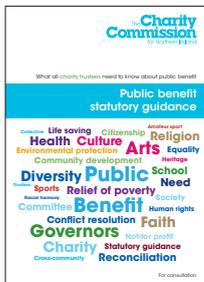


Supporting guidance for **charity trustees**

# The advancement of environmental protection and improvement



A word cloud of various terms related to charity and social services. The words are in shades of blue and cyan, with some in bold. The terms include: Collective, Life saving, Citizenship, Amateur sport, Health, Culture, Arts, Religion, Equality, Environmental protection, Community development, Heritage, School, Diversity, Religion, Need, Trustees, Sports, Animal welfare, Racial harmony, Committee, Improvement, Society, Conflict resolution, Faith, Governors, Not-for profit, Advancement, Charity, Relief of poverty, Human rights, Reconciliation, and Cross-community.



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 environmental protection and improvement?

## 1.1 Definition

This includes preservation and conservation of the natural environment and promoting sustainable development.

### 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 concerned with conservation of plants, animals or the environment generally;
- charities concerned with conserving a particular area;
- charities concerned with conserving a particular species;
- the promotion of sustainable development and biodiversity;
- the promotion of recycling and sustainable waste management;
- the restoration of a landscape spoiled by industrial development;
- the restoration of woodland which has been neglected.

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

Examples include:

- an organisation promoting the reintroduction of the wolf into the UK was not registered by the Charity Commission for England and Wales because the promotion of the reintroduction of wolves as an end in itself was not a charitable purpose;
- similarly, a trust for the preservation of animals which are purely harmful to the public will not be charitable.

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 environmental protection and improvement

The information below sets out examples of how public benefit applies to an organisation with the purpose of advancing environmental protection or improvement. 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 environmental protection or improvement 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 or persons.

Advancement of environmental protection or improvement means working towards the protection and/or improvement of an environment or the environment rather than being merely about the environment.

Examples of **charities** that may fall under this head are preservation or conservation groups or an organisation that promotes sustainable development. Although it may be that a preservation group has purposes better suited to arts and heritage, depending on the type of preservation it's involved in.

### 2.1 Identifying your intended beneficiaries

It must be clear who the **beneficiaries** are. For example, an organisation that has the purpose of preserving the environment may be for the benefit of the people who live in a particular area or for society at large.

### 2.2 Identifying your benefits

If it is not obvious how an organisation will protect or improve the environment we may seek evidence to demonstrate potential protection or improvement. For example, to justify the conservation of a species, land or habitat, there must be a reasonable chance of preservation or conservation.

Affiliation with an umbrella body or association may be sufficient evidence to show that it is of ecological interest.

Benefits must be related to and appropriate to purposes. For example, if an organisation has purposes to protect the environment then it should not be using funds to run a soup kitchen, unless the relief of poverty is also one of its **purposes**.

## 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, it may be legitimate for a site to restrict access to certain times and dates each year. **Charity trustees** would need to provide evidence to demonstrate that the restriction is justified on grounds such as preservation, necessity for security arrangements or real lack of resource.

## 2.4 Balancing benefit against detriment or harm

Benefit must be balanced against **detriment or harm**.

An organisation that conserved or promoted a species that is detrimental to other wildlife may not be charitable if the benefit to the public in the conservation or promotion of the species is outweighed by the harm done to other wildlife.

## 2.5 Public benefit rather than private benefit

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

For example, if a charity's funds are used to provide a bus service to an ecology project this may be a necessary cost to ensure that certain types of individuals can visit but it is incidental because the purpose of the charity is to support the local ecology.

## 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 relief of those in need supporting guidance

The advancement of animal welfare 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](http://www.charitycommissionni.org.uk)**

Our preferred method of contact is email:

**[admin@charitycommissionni.org.uk](mailto: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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**Follow our public benefit and registration consultation on Twitter #publicbenandreg**

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