

Version	Author	Date approved
2.0	PRO	18.26.2026

Running your charity: Guide 3

Meeting the public benefit requirement



If you need any help to access this guide please email admin@charitycommissionni.org.uk and tell us what format you need so we can consider how to help you.

Contents

About this guide	3
What are legal requirements and best practice	3
Key terms	3
What is the public benefit requirement	4
When do I need to consider the public benefit requirement? .	5
When to use the statutory guidance on meeting the public benefit requirement	6
How to meet the public benefit requirement.....	7
Identifying the public benefit from your charity’s purposes ...	8
Identifying harm from your charity’s purposes	9
Identifying who your charity helps.....	10
Identifying private benefit from your charity’s purposes.....	11
Restricting access to facilities	12
Introducing a membership policy	12
When only members can benefit	13
When people can benefit without being a member	13
Equality.....	14
Reporting on your charity’s public benefit	15
Support and resources.....	16
Appendix 1: Key terms	17
More information	20

About this guide

This guide is for anyone who is interested in running a charity – whether you're just getting started or you've been a charity trustee for years.

This part is about how to meet the public benefit requirement throughout your charity's lifetime.

What are legal requirements and best practice

We use 'must' where a charity has to comply with a specific law or regulation. We use 'should' where a charity ought to follow good practice but where there is no specific legal requirement. Charity trustees should follow good practice guidance unless there is good reason not to do so.

Key terms

This guide uses some terms that you may find useful when running your charity. We have highlighted these in **bold green**. A list of the key terms is available in Appendix 1.

What is the public benefit requirement

All registered charities in Northern Ireland must meet the **public benefit requirement**. To do so, all of your charity's **purposes** must:

- fall under one or more of the 12 descriptions of charitable purposes in the Charities Act, and
- be for the public benefit.

You might be used to explaining what your charity does (and how it does it) to your funders, but it can be harder to explain its public benefit.

In general, for a purpose to be a charitable purpose it must satisfy both the benefit and the public parts. However, charities for the relief (and in some cases the prevention) of poverty need only satisfy the benefit aspect.

1. Benefit

- Your charity's purpose must be 'beneficial'. You'll need to identify the benefit and be able to support it with evidence (not your personal views).

For example, the **charity trustees** of an organisation whose purpose is to advance a religious faith would need to provide evidence that the purpose is beneficial.

If it is not clear that a purpose is beneficial, we may need to ask for evidence of this. For example, we may ask for evidence of the healing benefits of a therapy provided under an advancement of health purpose.

- Any **harm** (to people, property or the environment) that comes from the purpose must not outweigh the benefit. You'll need to support this with evidence too.

2. Public

- Your charity's purpose must benefit either the public in general or a section of the public. If your organisation is set up to benefit a particular section of the public we suggest you make this clear in the purpose. This is best practice, and not a legal requirement. For example, your purpose may specify you are providing benefits for pupils at a local school.
- Any private benefit that comes from the purpose must be **incidental** – in other words, it must be a benefit that comes about as a by-product of the charity fulfilling its purpose.
- Examples of private benefit which is considered incidental may include benefits to owners of a property that a charity uses, occupies or is set up to preserve or a local business might benefit from a charity working to regenerate an area, or from working with businesses to create employment opportunities as a way of relieving unemployment.

When do I need to consider the public benefit requirement?

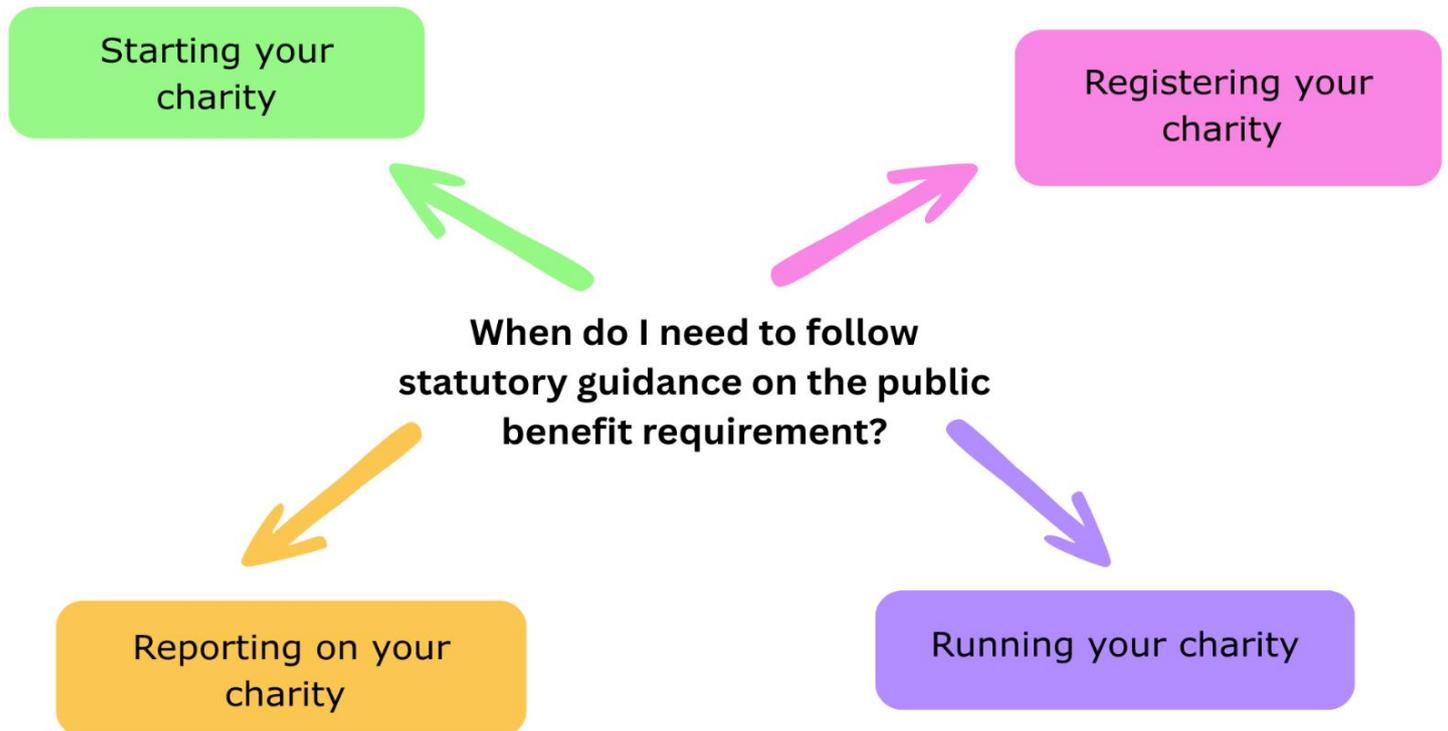
You need to consider the public benefit requirement whenever you make a decision that affects it – for example, when deciding what activities your charity will do or how it will use its resources.

