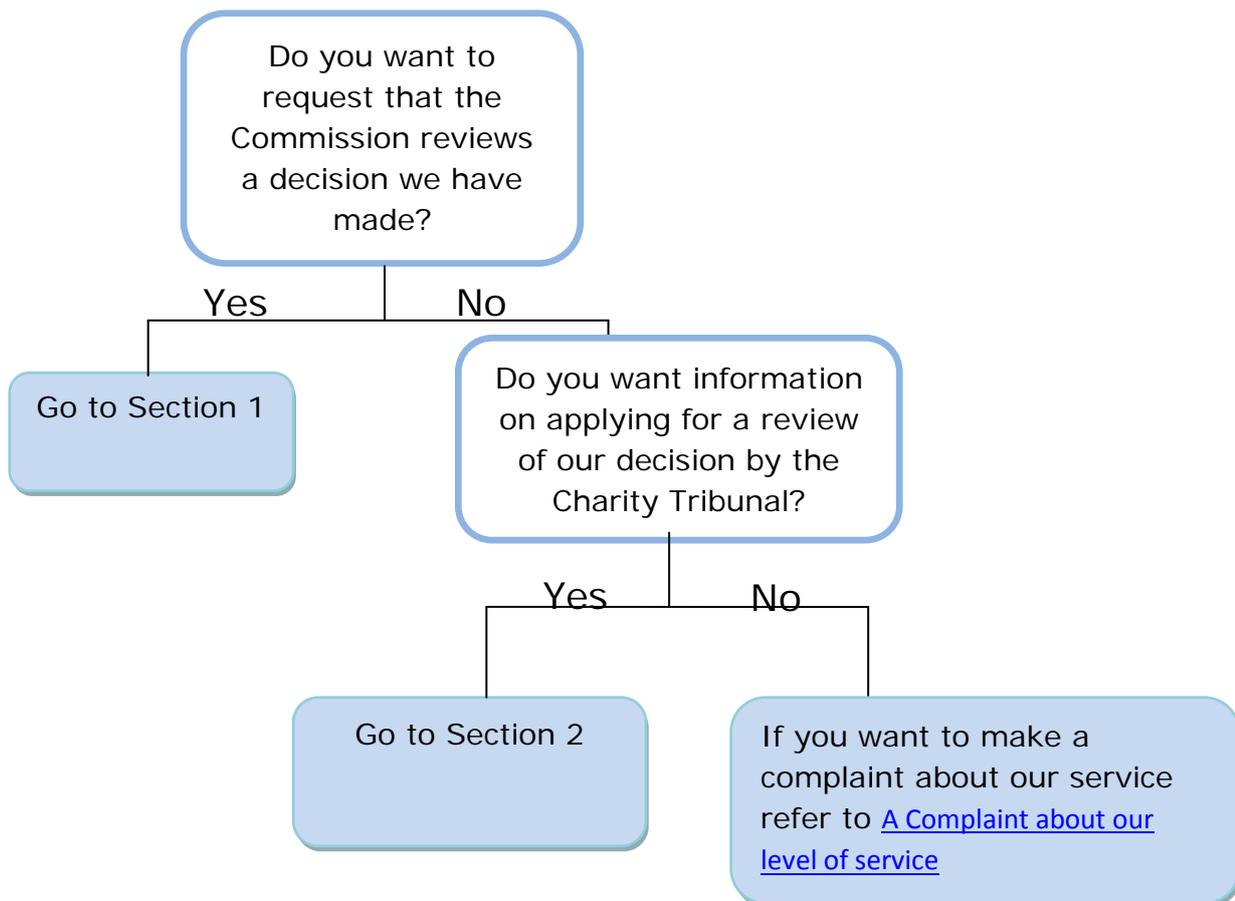
3. Do you want to make a complaint about our service?

