

Challenging a decision of the Commission

Guidance for anyone considering
challenging a decision made by the Charity
Commission for Northern Ireland

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 Charity Commission for Northern Ireland 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 towards the end of this document. If you are reading the document online you can click on the word and it will link you to the definition in the glossary. The words in *blue italics* indicate other guidance.

Please check our website www.charitycommissionni.org.uk to make sure you’re using the latest versions of forms and guidance.

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Section 1: Overview

This guidance provides the information you will need to challenge a decision that has been made by the Charity Commission for Northern Ireland (the Commission).

The Commission is committed at all times to making decisions which are:

- legally correct
- fair
- proportionate
- consistent.

If you feel that the Commission has not fulfilled this commitment, the review procedure offers a genuine opportunity for decisions made by the Commission to be reviewed internally.

You also have the option to appeal to a separate body - the Charity Tribunal. You do not need to use the Commission's internal review procedure before applying to the Charity Tribunal. This guidance contains information on the Charity Tribunal however, if you are considering lodging an appeal, we strongly recommend that you contact them directly.

Section 2: About this guidance

What does this guidance cover?

This guidance provides information on two decision review processes:

- the Commission's internal decision review process
- appealing a decision of the Commission at the Charity Tribunal.

You can apply to use our internal decision review process to challenge decisions set out in Schedule 3 to the Charities Act (Northern Ireland) 2008 unless those decisions have been made by Commissioners.

Decisions which you can apply to challenge are set out in the [Appendix](#) to this guidance.

Additionally, this guidance provides information on how you can apply for an internal review of a decision made under Freedom of Information or Data Protection legislation.

Some of the subjects covered are complex. You may need this guidance for a number of reasons. For example:

1. As a charity trustee who wishes to challenge a decision the Commission has made such as issuing, or choosing not to issue, a **direction** for the protection of charity property.
2. As a person affected by a decision the Commission has made in reference to a charity, such as a charity **beneficiary** objecting to the giving or withholding of a consent, for example in relation to charity incorporation.

What does this guidance not cover?

You should not rely on this guidance to provide a full description of legal matters affecting your charity and the guidance does not replace advice from a charity's own professional advisers.

Charities may also be subject to other legislation or regulation. For example, **charitable companies** also have to be mindful of the requirements of company law. More information on this can be accessed from [Companies House](#).

If you wish to appeal a decision of the Commission to the Charity Tribunal, this guidance contains some helpful information however, as the Charity Tribunal is a separate body, we recommend that you approach them directly.

This guidance will not be relevant if you wish to challenge a decision which is not listed in Schedule 3 to the Charities Act, for example our decision to make a **section 47 order** authorising an ex-gratia payment, or any decision made by Commissioners.

Finally, this guidance does not set out the process if you wish to make a complaint about the service you have received from the Commission. If this is the case, you should refer to our guidance on [Making a complaint about our services](#).

Who does this guidance apply to?

This guidance is aimed at charity **trustees**, members of management committees, **directors** of charitable companies, someone acting on behalf of a charity (eg solicitor, accountant, agent or adviser) or any person who is or may be affected by the Commission's decision. It applies to all types of charity, whether they are companies, trusts or associations.

What is our approach to decision making?

The Commission adopts a risk based approach when making a decision. This means that we look at a range of factors when assessing whether to accept an application, the information provided and in identifying any further information we might require.

These factors may include:

- the nature of the decision being challenged
- the profile of the charity concerned
- public interest in the organisation
- whether the case is likely to set a precedent.

Will the Commission publish the outcome of a decision review?

The Commission has considered publication of the outcomes of decision reviews in line with our [Publishing our decisions](#) policy which is available on our website. Our position will depend on whether the original decision was published. For example, we will usually publish the outcome of a decision review where the decision that was subject to review was itself published.

We will not usually publish the outcome of a decision review where the original decision was not published unless the results establish an important precedent that may impact on other organisations or would be of wider interest.

When we publish a decision, we will usually make it available on the *Decisions of the Commission* page on our website.

What are legal requirements and best practice?

In this guidance, where we use the word 'must' we are referring to a specific legal or regulatory requirement. We use the word 'should' for what we regard as best practice, but where there is no specific legal requirement. Trustees should follow the good practice guidance unless there is a good reason not to.

Charity legislation

References in this document to 'the Charities Act' are to the **Charities Act (Northern Ireland) 2008** as amended by the **Charities Act (Northern Ireland) 2013**.

How do you use this guidance?

This guidance is divided into two main sections which set out and explain the different mechanisms for the action you wish to take. You will know which section is relevant to you by answering the following questions.

