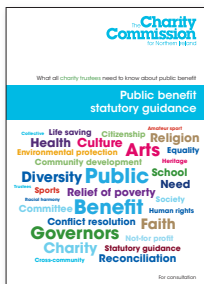


Supporting guidance for charity trustees

The advancement of animal welfare

Collective Life saving Citizenship Amateur sport
Health Culture Religion
Environmental protection Arts Equality
Community development Heritage
Diversity Science School
Trustees Sports Need
Racial harmony **Animal welfare**
Committee Improvement Society
Conflict resolution Faith
Governors Not-for profit
Charity Advancement
Relief of poverty Human rights
Cross-community Reconciliation



This supporting guidance must be read alongside the Commission's statutory guidance on public benefit.

Online or in print

If you are viewing this guidance online, you will be able to navigate your way around by clicking on links either within the text, at the top of each page, or in the chart.

If you choose to read this document in a printed format, you can still use the section headings and page numbers to assist you in moving around the guidance.

We have produced a glossary which provides further information, definitions and descriptions of some key terms. The words in **green type** indicate words that are found in the glossary. You can find these definitions either by downloading the glossary as a separate document or, if you are reading the guidance online, by clicking on the green words which link to the glossary.

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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Section 1: What is meant by the advancement of animal welfare?

1.1 Definition

This includes preventing or stopping cruelty to animals, or preventing or relieving of suffering by animals.

Examples

The following is a list of examples of the sorts of **charities** and **charitable purposes** which might fall within this description. The list is not exhaustive, so even if there is not an example which relates directly to your organisation's purposes, they may still fit under this description.

- charities promoting kindness to animals;
- animal sanctuaries;
- charities seeking to prevent or stop cruelty to animals;
- charities providing veterinary care and treatment;
- charities concerned with the care and re-homing of animals that are abandoned, mistreated or lost;
- feral animal control for example neutering.

Examples of purposes which are not charitable, or where the case is yet to be made

Examples include:

- an association formed to lobby for a ban on performing animals (which would be a **political purpose**, in that it was an attempt to change the law).

This is because principles drawn from case law suggest that they are unlikely to be able to do so. We will always, however, consider organisations' and trustees' rationale on a case by case basis.

Section 2: Applying the principles of public benefit to the advancement of animal welfare

The guidance below sets out examples of how public benefit applies to an organisation with the purpose of advancing animal welfare. It is not intended to be a full interpretation of the law in every set of circumstances. However, it is our intention that the examples we provide will help you to apply the public benefit principles to your organisation.

This should help you to clarify:

1. The benefits your charity's **purposes** are intended to provide;
2. Whether your charity's purposes are intended to benefit the public in general; or
3. The section of the public that your charity's purposes are intended to benefit.

A charity aiming to advance animal welfare must:

- identify the section of the public or group of persons to benefit; and
- determine how the actions of the charity can benefit that section of the public.

2.1 Identifying your intended beneficiaries

The intended **beneficiaries** of this **charitable purpose** are not actually animals. As with any of the charitable purposes, the intended beneficiaries must be the general public or a **sufficient section** of the public.

For example, in advancing animal welfare, people must gain a sense of inner happiness or well-being; any benefit to the animals is purely **incidental**.

2.2 Identifying your benefits

The advancement of animal welfare includes working towards the protection and promotion of the welfare of animals. An organisation simply dealing with animals is not necessarily charitable, for example boarding kennels.

Benefit may be reasonably simple to prove, for example a cats home that takes in and cares for stray cats. However, it can be more difficult to demonstrate the benefit experienced when the public know that sick animals are being cared for. Benefit need not be quantifiable or measured.

2.3 Ensuring your benefits are for the public

Benefit must be to the public or to a section of the public and must not be unreasonably **restricted**.

For example, a trust to provide land, from which mankind was to be excluded, in which animals and birds could live without being at risk from man, but being at risk from each other, was not a valid charitable trust. The public were excluded from the sanctuary altogether and derived no benefit from its existence.

2.4 Balancing benefit against detriment or harm

Benefit must be balanced against **detriment or harm**. An example where it may be argued that there is detriment or harm that is greater than the benefit might be if an organisation existed to advance the welfare of animals used in medical experiments; the result of no or limited experimentation may be of greater harm to the public than the benefit to the welfare of those animals.

2.5 Public benefit rather than private benefit

Any **private benefit** must be **incidental**.

For example, if a **charity's purposes** are to provide funds to help sick animals and a vet was paid to treat them, then the benefit to the vet would be private but incidental to the **purposes** of the charity.

Useful publications

Statutory guidance on public benefit

The 'public' and 'benefit' elements supporting guidance

The prevention or relief of poverty supporting guidance

The advancement of education supporting guidance

The advancement of religion supporting guidance

The advancement of health or the saving of lives supporting guidance

The advancement of citizenship or community development supporting guidance

The advancement of the arts, culture, heritage or science supporting guidance

The advancement of amateur sport supporting guidance

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity supporting guidance

The advancement of environmental protection or improvement supporting guidance

The relief of those in need supporting guidance

Any other purposes supporting guidance

Glossary

Frequently asked questions (FAQs)

For more information on all of our work
please see the Charity Commission website:

www.charitycommissionni.org.uk

Our preferred method of contact is email:

admin@charitycommissionni.org.uk

The Charity Commission for Northern Ireland (CCNI) is the new regulator of charities in Northern Ireland, a non-departmental public body sponsored by the Department for Social Development.

Our aims

- the Commission aims to develop a regulatory framework in which the public have confidence and in which charities can grow and flourish, clear in the knowledge of their rights and responsibilities;

And

- manage the establishment of the organisation to a statutory non-departmental public body following the full implementation of the **Charities Act (Northern Ireland) 2008**.

Further information about our activities is available from:

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