**Yes: refer to [A Complaint about our level of service](#)**

**Alternatively, you can use the following chart to assist you to find the section relevant to your specific needs.**



## Which section of this guidance is relevant to you?



## Section 1: Internal review of a decision

### 1.1 Who can apply?

We will accept applications for a decision review from the same group of people who can appeal our decisions to the Charity Tribunal. Schedule 3 to the Act lists those who can appeal to the Tribunal. The column in the [Appendix](#) to this guidance, **“Who may apply for a decision review”** is the same as the list of people who can appeal a decision to the Charity Tribunal given in Schedule 3 to the Act. So if you can appeal to the Charity Tribunal, you can apply to us for a review of our decision. You should always consult the Appendix in advance of making an application to see if we can accept your application for a review.

An advocate or representative may request a review on your behalf, but if they are not a professional representative such as a solicitor, we may need to ask you for written confirmation that they are acting on your behalf.

#### **What is a decision?**

The Act authorises the Commission to take a wide range of decisions. These include:

- whether or not to make a:
  - [direction](#)
  - [scheme](#)
  - [order](#).
- determining whether an organisation is a charity.

### 1.2 What decisions can be reviewed internally?

We will accept applications for a decision review if the section of the Act we have used to make the decision is also one which can be appealed to the Charity Tribunal. Schedule 3 to the Act lists those sections where the decision can be appealed to the Tribunal. The column in the [Appendix](#) to this guidance, **“Decisions which can be reviewed by the**

**Commission”** is the same as the list of decisions in Schedule 3 to the Act which can be appealed to the Charity Tribunal. So if you can appeal the decision to the Charity Tribunal, you can apply to us for a review of our decision. You should always consult the Appendix in advance of making an application to see if we can accept your application for a review.

We may also, at our discretion, review an order we make provided this review takes place within 12 months of our making the order. For example, if we think we have made a mistake, or where we discover that we did not have the correct facts when we made the decision. The only exception to this will be an order made using Section 84 of the Act to dissolve an incorporated body.

### 1.3 What decisions cannot be reviewed internally?

Some decisions will not be reviewed internally by the Commission, for example the decision to open a statutory inquiry under S22 of the Charities Act. This is because it must be approved by the Board of the Commission. If you wish to seek a review of a decision to open a statutory inquiry, you must go straight to the Charity Tribunal. In the case of a cy-pres scheme, a challenge must be lodged with the Court of Appeal. In the case of a section 47 order, an appeal can only be brought to the Attorney General and/or the High Court.

### 1.4 Is there a time limit?

You must tell us within **42 days** of our decision being issued if you want to challenge it.

If there are [exceptional circumstances](#) why you are applying for a review of a decision outside of the 42 day time limit, please let us know as soon as possible. Depending on the circumstances and the decision, we may be able to accept the application outside of the time limit.

### 1.5 How do you apply?

If you disagree with one of our decisions, and would like us to review it, contact us using the decision review application form. We need you to:

- tell us what decision we gave which you would like us to review;
- tell us why you think our decision is wrong;
- provide us with any new information or evidence you have;

- tell us why a different decision is in the best interests of the charity;  
and
- tell us what your interest is in the charity and your connection to it;
- tell us the section of the Act under which the decision was made, if you have it.

It is in your best interests to provide all relevant information. If you do not, we may need to request further information from you during the course of our review which will lead to delays.

## 1.6 What is the process?

We will review your application to check if it meets the relevant criteria. If so we will progress to a decision review; if it does not, we will tell you and explain what alternatives are available to you.

Where possible, reviews are carried out by a member of staff who was not directly involved with the original decision.

We may liaise with you or other affected parties during the course of a review.

We will take into account all of the information you have provided, as well as that included in the original decision before assessing whether the original decision was correct or if it should be changed.

Once we have completed the review, we will write to inform you of the outcome and explain our reasoning. We will publish a summary of our decision on our website.

## 1.7 What are the possible outcomes?

The possible outcomes are:

- the original decision was correct and appropriate in the circumstances;
- the original decision should be changed or [overturned](#) in full;
- the original decision should be changed or overturned in part.