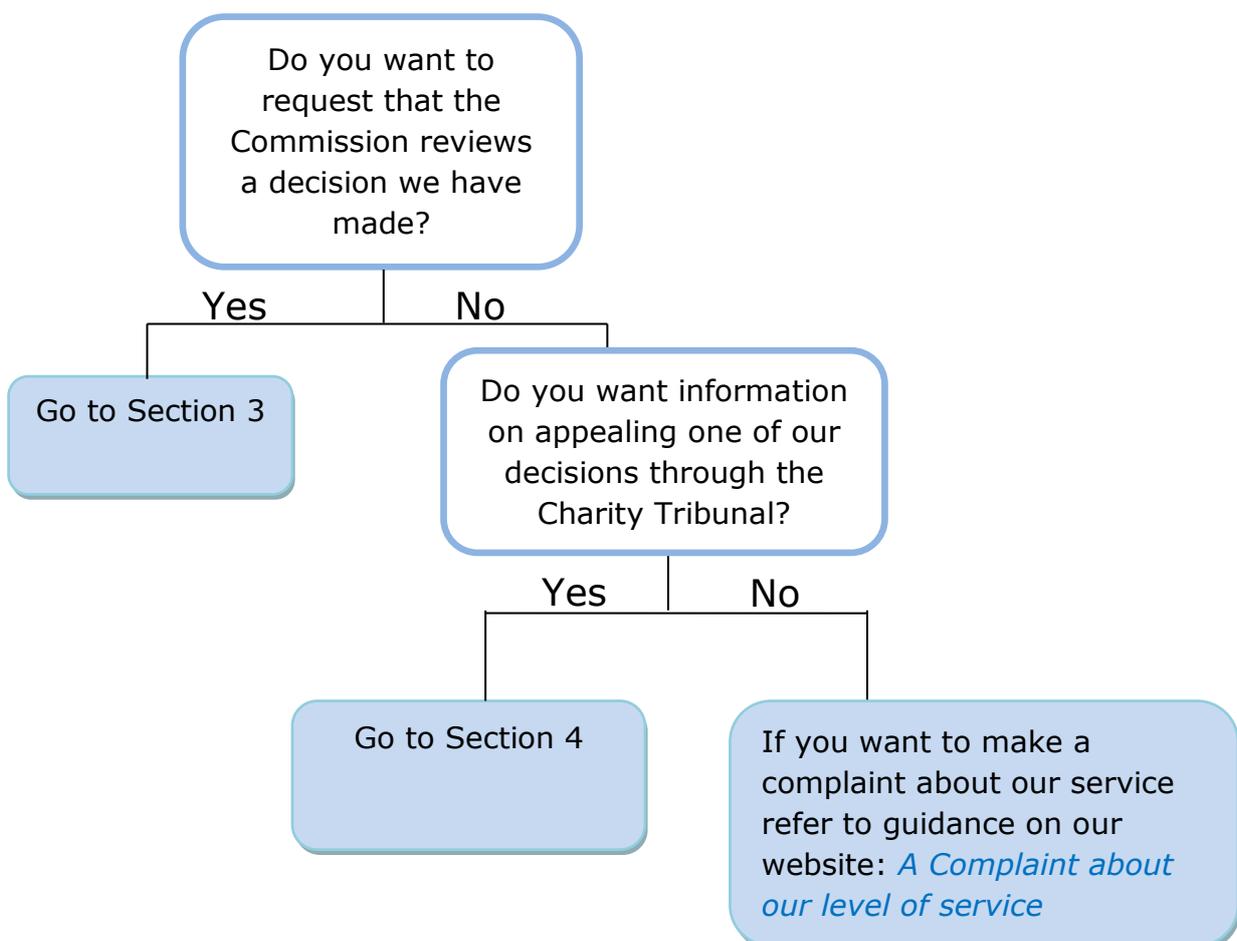
1. Do you want to request that the Commission internally reviews a decision we have made?

Yes: go to Section 3

2. Do you want information on challenging one of our decisions through the Charity Tribunal?

Yes: go to Section 4

Alternatively, you can use the following flowchart to assist you to find the section relevant to your specific needs.



Section 3: Internal review of a decision

3.1 Who can apply?

We will accept applications for a decision review from a range of individuals and organisations. Who can apply may vary depending on the decision that is being challenged.

The column “**Who may apply for a decision review**” in the [Appendix](#) to this guidance lists the people who can apply for an internal review of a decision made by the Commission. This corresponds with Schedule 3 to the Charities Act which lists those who can appeal certain decisions to the Charity Tribunal.

You should always consult the Appendix in advance of making an application to see if we can accept your application for a review.

An advocate or representative may request a review on your behalf, but if they are not a professional representative such as a solicitor, we may need to ask you for written confirmation that they are acting on your behalf.

What is a decision?

