



# The advancement of animal welfare

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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](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 *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.

## Contents

<b>Section 1</b>	<b>Overview</b>	
<b>Section 2</b>	<b>What is meant by the advancement of animal welfare?</b>	<b>5</b>
	2.1 Meaning	
<b>Section 3</b>	<b>Applying the principles of public benefit to the advancement of animal welfare</b>	<b>6</b>
	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>	<b>8</b>
	<b>If you are dissatisfied with our service</b>	<b>9</b>
	<b>Freedom of information and data protection</b>	<b>10</b>

## Section 1: Overview

This supporting document is intended for charity trustees of organisations which have a purpose falling under the 'advancement of animal welfare' 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 animal welfare 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 animal welfare?

### 2.1 Meaning

This includes preventing or stopping cruelty to animals, or the preventing or relieving of suffering by animals.

#### 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 animal welfare for the public benefit might be set up to:

- provide animal sanctuaries
- prevent cruelty to animals
- provide veterinary care and treatment
- care for and re-home animals that are abandoned, mistreated or lost
- carry out feral animal control by, for example, neutering stray cats.

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

- an association formed to outlaw animal experimentation
- an association formed to lobby for a ban on performing animals.

In the first case, it has been decided that the harm to public health caused by the abolition of animal experimentation outweighs any benefit that abolition would have on public morals. In both the first and second cases the organisations also had a **political purpose**, in that they sought to change the law. An organisation with a political purpose cannot be a charity.

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 animal welfare

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 animal welfare. 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 aiming to advance animal welfare 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.

### 3.1 Identifying your intended beneficiaries

The intended beneficiaries of this charitable purpose are not actually animals. As with any of the **charitable purposes**, the intended beneficiaries must be the public or a **section of the public**.

This can be achieved in a number of ways. There are practical benefits to the public from caring for animals that are useful to humanity, but there are also moral benefits to the public from animal welfare. The encouragement of kindness to animals promotes compassion in people. The benefit to the animals themselves is **incidental**.

## **3.2 Identifying your benefits**

The advancement of animal welfare includes working towards the protection and promotion of the welfare of animals. An organisation simply dealing with animals is not necessarily charitable, for example boarding kennels.

Benefit may be reasonably simple to prove, for example a cats' home that takes in and cares for stray cats or an organisation which protects working animals that are of use to humanity. Where the benefit is not clear, you will have to show how your organisation's purposes confer practical or moral benefits on the public or a section of the public. For example, you might demonstrate how the work you carry out is made known to the public so as to promote compassion and kindness.

## **3.3 Ensuring the benefit is for the public**

Benefit must be to the public or to a section of the public.

This will generally be simple to demonstrate, but it must be remembered that it is the benefit to the public, or a section of the public, not the animals themselves, that needs to be shown. For example, it would not be of public benefit for the owner of a dog to leave money to provide for the care of that dog.

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.

## **3.4 Purposes must be beneficial, not harmful**

A purpose must be beneficial, not harmful. For example, in a case concerning an organisation with the purpose of preventing experimentation on animals, it was held that any moral and educational benefit to the public was outweighed by the harm to medical science, and therefore the health of the public, that would be caused if the organisation achieved its aims.

### 3.5 Private benefit must be incidental

Any **private benefit** must be incidental. For example, if a charity's purpose is to provide funds to help sick animals and a vet was paid to treat them, then the benefit to the vet would be private but incidental to the purposes of the charity.



## 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)*

## 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)

## 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:**

**Charity Commission for Northern Ireland  
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