If we decide that our original decision should be varied in any way or overturned, we will let you know what steps are required and what action we will be taking.

## 1.8 How long will it take?

We aim to inform you of the outcome of the review within three months of receiving your application; however this will depend on the complexity of the case, whether we need to ask you for any additional information and whether we need to consider comments from other affected parties.

We will inform you if there is going to be any delay.

## **1.9 What if you are still not happy with our decision?**

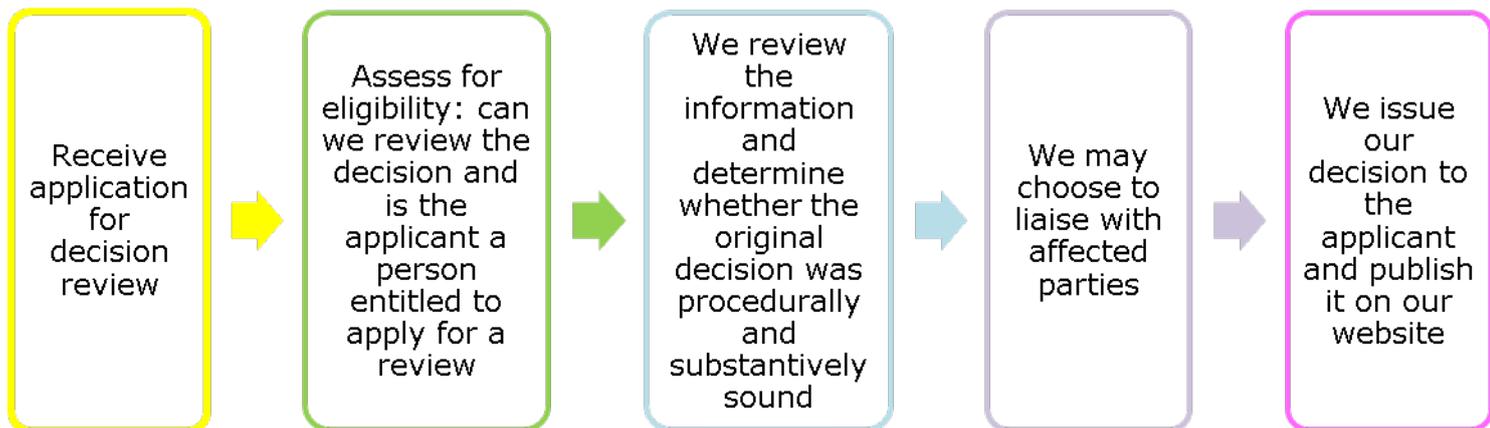
If you are not happy with the decision at the end of the review, you may be able to apply to the Charity Tribunal. For more information, see [section 2](#) of this guidance.

**The charts following may help to illustrate the process for you.**

## What is the process you should follow?



## What process does the Commission follow?



## Section 2: Appeal to the Charity Tribunal

### 2.1 What is the Charity Tribunal?

The Charity Tribunal was established on 1 April 2010 to hear appeals from decisions made by the Charity Commission for Northern Ireland. The types of decisions that can be appealed and who may bring an appeal to the tribunal are set out in Schedule 3 to the Act. We have reproduced the Schedule in the [Appendix](#) to this guidance.

The Charity Tribunal is independent of the Charity Commission for Northern Ireland. The information here is only a guide. If you are considering lodging an appeal with the Tribunal you are strongly advised to contact them directly at:

Charity Tribunal  
Tribunals Hearing Centre  
3rd Floor, Bedford House  
16-22 Bedford Street  
Belfast  
BT2 7FD

Tel: (028) 90 728732

Email: [tribunalsunit@courtsni.gov.uk](mailto:tribunalsunit@courtsni.gov.uk)

### 2.2 How do you apply?

All requests for appeal forms should be made in writing, enclosing a copy of the Commission's decision and should refer to the appropriate legislation.

