

Any other charitable purpose

Supporting document for charity trustees

Any other charitable purpose – supporting document for charity trustees

The Charity Commission for Northern Ireland

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

Our vision

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.”

Further information about our aims and activities is available on our website www.charitycommissionni.org.uk

Equality

The Commission is committed to equality and diversity in all that we do.

Accessibility

If you have any accessibility requirements please contact us.

Online or in print

If you are viewing this document online, you will be able to navigate your way around by clicking on links either within the contents page or text.

We have produced a glossary that provides further information, definitions and descriptions of some key terms. The words in **bold green type** indicate words that are found in the *Public benefit glossary*.

Contents

Section 1	Overview	
Section 2	What is meant by any other charitable purpose?	5
2.1	Meaning	
Section 3	Applying the principles of public benefit	6
	Useful publications	8
	If you are dissatisfied with our service	9
	Freedom of information and data protection	10

Section 1: Overview

This supporting document is intended for charity trustees of organisations which have a purpose falling under the 'any other purposes' description of charitable purpose.

It is one of 12 supporting guidance documents covering each of the descriptions of charitable purposes listed in the Charities Act (Northern Ireland) 2008. It provides further information to assist charity trustees in understanding the *Public benefit requirement* statutory guidance and applying the principles of public benefit to the purposes of their organisation.

In sections 2 and 3 this supporting document explains what is meant by any other purposes and applies the principles of public benefit to this purpose, providing practical examples.

You may also wish to refer to the Commission's guidance on:

- *Running your charity* which deals with operating your organisation for the public benefit; and
- *Registering as a charity in Northern Ireland* which explains the online registration process.

Section 2: What is meant by any other charitable purpose?

2.1 Meaning

It is impossible to list all potential **charitable purposes**. This heading allows for any purposes which are not expressly identified in the **Charities Act (Northern Ireland) 2008** but are similar in nature or **purpose** and have been **established** by the courts to be **charitable purposes** in the past or can be regarded as similar to the charitable purposes set out in the Act or recognised by the courts. It is important to remember that this description of purpose has a specific meaning, and is not designed as a 'catch-all' purpose or to cover general charitable purposes. You must not use this description for any purpose that would fit within one of the other descriptions of purpose.

For example, the promotion of industry and commerce for the public benefit, the relief of the community from taxes and the preservation of public order have been recognised as charitable purposes, and remain so.

If a charity's purposes are not listed in the main descriptions of purposes in the Charities Act, they may still be charitable because:

- they are charitable under charity case law or are sufficiently similar to purposes that are charitable under charity case law
- they fall under those purposes listed in the Recreational Charities Act (NI) 1958.

The purposes set out in the Recreational Charities Act (NI) 1958 are to provide, or assist in the provision of, facilities for recreation or other leisure-time occupation, if the facilities are provided in the interests of **social welfare**.

Examples of provision of facilities are given in the Recreational Charities Act and include area village halls, community centres and women's institutes, and the provision of grounds and buildings to be used for recreation or leisure-time occupation.

Whilst the definition of **social welfare** assists in providing guidance to prove public benefit, the general public benefit principles, detailed in our **Public benefit requirement** statutory guidance must also be applied to any organisation with purposes of this nature.

Section 3: Applying the principles of public benefit to any other charitable purpose

Your organisation's **purposes** must be for the public benefit and all of its **purposes** must be **charitable** in order for it to be a charity.

It must be clear what the intended or actual benefit of the purpose(s) of a charity are and who the **beneficiaries** are to be.

Set out below are examples of how public benefit applies to an organisation with the purpose falling under the any other purposes description. 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 understand how the public benefit requirement applies 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
3. the **section of the public** that your charity's purposes are intended to benefit.

A charity must:

- identify the **section of the public** that can benefit from its purposes
- determine how its purposes can benefit the public or section of the public.

This is a very wide description of purposes and there are many types of **charities** that could fall under this heading.

3.1 Identifying your intended beneficiaries

In the case of organisations with another charitable purpose, the intended beneficiaries will depend on the nature of the charity. For example, the provision of facilities for recreation may be extended to all members of the local community. Alternatively, a charity's purposes may provide for facilities to be made available to women, or men only.

3.2 Identifying your benefits

Benefits must be clear and appropriate to purposes and so you must understand what need your organisation is seeking to achieve and who its intended beneficiaries are.

For example, the benefit to the public flowing from the provision of facilities for recreation may be improving the conditions of life for the persons for whom they are intended.

In some cases the benefits may not be straightforward and we may require further information so that we can be satisfied that there is sufficient benefit to the public.

3.3 Ensuring the benefit is for the public

Benefit must be for the public or a **section of the public**.

For example, a charity's purposes may be confined to the provision of recreation facilities for women or for men only.

3.4 Purposes must be beneficial, not harmful

Purposes must be beneficial, not harmful. In assessing the purposes of an organisation, we will look at whether there is any harm flowing from the purposes.

3.5 Private benefit must be incidental

Any **private benefit** must be **incidental**. For example, if a charity provides facilities for recreation in the interests of social welfare, it might result in economic regeneration in the area benefiting local business people, but this is necessary and incidental in advancing the charity's purposes.

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Useful publications

Statutory guidance on the public benefit requirement PBR1

The prevention or relief of poverty supporting document PBSD01

The advancement of education supporting document PBSD02

The advancement of religion supporting document PBSD03

The advancement of health or the saving of lives supporting document PBSD04

The advancement of citizenship or community development supporting document PBSD05

The advancement of the arts, culture, heritage or science supporting document PBSD06

The advancement of amateur sport supporting document PBSD07

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity supporting document PBSD08

The advancement of environmental protection or improvement supporting document PBSD09

The relief of those in need supporting document PBSD10

The advancement of animal welfare supporting document PBSD11

Any other charitable purpose supporting document PBSD12

Public benefit glossary PBG

Frequently asked questions (FAQs)

Running your charity

If you are dissatisfied with our service

The Commission is committed to delivering a quality service at all times. However, we know that sometimes things can go wrong. If you are dissatisfied with the service you have received, we would like to hear from you, and have a procedure that you can use. You will find further information on these processes in our guidance, *Making a complaint about our services*, which is on our website www.charitycommissionni.org.uk

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 Commission 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 Commission 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

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Further information on our activities is available from:

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