

## Public benefit

### 1. How do I navigate my way around the guidance?

The Commission has developed guidance that is user friendly, both online and in printed format. If you choose to access the guidance online, you will be able to navigate your way around by clicking on links either within the contents page, summary flow chart or text.

The words in **bold green type** within the guidance 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.

### 2. Why is public benefit important to my charity?

The Charities Act (NI) 2008 (as amended by the Charities Act (Northern Ireland) 2013), sets out the legal requirement that all charities have purposes that are for the public benefit. Therefore in order for charities to be able to apply for registration in Northern Ireland they must satisfy the public benefit requirement.

### 3. How often do we have to satisfy the public benefit requirement?

Once registered, it will be the responsibility of the charity to submit an online Annual Return form in order to demonstrate how they continue to satisfy the public benefit requirement.

### 4. What if I don't have a governing document?

In the near future, the Commission hopes to provide model governing documents. In the meantime, there are model governing documents available on the website of the [Charity Commission for England and Wales](#) and through the [DIY Committee Guide](#) website. In addition, governing documents can be accessed through the Northern Ireland Council for

Voluntary Action. You may also need to seek legal advice to ensure that you have the correct governing document to meet your organisation's needs.

## **5. What if our governing document doesn't mention public benefit?**

The governing document of a charity does not have to mention public benefit specifically. What is important is that all of the purposes are charitable and that they are for the public benefit.

## **6. If we fail to meet the public benefit requirement, can our governing document be changed so that we can pass it?**

We do not envisage that organisations will fail to meet the public benefit requirement frequently. The Commission will work with applicants where there are issues with their governing document and discuss options for change on a case by case basis. The Commission hopes to develop model governing documents in the future, but in the meantime you can access help and support from organisations such as the Northern Ireland Council for Voluntary Action, or by taking legal advice.

## **7. How does public benefit affect fee paying schools / summer camps and other such groups?**

Organisations such as fee paying schools, summer camps or other such groups can charge a fee for the services or facilities they offer. They usually do this because:

- the services or facilities they provide are expensive
- they need to charge in order to operate.

A charge can range from something small or one-off such as small entry fees to attend events at a community centre or the annual membership of a scouting group, up to a large annual fee for moving into a residential care home.

If a charity charges high fees, trustees must make some provision for people who cannot afford them in order to be operating for the public benefit. This provision must be related to the charity's purpose, for example in the case of a school, to advance education, and must be more than 'tokenistic'.

The Commission will provide further information in our *Running your charity* supporting document which will be published in the autumn.

**8. How is my church supposed to show public benefit? It is open to everyone so is that enough? Why do we have to demonstrate it? Are there likely to be any churches that fail to show public benefit?**

All charities in Northern Ireland must, under the Charities Act (Northern Ireland) 2008, meet the public benefit requirement. The 'advancement of religion' is one of the twelve charitable purposes. A church may be for the public benefit as it provides a place of worship, or raises awareness and understanding of religious beliefs or carries out missionary or outreach work. The Commission recognises that there may be the potential for a church to fail to demonstrate public benefit, however, evidence from other jurisdictions within the UK would indicate that such cases are isolated. Churches, like all other organisations, will be looked at on a case by case basis.

**9. My football club exists primarily for the benefit of the members. How do we show public benefit? Can you give me some examples?**

Each application will be reviewed on a case by case basis, so it is difficult to address individual cases. All organisations with charitable purposes, which include amateur sport, must read our **Public benefit requirement guidance**.

Some sports organisations may already be registered as a (Community Amateur Sports Club) CASC, and may need to consider their status. An organisation already registered as a CASC cannot also register as a charity.

**10. What is the relevant charity legislation relating to Public benefit in Northern Ireland?**

The Charities Act (Northern Ireland) 2008 is the main piece of legislation establishing the Charity Commission, setting out its functions and powers. However section 3 'The public benefit requirement' was recently amended by the Charities Act (Northern Ireland) 2013.

The Charities Act (Northern Ireland) 2013 is a much shorter Act and was primarily brought in to replace the drafting on public benefit in the Charities Act (Northern Ireland) 2008.