### 2.3 Who can apply?

Any person listed in Schedule 3 to the Act (see [Appendix](#)) can apply to the Tribunal to challenge a decision.

### 2.4 What decisions can be appealed?

You can apply to the Tribunal to challenge any decision which is set out in Schedule 3 to the Act (see [Appendix](#)).

## 2.5 Is there a time limit?

You must lodge your appeal at the Tribunal within **42 days** of the Commission's decision being issued. However, you should contact the Tribunal to ensure that you remain within its time limit for making an appeal.

## 2.6 How much does it cost?

It is free to make an application to the Charity Tribunal, however if you decide to take professional legal advice to help with your application you will have to pay your own costs.

# Appendix

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
1(4)	A decision not to direct that an institution established for any special purpose of or in connection with a charity shall be treated as forming part of that charity or as forming a distinct charity.	<ul style="list-style-type: none"> <li>• The trustees</li> </ul>
1(5)	A decision not to direct that two or more charities having the same charity trustees shall be treated as a single charity.	<ul style="list-style-type: none"> <li>• The trustees</li> </ul>
16	A decision to enter or not to enter an institution in the register of charities.	<ul style="list-style-type: none"> <li>• The trustees or those who claim to be the trustees,</li> <li>• In the case of a body corporate, the institution itself, and</li> <li>• Any other person who may be affected by the decision.</li> </ul>
16	A decision to remove or not to remove an institution from the register of charities.	<ul style="list-style-type: none"> <li>• The trustees or those who claim to be the Trustees,</li> <li>• In the case of a body corporate, the institution itself, and</li> <li>• Any other person who may be affected by the decision.</li> </ul>
16(9)	A determination that information in the register of charities shall not be open to the public.	<ul style="list-style-type: none"> <li>• The trustees of the charity to which the information relates,</li> <li>• In the case of a body corporate, the institution itself, and</li> <li>• Any other person who may</li> </ul>

		<p>be affected by the decision.</p>
20	<p>A Direction requiring the name of a charity to be changed.</p>	<ul style="list-style-type: none"> <li>• The trustees of the charity to which the Direction relates,</li> <li>• In the case of a body corporate, the institution itself, and</li> <li>• Any other person who may be affected by the Direction.</li> </ul>
22	<p>A decision to institute an inquiry into a particular institution.</p>	<ul style="list-style-type: none"> <li>• The persons who have control or management of the institution, and</li> <li>• In the case of a body corporate, the institution itself.</li> </ul>
22	<p>A decision to institute an inquiry into a class of institutions.</p>	<ul style="list-style-type: none"> <li>• The persons who have control or management of the institution which is a member of the class of institution, and</li> <li>• In the case of a body corporate, any such institution.</li> </ul>
23	<p>Order requiring a person to supply information or a document.</p>	<ul style="list-style-type: none"> <li>• The person required to supply the information or document.</li> </ul>
31(1)	<p>(a) Order establishing a scheme for the administration of a charity;</p> <p>(b) Order appointing, discharging</p>	<ul style="list-style-type: none"> <li>• For section 31(1)(a) - the trustees, or if a body corporate, the charity itself;</li> </ul>

or removing a charity trustee, or removing an officer or employee;

(c) Order vesting or transferring property, or requiring or entitling any person to call for or make any transfer of property or any payment.

- For section 31(1)(b) - any person removed or discharged by the Order;
- Any other person who is or may be affected by the order.

**33(1)(i)**

Order to suspend a trustee, charity trustee, officer, agent or employee of the charity from the exercise of office or employment pending consideration of that person's removal.

- The trustees, or if a body corporate, the charity itself,
- Any person suspended by the Order,
- Any other person who is or may be affected by the order.

**33(1)(ii)**

Order to appoint additional charity trustees considered necessary for the proper administration of the charity.

- The trustees, or if a body corporate, the charity itself,
- Any other person who is or may be affected by the order.

**33(1)(iii)**

Order to vest any property held by or in trust for the charity in the official custodian, or require the persons in whom any such property is vested to transfer it to the official custodian, or appoint any person to transfer such property to the official custodian.