The Charities Act authorises the Commission to take a wide range of decisions. These include:

- whether or not to make a:
 - **direction**
 - **scheme**
 - **order**.
- determining whether an organisation is a charity.

3.2 What decisions can be reviewed internally?

We will accept applications for a decision review if the section of the Charities Act we have used to make the decision is also one which can be appealed to the Charity Tribunal, unless the decision was made by Commissioners.

The column “**Decisions which can be reviewed by the Commission**” in the [Appendix](#) to this guidance lists the decisions made by the Commission for which we will accept applications for internal review. This generally corresponds with Schedule 3 to the Charities Act which lists those sections where the decision can be appealed to the Charity Tribunal. There are some exceptions, for example, a decision made using Section 22 of the Charities Act which can be appealed to the Charity Tribunal but will not be reviewed by the Commission.

You should always consult the Appendix in advance of making an application to see if we can accept your application for a review.

3.3 What decisions will not be reviewed internally?

Some decisions will not be reviewed internally by the Commission.

These decisions include:

- **Those not listed in Schedule 3 of the Charities Act**
For example, a section 47 order, which should be challenged through the Attorney General and / or the High Court.
- **Those made by Commissioners**
This may include decisions listed in Schedule 3 of the Charities Act, for example, the decision to open a statutory inquiry under Section 22 of the Charities Act which should be appealed to the Charity Tribunal. Other decisions listed in Schedule 3, and in the Appendix to this guidance, may at times be escalated to Commissioners. For example, decisions may be escalated if they are controversial or precedent setting. We will refuse a request for an internal review of these decisions as it would not be possible for a member of staff at the same or a more senior level to the Commissioners to undertake the review.

3.4 Is there a time limit?

If you are the subject of the decision, you must tell us within **42 days** of our decision being issued if you want to challenge it. If you are not the subject of the decision but consider yourself to be a person affected by it, you must tell us within 42 days of the decision being published if you

want to challenge it. If there are **exceptional circumstances** why you are applying for a review of a decision outside of the 42 day time limit, please let us know as soon as possible. Depending on the circumstances and the decision, we may be able to accept the application outside of the time limit.

3.5 How do you apply?

If you disagree with one of our decisions, and would like us to review it, contact us using the online decision review application form available on our website. Use the form to tell us:

- what decision we gave which you would like us to review
- why you think our decision is wrong
- any new information or evidence you have
- why a different decision is in the best interests of the charity
- what your interest is in the charity and your connection to it
- the section of the Charities Act under which the decision was made, if you have it.

It is in your best interests to provide all relevant information. If you do not, we may need to request further information from you during the course of our review which will lead to delays.

3.6 What process does the Commission follow?

We will review your application to check if it meets the relevant criteria. If so, we will progress to a decision review. If it does not, we will tell you and explain what alternatives are available to you.

Where possible, reviews are carried out by a member of staff who was not directly involved with the original decision.

We will take into account all of the information you have provided, as well as that included in the original decision, before assessing whether the original decision was correct or if it should be changed. We may liaise with you or other **affected parties** during the course of a review.

Once we have completed the review, we will write to inform you of the outcome and explain our reasoning. We may publish a summary of the decision on our website.

3.7 What are the possible outcomes?

The possible outcomes are:

- the original decision was correct and appropriate in the circumstances
- the original decision should be changed or **overturned** in full
- the original decision should be changed or overturned in part.

If we decide that our original decision should be varied in any way or overturned, we will let you know what steps are required and what action we will be taking.

3.8 How long will it take?

We aim to inform you of the outcome of the review within three months of receiving your application; however this will depend on the complexity of the case, whether we need to ask you for any additional information and whether we need to consider comments from other affected parties.

We will inform you if there is going to be any delay.

3.9 What if you are still not happy with our decision?

If you are not happy with the decision at the end of the review, you may be able to apply to the Charity Tribunal. For more information, see [section 4](#) of this guidance.

