



The advancement of environmental protection or improvement

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 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 environmental protection or improvement' 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 environmental protection or improvement 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
- *Registering as a charity in Northern Ireland* which explains the online registration process.

Section 2: What is meant by the advancement of environmental protection or improvement?

2.1 Meaning

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

This is a very wide definition so you must take care to ensure that your purposes are limited to the charitable aspects of sustainable development. For this reason, purposes should be specific and certain, identifying clearly the aspects of sustainable development that are to be promoted.

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 advancing environmental protection or improvement for the public benefit might be set up to:

- conserve plants, animals or the environment generally
- conserve a particular habitat or area of land, including areas of natural beauty or scientific interest
- conserve a particular species
- promote recycling and sustainable waste management
- restore a landscape spoiled by industrial development
- restore woodland which has been neglected
- promote sustainable development by the preservation, conservation and the protection of the environment and the prudent use of natural resources
- promote sustainable means of achieving economic growth and regeneration.

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

- an organisation promoting the reintroduction of the wolf into the UK was not registered both because they were unable to make a case for public benefit flowing from the reintroduction of the wolves and therefore the purpose was not charitable, and because the organisation

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had political purposes in that it sought to change the law or government policy

- a trust for the preservation of animals which have a significant and damaging effect on the environment, as this would be harmful to the public, rather than beneficial.

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 environmental protection or improvement

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 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 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 environmental protection or improvement 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.

Advancement of environmental protection or improvement means working towards the protection and/or improvement of an environment or the environment generally, rather than simply being connected with the environment.

Examples of charities that may fall under this heading are preservation or conservation groups or an organisation that promotes sustainable development. It may be that a preservation group has purposes better

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suited to arts and heritage, depending on the type of preservation it is involved in.

3.1 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, for example Strangford Lough or the Sperrins, or for society at large.

3.2 Identifying your benefits

If it is not obvious how an organisation will protect or improve the environment we may require expert independent 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 relate to and be 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.

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 conserve a remote and inaccessible landscape we would need to be satisfied of how a benefit can flow to the public from its preservation.

Whilst operating your charity in furtherance of your purposes it may be legitimate to restrict access. For example, it may be legitimate for a site to restrict public access to certain times and dates each year, or provide other ways of benefiting the public, where physical access might be detrimental to the conservation or reestablishment of a species. **Charity trustees** may need to provide further information to demonstrate that the restriction is justified on grounds such as preservation, necessity for security arrangements or real lack of resource.

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3.4 Purposes must be beneficial, not harmful

A purpose must be beneficial not harmful. An organisation that conserved or promoted a species that is harmful 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.

3.5 Private benefit must be incidental

Any **private benefit** must be **incidental**. For example, a charity might employ an expert conservationist who will receive the benefit of a professional fee. This is incidental to the promotion of the charity's purposes. Another example is the incidental benefit conferred on local businesses by an increase in tourism. This is a benefit which is a necessary consequence of the charity carrying out its purposes, but is not the purpose of the charity.

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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 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)

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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.

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Further information on our activities is available from:

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