- The trustees, or if a body corporate, the charity itself,
- Any other person who is or may be affected by the order.

**33(1)(iv)**

Order any person who holds any property on behalf of the charity, or of any trustee for it, not to part with the property without the approval of the Commission.

- The trustees, or if a body corporate, the charity itself,
  - Any other person who is or may be affected by the order.
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33(1)(v)	Order to any debtor to the charity not to make any payment in or towards the discharge of liability to the charity without the approval of the Commission.	<ul style="list-style-type: none"> <li>• The trustees, or if a body corporate, the charity itself,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
33(1)(vi)	Order to restrict the transactions which may be entered into, or the nature or amount of the payments which may be made, in the administration of the charity, without the approval of the Commission.	<ul style="list-style-type: none"> <li>• The trustees, or if a body corporate, the charity itself,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
33(1)(vii)	Order the appointment of an interim manager who shall act as receiver and manager in respect of the property and affairs of the charity.	<ul style="list-style-type: none"> <li>• The trustees, or if a body corporate, the charity itself,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
33(2)(i)	Order the removal of a trustee, charity trustee, officer, agent or employee of the charity who has been responsible for misconduct or mismanagement.	<ul style="list-style-type: none"> <li>• The trustees, or if a body corporate, the charity itself,</li> <li>• Any person removed by the Order,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
33(2)(ii)	Order the establishment of a scheme for the administration of the charity.	<ul style="list-style-type: none"> <li>• The trustees, or if a body corporate, the charity itself,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
33(4)	Order to remove a trustee.	<ul style="list-style-type: none"> <li>• The trustee removed,</li> <li>• The remaining trustees,</li> </ul>

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		<ul style="list-style-type: none"> <li>• If a body corporate, the charity itself,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
33(5)	Order appointing a charity trustee.	<ul style="list-style-type: none"> <li>• The other charity trustees,</li> <li>• If a body corporate, the charity itself,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
33(10)	A decision either to discharge or not to discharge an order following a review of any of the section 33 orders.	<ul style="list-style-type: none"> <li>• The trustees, or if a body corporate, the charity itself,</li> <li>• Any other person who is or may be affected by the order,</li> <li>• Any person who may have been suspended by an order under section 33(1)(b)(i).</li> </ul>
34(2)	Order made to suspend a person from membership of a charity.	<ul style="list-style-type: none"> <li>• The person suspended,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
36(2)	An Order directing the charity to take action specified in the Order considered expedient for the interests of the charity.	<ul style="list-style-type: none"> <li>• Any person directed by the Order to take the specified action.</li> </ul>
37(2)	An Order to direct a person to apply property in a specified manner.	<ul style="list-style-type: none"> <li>• Any person directed by the Order to apply the property</li> </ul>

43

A decision by the Commission not to make a common investment scheme.

in the specified manner.

- The trustees of the charity which has applied for the scheme, or if a body corporate, the charity itself,
- Any other person who is or may be affected by the decision.

44

A decision by the Commission not to make a common deposit scheme.

- The trustees of the charity which has applied for the scheme, or if a body corporate, the charity itself,
- Any other person who is or may be affected by the decision.

46

Decision not to make an order under this section.

- The trustees of the charity, or if a body corporate, the charity itself.

48

Direction given by the Commission under this section in relation to an account held in the name of or on behalf of a charity.

- The trustees of the charity, or if a body corporate, the charity itself,
- Any other person who is or may be affected by the Direction.

57

Decision of the Commission not to make an order under this section in relation to land held by or in trust for a charity.

- The trustees of the charity, or if a body corporate, the charity itself,
  - Any other person who is or may be affected by the decision.
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60

Decision of the Commission not to make an order under this section in relation to a mortgage of land held by or in trust for a charity.

- The trustees of the charity, or if a body corporate, the charity itself,
- Any other person who is or may be affected by the decision.