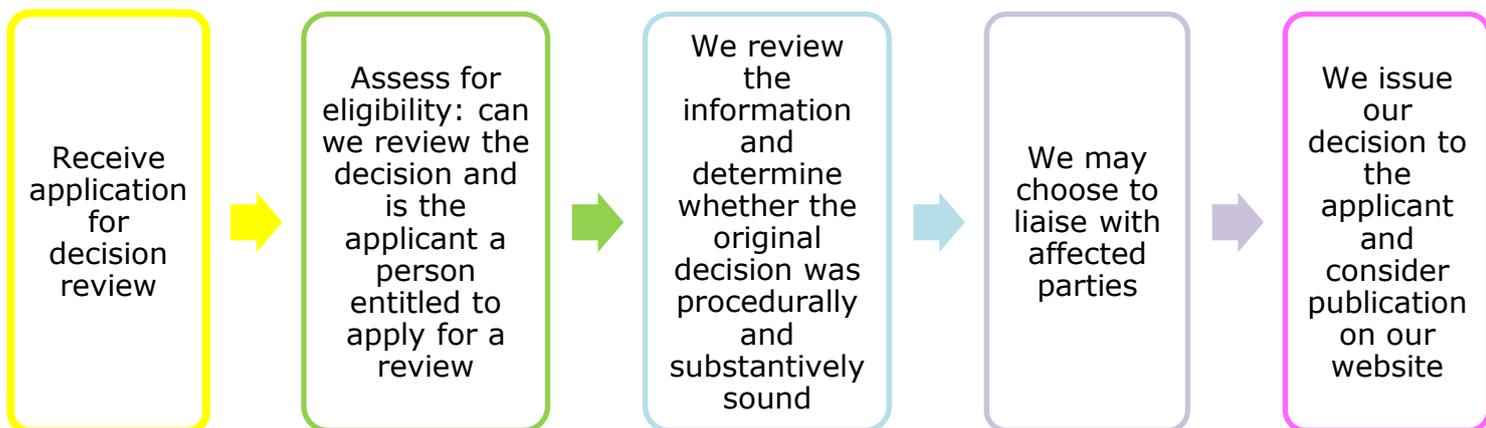
It is important to note that the time limit for appealing a decision of the Commission to the Charity Tribunal continues to run regardless of the fact that you have applied for an internal decision review by the Commission.

The charts on the following page may help to illustrate the process for you.

What is the process you should follow?



What process does the Commission follow?



Section 4: Appeal to the Charity Tribunal

4.1 What is the Charity Tribunal?

The Charity Tribunal was established on 1 April 2010 to hear appeals from decisions made by the Charity Commission for Northern Ireland. The types of decision that can be appealed and the persons or organisations who may bring an appeal to the tribunal are set out in [Schedule 3](#) to the Charities Act.

The Charity Tribunal is independent of the Charity Commission for Northern Ireland. The information here is only a guide. If you are considering lodging an appeal with the Tribunal you are strongly advised to contact them directly at:

Charity Tribunal
Tribunals Hearing Centre
2nd Floor, Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF

Tel: 0300 0200 7812

Email: tribunalsunit@courtsni.gov.uk

The [Charity Tribunal Rules \(Northern Ireland\) 2010](#) set out the role of the Charity Tribunal and information on how to submit an appeal.

4.2 How do you apply?

All requests for appeal forms should be made in writing, enclosing a copy of the Commission's decision and should refer to the appropriate legislation.

4.3 Who can apply?

Any person listed in Schedule 3 to the Charities Act can apply to the Charity Tribunal to challenge a decision.

4.4 What decisions can be appealed?

You can apply to the Charity Tribunal to challenge any decision which is set out in Schedule 3 to the Charities Act.

4.5 Is there a time limit?

You must lodge your appeal at the Tribunal within the following time limits:

- (a) if you are the subject of the decision, within **42 days** of the Commission's decision being sent to you
- (b) if you are not the subject of the decision, within **42 days** of the Commission's decision being published .

For further information on lodging an appeal please contact the Charity Tribunal.

4.6 How much does it cost?

It is free to make an application to the Charity Tribunal, however if you decide to take professional legal advice to help with your application your adviser's costs will not necessarily be met from charity funds.

Section 5: Requesting a review of a decision made under the Freedom of Information Act or Data Protection Act

The UK Information Commissioner's Office (ICO) enforces and oversees both the Freedom of Information Act (2000) and the Data Protection Act (2018). Further information on these pieces of legislation, and your rights under them, is available from the ICO's website: www.ico.org.uk.

5.1 Requesting information from the Commission

Information may be requested from the Commission in accordance with a number of pieces of legislation:

- **Freedom of Information Act**

The [Freedom of Information Act 2000](#) provides a right of access to recorded information held by public authorities. The Commission is a non-departmental public body and therefore meets the definition of a public authority. This means that anyone, anywhere, can ask for recorded information held by the Commission. There is detailed information on the Commission's website on making Freedom of Information requests, details of the information already publicly available, and exemptions that may apply. You can view the information by clicking on the link: www.charitycommissionni.org.uk/about-us/contact-us/freedom-of-information/

- **Data Protection Act**

Any information you provide to the Commission will be held securely and in accordance with the rules on data protection set out in the [Data Protection Act 2018](#). This Act regulates the use of personal data, which is essentially any information, whether kept in computer or paper files, about identifiable, living individuals. As a data controller under the Act, the Commission must comply with its requirements. Subject access is one of the main rights set out in the Act, giving people the right to access their personal information. Detailed information on how to submit a subject access request or submit a request for your personal data to be rectified, restricted or deleted may be found in the Commission's [Access to information](#) guidance.

