



The advancement of amateur sport

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 Communities.

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 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 *glossary*. If you are reading the document online you can click on the word and it will link you to the definition in the glossary.

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Section 1: Overview

This supporting document is intended for charity trustees of organisations which have a purpose falling under the 'advancement of amateur sport' description of charitable purpose. This guidance will not be relevant to you if your organisation is registered with Her Majesty's Revenue and Customs (HMRC) as a Community Amateur Sports Club (CASC).

This 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 amateur sport 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 amateur sport?

2.1 Meaning

Sport means sport or games which promote health by involving physical or mental skill or exertion.

This purpose is not just about the playing of or participation in sport but must also be for the advancement of amateur sport.

This means that an organisation concerned with advancing amateur sports can only be charitable if each of the following apply to it:

- it involves the advancement of a sport or game
- the sport or game promotes health by involving physical or mental skill or exertion
- the participants are 'amateur' not **professional**
- the organisation has **purposes** that are exclusively charitable
- it is for the public benefit.

The **Charities Act (Northern Ireland) 2008** does not list the types of sport or game that are included within its definition.

Other **charitable purposes** may also be advanced through the use of sport, such as advancing education or health.

For example, a charity may provide sporting **activities** or facilities for people with a disability such as paraplegic shooting or sailing. Where sports or games are used in this context, the purpose might not be the advancement of amateur sport but the relief of need by reason of disability. Equally, the charity might be established for both purposes.

Again, an organisation providing facilities for sport and leisure as well as leisure activities in the interests of social welfare might be charitable by reason of the Recreational Charities Act (Northern Ireland) 1958, rather than under this description.

While an organisation advancing amateur sport can be a charity or a **Community Amateur Sports Club (CASC)**, it cannot be both. An organisation registered as a CASC can not apply to register as a charity.

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 amateur sport for the public benefit might be set up to:

- advance sport played by amateurs at a local club, for example local football, netball, Gaelic games or tennis clubs
- provide multi-sports centres for the use of amateurs
- act as a sport's governing body, to administer, promote, foster and develop the game
- promote the playing of a particular sport or game by amateurs by the provision of facilities, training or equipment
- promote the playing of chess among young people by the provision of chess sets and tuition to school children
- promote the playing of bridge.

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

- certain types of angling clubs, depending on the skill or mental exertion involved
- a donation to purchase a trophy for a winner in a club
- ballooning
- billiards, or snooker
- crossbow
- flying
- gliding
- motor sports
- parachuting.

This is because it is questionable whether they advance an amateur sport or game which promotes health by involving physical or mental skill or exertion. If the purpose is not to promote a sport or game which promotes health by involving physical or mental skill or exertion it therefore falls outside of the description.

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 amateur sport

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 amateur sport. 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 amateur sport must:

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

In terms of advancement of amateur sport, this includes purposes that promote and maintain sporting activity by amateurs. This means that where sport is to be played by professionals, it is clearly not amateur.

3.1 Identifying your intended beneficiaries

In the case of advancing amateur sport, beneficiaries will be those who participate and experience physical or mental skill or exertion.

Spectators may benefit from watching sport but because the Charities Act refers to physical or mental skill or exertion, spectating cannot be considered a benefit. However, watching sport as part of a structured

training programme rather than as a spectator may be charitable from the perspectives both of advancing amateur sport and advancing education.

3.2 Identifying your benefits

Identifiable benefits to the mental or physical health of the participants should be capable of being demonstrated. In most cases, this will be obvious. For example, it is easy to demonstrate the health benefits of participating in a competitive football match. However, it will be less straightforward to demonstrate public benefit by achieving sporting success that promotes national pride or social cohesion.

Other potential benefits include the education of the young or the promotion of participation by, and integration of, those with a disability.

An example of where a charity whose purposes are to advance amateur sport can prove benefit that isn't of a health-giving nature might be in the provision of facilities for recreation or leisure that are provided in the interests of **social welfare**. Further information can be found in the Recreational Charities Act 1958.

3.3 Ensuring the benefit is for the public

Benefit must be to the public or a **section of the public** of the public. In the case of a charity with a membership requirement, open membership is usually essential although we recognise that some limitations for practical, safety or other reasonable grounds may be justified. These might be set out in the purposes, for example where these provide for the charity to operate a cricket club for women or a football club for school boys. Alternatively, there might be operational restrictions.

For example:

- a kite surfing club may restrict membership to people over 16 for safety or insurance reasons
- if a club is at capacity in terms of members, it may be reasonable to restrict membership to entry only when space becomes available
- a cricket club for women or a football club for school boys
- limiting access to a sports ground for health and safety reasons.

An example of a restriction that would not be justified would be limiting membership to a sports club on grounds of being a friend or relative of

existing members. The beneficiaries of a charity under this description cannot be connected by reference to a personal connection or connection to a particular employer. This would be a private class, rather than a section of the public.

A Northern Ireland premier league football club's academy will not be charitable if one of the purposes is to seek to train players for the benefit of the premier league club.

3.4 Purposes must be beneficial, not harmful

A purpose must be beneficial, not harmful. In the context of physical activity, physical injury could be considered. The promotion of a sport or game that necessarily involved a high risk of serious injury without reasonable precautions being taken to minimise that risk might be regarded as harmful to health, rather than promoting it.

3.5 Private benefit must be incidental

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

For example, the payment of staff necessary to administer the club or maintain the club facilities and grounds is necessarily incidental to the furtherance of its **charitable purposes**.

Again, an incidental private benefit may be conferred where a person's prospects of competing in sport professionally are enhanced as a result of their participation in the **activities** of the charity.

Useful publications

Statutory guidance on the public benefit requirement PBR1

The prevention or relief of poverty supporting document PBS01

The advancement of education supporting document PBS02

The advancement of religion supporting document PBS03

The advancement of health or the saving of lives supporting document PBS04

The advancement of citizenship or community development supporting document PBS05

The advancement of the arts, culture, heritage or science supporting document PBS06

The advancement of amateur sport supporting document PBS07

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity supporting document PBS08

The advancement of environmental protection or improvement supporting document PBS09

The relief of those in need supporting document PBS10

The advancement of animal welfare supporting document PBS11

Any other charitable purpose supporting document PBS12

Public benefit glossary PBG

Frequently asked questions (FAQs)

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.

Further information on our activities is available from:

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