65(6)

An Order made requiring the accounts of a charity to be audited.

- The trustees of the charity, or if a body corporate, the charity itself,
- Any other person who is or may be affected by the order.

66(2)

An order made requiring that information be made available or access to accounts be given to an auditor or independent examiner.

- The trustees of the charity, or if a body corporate, the charity itself,
- Any other person who is or may be affected by the order.

66(2)

A decision not to make an order to require that information be made available or access to accounts be given to an auditor or independent examiner.

- The trustees of the charity, or if a body corporate, the charity itself,
- The auditor, independent examiner or examiner,
- Any other person who is or may be affected by the decision.

70(1)

A decision not to dispense with the requirements that a charity shall prepare an annual financial return.

- The trustees of the charity affected by the decision.

73(1)

A decision to grant or not to grant a certificate of incorporation.

- The trustees of the charity.
  - Any other person who is or
-

		may be affected by the decision.
79(4)	A decision to amend a certificate of incorporation.	<ul style="list-style-type: none"> <li>• The trustees of the charity.</li> <li>• Any other person who is or may be affected by the amended certificate.</li> </ul>
79(4)	A decision not to amend a certificate of incorporation.	<ul style="list-style-type: none"> <li>• The trustees of the charity,</li> <li>• Any other person who is or may be affected by the decision not to amend the certificate of incorporation.</li> </ul>
84	An order of the Commission which dissolves an incorporated body.	<ul style="list-style-type: none"> <li>• The trustees of the charity,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
86(4)	A decision to waive, or not to waive, a person's disqualification for being a charity trustee.	<ul style="list-style-type: none"> <li>• The person who has applied for the waiver,</li> <li>• Any other person who is or may be affected by the decision.</li> </ul>
87(4)	An order against a person who has acted as a charity trustee or trustee for a charity while disqualified for being a charity trustee.	<ul style="list-style-type: none"> <li>• The person subject to the order,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
90(5) or (6)	An order requiring a trustee or connected person to repay, or not to	<ul style="list-style-type: none"> <li>• The trustee or connected person,</li> </ul>

	receive, remuneration.	<ul style="list-style-type: none"> <li>• The other charity trustees of the charity concerned,</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
96(2) or 98(1)	Decision to give or withhold consent under section 96(2) to enable a company or body corporate to alter its objects clause to cease being a charity; Section 97(4) to ratify an act under Article 45(3) of the Companies (NI) Order 1986 or to ratify a transaction subject to Article 330A of that Order; Section 98(1) to approve approval of members of a transaction under any provision of Chapter 4 of Part 10 of the Companies Act 2006 and to approve affirmation of members of the company under section 196 or 214 of that Act.	<ul style="list-style-type: none"> <li>• The trustees of the charity,</li> <li>• The body corporate itself,</li> <li>• Any other person who is or may be affected by the decision.</li> </ul>
104(1)	An order that the condition and relevant accounts of a charity shall be investigated and audited by an auditor appointed by the Commission.	<ul style="list-style-type: none"> <li>• The directors of the company,</li> <li>• The company itself</li> <li>• Any other person who is or may be affected by the order.</li> </ul>
104(5)	An order made requiring that access to information be given to an auditor appointed by CCNI to investigate a charitable company's accounts.	<ul style="list-style-type: none"> <li>• The charity itself,</li> <li>• The auditor, where CCNI decides not to make an order,</li> <li>• Any other person who is or may be affected by the order or decisions.</li> </ul>
110	Decision to grant an application for the constitution of a CIO and its	<ul style="list-style-type: none"> <li>• Any person, other than the persons who made the</li> </ul>