5.2 Challenging a decision not to release information

If you disagree with the Commission's decision not to release information that you have requested you should first write to us asking for an internal review, setting out the reasons for your request. You should do this within two months of receiving our decision.

We will undertake an internal review process, looking at your original request afresh. The Commission aims to respond to all Freedom of Information review requests within 20 working days, and to requests made under the Data Protection Act within 28 calendar days, and will endeavour to have the review request carried out by a person who was not involved in making the original decision and, whenever possible, is of a senior grade to the original decision maker.

The Commission may liaise with you or other affected parties during the course of a review. The Commission will also take into account all of the information you have provided, as well as that included in the original decision before assessing whether the original decision was correct or if it should be changed. Once we have completed the review, we will write to inform you of the outcome.

If you are not satisfied with the outcome of the internal review process you can then write to the Information Commissioner's Office ico.org.uk/concerns/getting/.

Appendix 1: Decisions that may be eligible for internal decision review

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
1(4)	A decision not to direct that an institution established for any special purpose of or in connection with a charity shall be treated as forming part of that charity or as forming a distinct charity.	<ul style="list-style-type: none"> • The trustees
1(5)	A decision not to direct that two or more charities having the same charity trustees shall be treated as a single charity.	<ul style="list-style-type: none"> • The trustees
16	<p>A decision to enter or not to enter an institution in the register of charities.</p> <p>A decision to remove or not to remove an institution from the register of charities.</p>	<ul style="list-style-type: none"> • The trustees or those who claim to be the trustees, • In the case of a body corporate, the institution itself, and • Any other person who may be affected by the decision.
16(9)	A determination that information in the register of charities shall not be open to the public.	<ul style="list-style-type: none"> • The trustees of the charity to which the information relates, • In the case of a body corporate, the institution itself, and • Any other person who may be affected by the decision.
20	A Direction requiring the name of a charity to be changed.	<ul style="list-style-type: none"> • The trustees of the charity to which the Direction relates, • In the case of a body corporate, the institution itself, and • Any other person who may be affected by the Direction.

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
23	Order requiring a person to supply information or a document.	<ul style="list-style-type: none"> • The person required to supply the information or document.
31(1)	<p>Order establishing a scheme for the administration of a charity</p> <p>Order appointing, discharging or removing a charity trustee, or removing an officer or employee</p> <p>Order vesting or transferring property, or requiring or entitling any person to call for or make any transfer of property or any payment.</p>	<ul style="list-style-type: none"> • For section 31(1)(a) - the trustees, or if a body corporate, the charity itself • For section 31(1)(b) - any person removed or discharged by the Order • Any other person who is or may be affected by the order.
33(1)	<p>Order to suspend a trustee, charity trustee, officer, agent or employee of the charity from the exercise of office or employment pending consideration of that person's removal.</p> <p>Order to appoint additional charity trustees considered necessary for the proper administration of the charity.</p> <p>Order to vest any property held by or in trust for the charity in the official custodian, or require the persons in whom any such property is vested to transfer it to the official custodian, or appoint any person to transfer such property to the official custodian.</p> <p>Order any person who holds any property on behalf of the charity, or of any trustee for it, not to part with the property without the approval of the Commission.</p> <p>Order to any debtor to the charity not to make any payment in or towards the discharge of liability to the charity without the approval of</p>	<ul style="list-style-type: none"> • The trustees, or if a body corporate, the charity itself, • Any person suspended by the Order, • Any other person who is or may be affected by the order.

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
	<p>the Commission.</p> <p>Order to restrict the transactions which may be entered into, or the nature or amount of the payments which may be made, in the administration of the charity, without the approval of the Commission.</p> <p>Order the appointment of an interim manager who shall act as receiver and manager in respect of the property and affairs of the charity.</p>	
33(2)	<p>Order the removal of a trustee, charity trustee, officer, agent or employee of the charity who has been responsible for misconduct or mismanagement.</p> <p>Order the establishment of a scheme for the administration of the charity.</p>	<ul style="list-style-type: none"> • The trustees, or if a body corporate, the charity itself, • Any person removed by the Order, • Any other person who is or may be affected by the order.
33(4)	<p>Order to remove a trustee.</p>	<ul style="list-style-type: none"> • The trustee removed, • The remaining trustees, • If a body corporate, the charity itself, • Any other person who is or may be affected by the order.
33(5)	<p>Order appointing a charity trustee.</p>	<ul style="list-style-type: none"> • The other charity trustees, • If a body corporate, the charity itself, • Any other person who is or may be affected by the order.
33(10)	<p>A decision either to discharge or not to discharge an order following a review of any of the section 33</p>	<ul style="list-style-type: none"> • The trustees, or if a body corporate, the charity itself, • Any other person who is or

