

# The advancement of the arts, culture, heritage or science

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Supporting document for charity trustees

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## 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](http://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

<b>Section 1</b>	<b>Overview</b>	3
<b>Section 2</b>	<b>What is meant by the advancement of the arts, culture, heritage or science?</b>	5
2.1	Meaning	
<b>Section 3</b>	<b>Applying the principles of public benefit</b>	6
3.1	Identifying your intended beneficiaries	
3.2	Identifying your benefits	
3.3	Ensuring your benefits are for the public	
3.4	Purposes must be beneficial, not harmful	
3.5	Private benefit must be incidental	
	<b>Useful publications</b>	9
	<b>If you are dissatisfied with our service</b>	10
	<b>Freedom of information and data protection</b>	11

## Section 1: Overview

This supporting document is intended for charity trustees of organisations which have a purpose falling under the 'advancement of the arts, culture, heritage or science' description of charitable purpose.

It is one of 12 supporting 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 the advancement of the arts, culture, heritage or science 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 the advancement of the arts, culture, heritage or science?

### 2.1 Meaning

Culture is a broad term used to refer to a range of features or **activities** which are distinctive to a society or group, for example art, music, theatre, literature, language, dance and other traditions.

The advancement of the arts covers a wide range of charitable activity at a local or national level, either **professional** or amateur. It also includes providing arts venues and facilities and the encouragement of high standards in the arts. Arts includes visual, abstract, conceptual and performance art.

Heritage, in its tangible and intangible forms, might be regarded as part of a country's local or national history and traditions which are passed down through successive generations. Advancing heritage includes preserving historic land, buildings and items, as well as preserving or maintaining particular traditions where they are of benefit to the public.

The advancement of science includes scientific research and **charities** connected with various institutions.

#### 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.

A charity advancing the arts, culture, heritage or science for the public benefit might be set up to:

- provide art galleries, art festivals and arts or heritage councils
- promote or encourage high standards in the arts including music, visual art such as painting, drawing or sculpture, photography, theatre, dance, literature and cinema
- promote crafts and craftsmanship
- promote local or national history or archaeological societies

The advancement of the arts, culture, heritage or science – supporting document for charity trustees

- preserve ancient sites or buildings
- preserve historical traditions such as carnivals, folk societies and traditional dancing societies
- provide a science museum or operate as a scientific institution.

Examples of purposes which are not charitable under this description, or where the case is yet to be made, include:

- the maintenance of an art collection or library with the purpose of the promotion of ideas or propaganda relating to one specific political point of view or ideology
- the maintenance of a collection of objects of no cultural, scientific or other merit or value.

We will always consider an organisation's purposes on a case by case basis.

## Section 3: Applying the principles of public benefit to the advancement of the arts, culture, heritage or science

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 of advancing the arts, culture, heritage or science. 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 identify:

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 aiming to advance the arts, culture, heritage or science must:

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

### 3.1 Identifying your intended beneficiaries

It must be clear who your beneficiaries are. In the case of advancing the arts, culture, heritage or science, your beneficiaries will vary according to your purposes.

The advancement of the arts, culture, heritage or science – supporting document for charity trustees

For example, an organisation that has the purpose of preserving the work of a very well known artist may be for the benefit of the people who may view that work, for society at large or for both.

## 3.2 Identifying your benefits

**Charities** should be able to demonstrate that their exhibits are capable of educating or of being of artistic value to the people enjoying them. For example, in the case of museums or galleries which are connected to umbrella bodies or recognised associations, this may be sufficient proof of artistic value. This could be because an umbrella body or recognised association will have vetted the organisation or because it is evident that the organisation is committed to following a set of agreed standards which demonstrate public benefit.

In other cases the Commission may need to examine available documentation more closely but it is our intended approach to be inclusive where possible.

While we recognise that organisations advancing the arts, culture, heritage or science will sometimes have a shop or a café, the purposes of the organisation must be charitable, not of a trading nature. For example, a science museum which has a functioning shop and a café but which opens its exhibitions only twice a year would appear to be primarily a trading entity rather than an organisation whose purpose is the advancement of science.

## 3.3 Ensuring the benefit is for the public

Benefit must be to the public or to a section of the public. It must be clear that the benefit which will flow from your organisation's purposes will be to the public or a section of the public. Where, for example, your organisation's purposes are to preserve a remote and inaccessible heritage site we would need to be satisfied of how a benefit can flow to the public from its preservation.

## 3.4 Purposes must be beneficial, not harmful

A purpose must be beneficial, not harmful. An example of where there could be harm rather than benefit is where an organisation is established with the purpose of carrying out a medical science project. If that purpose carries with it the risk of physical harm or injury to an individual then the purpose may be more harmful than beneficial. A purpose need



The advancement of the arts, culture, heritage or science – supporting document for charity trustees

not require illegal activities to be carried out for it to be harmful but, if it does, it will most certainly be harmful.

### 3.5 Private benefit must be incidental

Any **private benefit** must be **incidental**. For example, if a charity is set up to preserve a building of historical interest, such as a stately home, and that home was owned by a private individual, the private benefit to that individual of having their home restored might be greater than the benefit to the public. Therefore the private benefit would be more than incidental.

## 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](http://www.charitycommissionni.org.uk)

The advancement of the arts, culture, heritage or science – supporting document for charity trustees.

## 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.

The advancement of the arts, culture, heritage or science – supporting document for charity trustees.

**Further information on our activities is available from:**

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