	registration as a charity.	application, who is or may be affected by the decision.
113	Decision to refuse an application for the conversion of a charitable company or a registered society into a CIO and the CIO's registration as a charity.	<ul style="list-style-type: none"> <li>• The charity which made the application,</li> <li>• The charity trustees of the charity,</li> <li>• Any other person who is or may be affected by the decision.</li> </ul>
116	Decision to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	<ul style="list-style-type: none"> <li>• The creditor of any of the CIOs being amalgamated.</li> </ul>
116	Decision to refuse an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	<ul style="list-style-type: none"> <li>• The CIOs which applied for the amalgamation,</li> <li>• The charity trustees of the CIOs,</li> <li>• Any other person who is or may be affected by the decision.</li> </ul>
118(1)	Decision to confirm a resolution passed by a CIO that resolves that all its property, rights and liabilities should be transferred to another CIO.	<ul style="list-style-type: none"> <li>• Any creditor of the CIO.</li> </ul>
118(1)	Decision to refuse a resolution passed by a CIO that resolves that all its property, rights and liabilities should be transferred to another CIO.	<ul style="list-style-type: none"> <li>• The CIO,</li> <li>• The charity trustees of the CIO,</li> <li>• Any other person who is or may be affected by the</li> </ul>

124(2)	Decision to notify charity trustees that the Commission objects to a resolution of the charity trustees under section 123(2) or 126(2).	<p>decision.</p> <ul style="list-style-type: none"> <li>• The charity trustees,</li> <li>• Any other person who is or may be affected by the decision.</li> </ul>
129	Decision not to concur under section 129 with a resolution of charity trustees under section 129(3) or section 130(2).	<ul style="list-style-type: none"> <li>• The trustees of the charity, or if a body corporate, the charity itself.</li> <li>• Any other person who is or may be affected by the decision.</li> </ul>
138	Decision to refuse to issue a public collections certificate or to attach any condition to such a certificate.	<ul style="list-style-type: none"> <li>• The person who applied for the certificate.</li> </ul>
141	Decision not to transfer a public collections certificate.	<ul style="list-style-type: none"> <li>• The person to whom the certificate was issued.</li> <li>• Any other person who is or may be affected by the decision.</li> </ul>
166	A decision to refuse a charity religious designation.	<ul style="list-style-type: none"> <li>• The trustees of the charity, or if a body corporate, the charity itself.</li> </ul>
166(5)	Decision to withdraw the designation of a charity as a designated religious charity.	<ul style="list-style-type: none"> <li>• The trustees of the charity, or if a body corporate, the charity itself.</li> </ul>

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Paragraph 6(5) or Paragraph 7(2) of Schedule 6

An order requiring group accounts of a parent charity to be audited.

- The charity trustees of the parent charity,
- The parent charity itself if it is a corporate body,
- Any other person who would be affected by the order.

Paragraph 8(4) of Schedule 6

An order in relation to a member of a group, or a decision not to make such an order in relation to a member of a group.

- The charity trustees of the member of the group,
- The member of the group itself if it is a corporate body,
- The auditor, independent examiner or examiner where the Commission decides not to make an order.
- Any other person who is or may be affected by the order or the decision.

Paragraph 15(3) of Schedule 7

Decision to refuse to register an amendment to the constitution of a CIO.

- The CIO,
- The charity trustees of the CIO,
- Any other person who is or may be affected by the decision.

Section 42(4) of the Companies Act 2006

Decision of the Commission to give or withhold consent.

- The charity trustees,
  - The company itself,
  - Any other person who is or may be affected by the decision.
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## Glossary