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
	orders.	<p>may be affected by the order,</p> <ul style="list-style-type: none"> • Any person who may have been suspended by an order under section 33(1)(b)(i).
34(2)	Order made to suspend a person from membership of a charity.	<ul style="list-style-type: none"> • The person suspended, • Any other person who is or may be affected by the order.
36(2)	An Order directing the charity to take action specified in the Order considered expedient for the interests of the charity.	<ul style="list-style-type: none"> • Any person directed by the Order to take the specified action.
37(2)	An Order to direct a person to apply property in a specified manner.	<ul style="list-style-type: none"> • Any person directed by the Order to apply the property in the specified manner.
43	A decision by the Commission not to make a common investment scheme.	<ul style="list-style-type: none"> • The trustees of the charity which has applied for the scheme, or if a body corporate, the charity itself, • Any other person who is or may be affected by the decision.
44	A decision by the Commission not to make a common deposit scheme.	<ul style="list-style-type: none"> • The trustees of the charity which has applied for the scheme, or if a body corporate, the charity itself, • Any other person who is or may be affected by the decision.
46	Decision not to make an order under this section.	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself.
48	Direction given by the Commission under this section in relation to an account held in the name of or on	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself,

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
	behalf of a charity.	<ul style="list-style-type: none"> • Any other person who is or may be affected by the Direction.
57	Decision of the Commission not to make an order under this section in relation to land held by or in trust for a charity.	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself, • Any other person who is or may be affected by the decision.
60	Decision of the Commission not to make an order under this section in relation to a mortgage of land held by or in trust for a charity.	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself, • Any other person who is or may be affected by the decision.
65(6)	An Order made requiring the accounts of a charity to be audited.	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself, • Any other person who is or may be affected by the order.
66(2)	An order made requiring that information be made available or access to accounts be given to an auditor or independent examiner.	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself, • Any other person who is or may be affected by the order.
66(2)	A decision not to make an order to require that information be made available or access to accounts be given to an auditor or independent examiner.	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself, • The auditor, independent examiner or examiner, • Any other person who is or may be affected by the decision.

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
70(1)	A decision not to dispense with the requirements that a charity shall prepare an annual financial return.	<ul style="list-style-type: none"> • The trustees of the charity affected by the decision.
73(1)	A decision to grant or not to grant a certificate of incorporation.	<ul style="list-style-type: none"> • The trustees of the charity. • Any other person who is or may be affected by the decision.
79(4)	A decision to amend a certificate of incorporation.	<ul style="list-style-type: none"> • The trustees of the charity. • Any other person who is or may be affected by the amended certificate.
79(4)	A decision not to amend a certificate of incorporation.	<ul style="list-style-type: none"> • The trustees of the charity, • Any other person who is or may be affected by the decision not to amend the certificate of incorporation.
84	An order of the Commission which dissolves an incorporated body.	<ul style="list-style-type: none"> • The trustees of the charity, • Any other person who is or may be affected by the order.
86(4)	A decision to waive, or not to waive, a person's disqualification for being a charity trustee.	<ul style="list-style-type: none"> • The person who has applied for the waiver, • Any other person who is or may be affected by the decision.
87(4)	An order against a person who has acted as a charity trustee or trustee for a charity while disqualified for being a charity trustee.	<ul style="list-style-type: none"> • The person subject to the order, • Any other person who is or may be affected by the order.
90(5) or (6)	An order requiring a trustee or connected person to repay, or not to receive, remuneration.	<ul style="list-style-type: none"> • The trustee or connected person, • The other charity trustees of the charity concerned, • Any other person who is or

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
		may be affected by the order.
96(2) or 98(1)	Decision to give or withhold consent under section 96(2) to enable a company or body corporate to alter its objects clause to cease being a charity; Section 97(4) to ratify an act under Article 45(3) of the Companies (NI) Order 1986 or to ratify a transaction subject to Article 330A of that Order; Section 98(1) to approve approval of members of a transaction under any provision of Chapter 4 of Part 10 of the Companies Act 2006 and to approve affirmation of members of the company under section 196 or 214 of that Act.	<ul style="list-style-type: none"> • The trustees of the charity, • The body corporate itself, • Any other person who is or may be affected by the decision.
104(1)	An order that the condition and relevant accounts of a charity shall be investigated and audited by an auditor appointed by the Commission.	<ul style="list-style-type: none"> • The directors of the company, • The company itself • Any other person who is or may be affected by the order.
104(5)	An order made requiring that access to information be given to an auditor appointed by CCNI to investigate a charitable company's accounts.	<ul style="list-style-type: none"> • The trustees of the charity • The charity itself, • The auditor, where CCNI decides not to make an order, • Any other person who is or may be affected by the order or decisions.
110	Decision to grant an application for the constitution of a CIO and its registration as a charity.	<ul style="list-style-type: none"> • Any person, other than the persons who made the application, who is or may be affected by the decision.
113	Decision to refuse an application for the conversion of a charitable company or a registered society into a CIO and the CIO's	<ul style="list-style-type: none"> • The charity which made the application, • The charity trustees of the