<b>Affected parties</b>	Affected parties are those likely to be impacted by or involved in a decision, eg a charity's donors, members, funders or beneficiaries where a charity plans to amend its purposes. This may also include external parties such as individuals living in a locality within which a charity is based or operates.
<b>Beneficiaries</b>	A legal term for a person or group of people eligible to benefit from a charity's work. The beneficiary group of a charity will be defined in the charity's governing document. Beneficiaries may sometimes be called clients or service users.
<b>Cy-près scheme</b>	Is a legal process that allows the Commission to interpret terms of a will or gift if carrying out the terms literally would be impracticable or illegal. At the same time, the general intention of the testator or donor is observed as closely as possible.
<b>Section 47 order: ex-gratia payment</b>	<p>Is an order of the Commission granting consent to a payment by a charity where the trustees of that charity believe that they are under a moral obligation to make it:</p> <ul style="list-style-type: none"><li>• but they are not under a legal obligation to do so;</li><li>• they do not have the power under the governing document of the charity to do so; and</li><li>• the payment is <b>not</b> explicitly in the interest of the charity.</li></ul>
<b>Charitable company</b>	A charity which is registered as a company with Companies House. It will usually have articles of association and memorandum as its governing document and it has its own legal identity.
<b>Direction</b>	Directions are actions specified of charity trustees and other in the administration of a charity. They may be used during the course of our compliance work and to ensure the proper administration of a charity.
<b>Directors</b>	In the case of a charitable company it is the directors who are the charity trustees.
<b>Statutory</b>	This means the power or mechanism to do something

<b>power</b>	is based on a legislative provision or law.
<b>Trustees</b>	<b>Trustee</b> means a <b>charity trustee</b> . <b>Charity trustees</b> are the people who are responsible for the general control of the management of the administration of the charity. In the charity's governing document they may be collectively called trustees, the board, managing trustees, the management committee, governors or directors, or they may be referred to by some other title.
<b>Order</b>	Orders can be used in many circumstances; they can authorise trustees to do something that their trusts don't otherwise allow, or to do something which is in the interest of the charity. They can also be used to protect charities and their property.
<b>Scheme</b>	A scheme can change or replace the trusts of a charity.
<b>Exceptional circumstances</b>	These are genuine reasons why an application could not have been made within the application time limits. For example, as a result of religious holidays, bereavement or a postal strike.
<b>Overtaken Accessibility requirements</b>	Is the reversal of a decision of the Commission. Are requirements a person may need to access a product, device, or service. For example a person may require our assistance in accessing our website content or completing application forms.

## Useful links

[A Complaint about our level of service](#)

[Freedom of Information statement](#)

[Northern Ireland Courts and Tribunals Service](#)

[Website of the Charity Tribunal \(Northern Ireland\)](#)

[Charity Tribunal rules](#)

# Freedom of information and data protection

## Data Protection

Any information you give us will be held securely and in accordance with the rules on data protection. Your personal details will be treated as private and confidential and safeguarded, and will not be disclosed to anyone not connected to the Charity Commission for Northern Ireland unless you have agreed to its release, or in certain circumstances where:

- we are legally obliged to do so;
- it is necessary for the proper discharge of our statutory functions;
- it is necessary to disclose this information in compliance with our function as regulator of charities where it is in the public interest to do so.

We will ensure that any disclosure made for this purpose is proportionate, considers your right to privacy and is dealt with fairly and lawfully in accordance with the Data Protection Principles of the Data Protection Act.

The Data Protection Act 1998 regulates the use of “personal data”, which is essentially any information, whether kept in computer or paper files, about identifiable individuals. As a “data controller” under the Act, the Charity Commission for Northern Ireland must comply with its requirements.

## Freedom of Information

The Freedom of Information Act 2000 gives members of the public the right to know about and request information that we hold. This includes information received from third parties.

If information is requested under the Freedom of Information Act we will release it, unless there are relevant exemptions. We may choose to consult with you first if this relates to your consultation or application. If you think that information you are providing may be exempt from release if requested, please let us know.

## If you are unhappy with our decision

If you disagree with one of our decisions, we would like to reconsider it ourselves in the first instance. Our decision review procedure offers a genuine opportunity for our decisions to be looked at afresh. If you ask us to review a decision, where possible we will refer the matter to someone who did not make the original decision.

In the case of a cy-pres scheme, a challenge must be lodged with the Court of Appeal. In the case of a section 47 order, an appeal can only be brought to the Attorney General and/or the High Court.

Further information about our activities is available from:

**Charity Commission for Northern Ireland**  
**257 Lough Road**  
**Lurgan**  
**Craigavon**  
**BT66 6NQ**

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