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
	registration as a charity.	charity, <ul style="list-style-type: none"> • Any other person who is or may be affected by the decision.
116	Decision to grant an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	<ul style="list-style-type: none"> • The creditor of any of the CIOs being amalgamated.
116	Decision to refuse an application for the amalgamation of two or more CIOs and the incorporation and registration as a charity of a new CIO as their successor.	<ul style="list-style-type: none"> • The CIOs which applied for the amalgamation, • The charity trustees of the CIOs, • Any other person who is or may be affected by the decision.
118(1)	Decision to confirm a resolution passed by a CIO that resolves that all its property, rights and liabilities should be transferred to another CIO.	<ul style="list-style-type: none"> • Any creditor of the CIO.
118(1)	Decision to refuse a resolution passed by a CIO that resolves that all its property, rights and liabilities should be transferred to another CIO.	<ul style="list-style-type: none"> • The CIO, • The charity trustees of the CIO, • Any other person who is or may be affected by the decision.
124(2)	Decision to notify charity trustees that the Commission objects to a resolution of the charity trustees under section 123(2) or 126(2).	<ul style="list-style-type: none"> • The charity trustees, • Any other person who is or may be affected by the decision.
129	Decision not to concur under section 129 with a resolution of charity trustees under section 129(3) or section 130(2).	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself. • Any other person who is or

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
		may be affected by the decision.
138	Decision to refuse to issue a public collections certificate or to attach any condition to such a certificate.	<ul style="list-style-type: none"> • The person who applied for the certificate.
141	Decision not to transfer a public collections certificate.	<ul style="list-style-type: none"> • The person to whom the certificate was issued. • Any other person who is or may be affected by the decision.
166	A decision to refuse a charity religious designation.	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself.
166(5)	Decision to withdraw the designation of a charity as a designated religious charity.	<ul style="list-style-type: none"> • The trustees of the charity, or if a body corporate, the charity itself.
Paragraph 6(5) or Paragraph 7(2) of Schedule 6	An order requiring group accounts of a parent charity to be audited.	<ul style="list-style-type: none"> • The charity trustees of the parent charity, • The parent charity itself if it is a corporate body, • Any other person who would be affected by the order.
Paragraph 8(4) of Schedule 6	An order in relation to a member of a group, or a decision not to make such an order in relation to a member of a group.	<ul style="list-style-type: none"> • The charity trustees of the member of the group, • The member of the group itself if it is a corporate body, • The auditor, independent examiner or examiner where the Commission decides not to make an order. • Any other person who is or may be affected by the order or the decision.

Section of the Act	Decisions which can be reviewed by the Commission	Who may apply for a review decision
Paragraph 15(3) of Schedule 7	Decision to refuse to register an amendment to the constitution of a CIO.	<ul style="list-style-type: none"> • The CIO, • The charity trustees of the CIO, • Any other person who is or may be affected by the decision.
Section 42(4) of the Companies Act 2006	Decision of the Commission to give or withhold consent.	<ul style="list-style-type: none"> • The charity trustees, • The company itself, • Any other person who is or may be affected by the decision.

Appendix 2: Glossary

Term	Definition
Accessibility requirements	Are requirements a person may need to access a product, device, or service. For example a person may require our assistance in accessing our website content or completing application forms.
Affected parties	Affected parties are those likely to be impacted by or involved in a decision, eg a charity’s donors, members, funders or beneficiaries where a charity plans to amend its purposes. This may also include external parties such as individuals living in a locality within which a charity is based or operates.
Beneficiaries	A legal term for a person, group of people or an entity (like a charity) eligible to benefit from a charity's work. The beneficiary group of a charity will be defined in the charity's governing document. Beneficiaries may sometimes be called clients or service users.
Charitable company	This is a charity which is formed and registered under the Companies Act 2006 or a charity which was already established under previous companies legislation. It is registered with Companies House. Its governing document is its articles of association and it has its own legal identity. It must be established for exclusively charitable purposes.
Charities Act (Northern Ireland) 2008	<p>The Charities Act (Northern Ireland) 2008 is the main piece of legislation establishing the Charity Commission for Northern Ireland and setting out its functions and powers.</p> <p>References to ‘the Charities Act’ are to the Charities Act (Northern Ireland) 2008, as amended. The full content of the 2008 Charities Act can be found at www.legislation.gov.uk</p> <p>Not all of the sections of the Charities Act are in force yet. Details of the sections that are in force are available on the Commission’s website www.charitycommissionni.org.uk</p>

Charities Act (Northern Ireland) 2013	<p>The Charities Act (Northern Ireland) 2013 is a much shorter Act and was primarily brought in to amend the definition of a charity in the Charities Act (Northern Ireland) 2008.</p> <p>The full content of the 2013 Act can be found at www.legislation.gov.uk</p>
Direction	<p>This is a legal document issued by the Commission which requires particular action(s) to be taken to ensure the proper administration of a charity. Serious legal consequences may arise if charity trustees do not comply with a Direction.</p>
Directors	<p>In the case of a charitable company it is the directors who are the charity trustees.</p>
Exceptional circumstances	<p>This might include challenges relating to accessibility, unforeseen major postal disruption, religious holidays, ill health or bereavement.</p>
Order	<p>An order is a legal document which can authorise charity trustees to carry out an act which otherwise they have no power to do or to do something which is in the interest of the charity. They can also be used to protect charities and their property. Serious legal consequences may arise if charity trustees do not comply with an Order.</p>
Overtaken	<p>Is the reversal of a decision of the Commission.</p>
Scheme	<p>A legal document that changes, replaces or extends the trusts of a charity. It may be a fully regulating scheme, covering all aspects of a charity's administration and purposes and replacing the previous governing document, or it may be a scheme that adds to or alters some part of the governing document.</p>
Section 47 order: ex-gratia payment	<p>Is an order of the Commission granting consent to a payment by a charity where the trustees of that charity believe that they are under a moral obligation to make it:</p> <ul style="list-style-type: none"> • but they are not under a legal obligation to do so; • they do not have the power under the governing document of the charity to do so; and

Statutory power	<ul style="list-style-type: none"> the payment is not explicitly in the interest of the charity.
	<p>This means the power or mechanism to do something is based on a legislative provision or law.</p>
Trustees	<p>Trustee means a charity trustee. Charity trustees are the people who are responsible for the general control and management of the administration of a charity. In the charity's governing document they may be collectively called trustees, the board, managing trustees, the management committee, governors or directors or they may be referred to by some other title.</p>

Useful information

Making a complaint about our level of service

Northern Ireland Courts and Tribunals Service

Website of the Charity Tribunal (Northern Ireland)

The Charity Tribunal Rules (Northern Ireland) 2010

Office of the Attorney General for Northern Ireland

Decisions of the Commission

Access to information

Information Commissioner's Officer

Freedom of information Act

Data Protection Act

If you are disagree with our decision

If you disagree with one of our decisions, we would like to reconsider it ourselves in the first instance. Our decision review procedure offers a genuine opportunity for our decisions to be looked at afresh. If you ask us to review a decision, where possible we will refer the matter to someone who did not make the original decision. You can also seek a review from the Charity Tribunal.

In the case of a section 47 order, an appeal can only be brought to the Attorney General and/or the High Court.

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

The Charity Commission for Northern Ireland is responsible for registering, regulating and reporting on the charity sector in Northern Ireland. As the charity regulator, we are lawfully required to collect and process personal data in order to achieve our statutory objectives, functions and general duties.

Any personal data you give us will be held securely and in accordance with data protection rules and principles. Your personal details will be treated as private and confidential, and will only be retained for as long as is necessary in line with our *retention policy*. The information will be safeguarded and will not be disclosed to anyone not connected to the Charity Commission for Northern Ireland unless:

- you have agreed to its release,
- the Commission is legally bound to disclose the information
- the Commission regards disclosure as necessary in order to properly carry out its statutory functions

The Commission may also disclose information or personal data to other relevant public authorities where it is lawful to do so and where, for the purposes of national security, law enforcement, or other issues of overriding public interest, such disclosure is necessary.

We will ensure that any disclosure made for this purpose is lawful, fair, considers your right to privacy and is made only to serve the Commission's statutory objectives as a regulator.

When you provide the Charity Commission with information used to carry out its functions, you are obliged to comply with section 25 of the *Charities Act (Northern Ireland) 2008* which means that it is an offence to provide information which is false or misleading. In respect of your personal data we expect any data which you give us to be truthful, accurate and up-to-date.

For further information, you may wish to read the Commission's [Privacy notice](#) which details what to expect when the Commission collects and processes personal information, including your rights in relation to that processing if we hold your information.

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 you think that information you are providing may be exempt from release if requested, please let us know.

Further information about our activities is available from:

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