Our guide on meeting the [public benefit requirement](#) explains:

- what 'public benefit' means
- how it must flow from each of your charity's purposes
- how to fulfil your charity's purposes for the public benefit.

This guidance is statutory, which means must follow it.

When to use the statutory guidance on meeting the public benefit requirement



How to meet the public benefit requirement

To check if your organisation's purposes meet the **public benefit** requirement, you can ask yourself these questions.

- What direct benefits come from my charity's purposes? For example, access to equipment and advice, better informed members and opportunities to take part in local decision making.
- How can I show that my charity is providing these benefits? For example, by keeping records of the loan/use of equipment and feedback from local surveys.
- Who does my charity help? For example, we provide support to groups in our local area.
- Does any **harm** come from any of my charity's purposes? For example, a charity is set up to restore a derelict building and bring it back into use as a community hub. The building is near a river and there is a risk of pollution, which could cause harm to local people. This risk is reduced by carrying out an environmental impact assessment and using the results to reduce the risk of pollution.
- Does any **private benefit** come from any of my charity's purposes? A private benefit arises from the training programme we run, through which our charity trustees and others gain more knowledge and skills.
- Is this benefit **incidental** and necessary? These benefits are incidental and necessary to ensure we can deliver to the people that we help.

You also need to consider the public benefit requirement when making decisions about running your charity. For example, it will affect decisions about:

- access to your charity's facilities or services
- your membership policy, if you have one
- whether to charge fees for using your charity's facilities or services
- equality.

Identifying the public benefit from your charity's purposes

The **public benefit** is different for every charity and every purpose. How you show that this benefit is being provided will also depend on your charity and its purpose.

Example: Defining the public benefit

A charity runs an after-school gymnastics club. To define the public benefit of their work, the **charity trustees** think about how the club makes a positive difference to the children who attend. They define this as 'improving the health and well-being of the children who go to the club'.

In this example, the trustees define the public benefit by focusing on the difference the charity's work makes, **not** on what the charity does (running the after-school club).

You need to use evidence to show that your charity is providing whatever public benefit you have identified, but the evidence doesn't have to be sophisticated. In the example of the after-school club, evidence could show that:

- risk assessments are carried out to identify any hazards
- children are taking part in gymnastics competitions
- more children are attending the club
- demand for the club is growing, leading to the need for waiting lists
- the school is continuing to support the club
- good reviews are being posted on social media.

Identifying harm from your charity's purposes

Harm is caused when something your charity does has negative consequences for someone else. Harm can be physical (for example cuts or bruises or becoming unconscious), mental (for example impact of bullying, blaming or constant criticism), environmental (for example damage to rivers or poor air quality) or social (for example poor housing, low incomes or lack of heating).

To check if any harm could come from your charity's purposes, think about **who** would be at risk of harm. This may be:

- people who your charity is already helping
- people who your charity could help in future
- members of the public.

For example, at an after-school club, a child who uses the equipment would be at risk of falling.

Then, manage the risk of any harm that you've identified. To do this, you should:

- reduce the risk as much as possible
- make sure any harm that could still be done is far outweighed by the benefits. Think about who may be harmed and how the harm might happen.

Example: Reducing the risk of harm

The charity running an after-school gymnastics club identifies that a child attending the club could fall and be hurt. They reduce this risk of harm by:

- having trained coaches at the club to supervise the activities
- having someone at the club who is trained in first aid
- recording information whenever an accident happens, so staff and volunteers can use the information to prevent future accidents.

For more on managing risks, read [guide 5: Good governance and managing risks](#).

Identifying who your charity helps

The people who your charity helps are sometimes called its **beneficiaries**.

To meet the **public benefit** requirement, your charity must help:

- the public, or
- a section of the public. How large a section will depend on the purpose and the charity.

Whenever you make decisions about who your charity is going to help, you should do so in line with your charity's purposes.

While running your charity, you may make other decisions that affect who can receive help. Fewer people are likely to benefit if you decide to:

- restrict access to your charity's facilities, for example the building belonging to a charity which supports young people is only open to 14-18 year olds.
- restrict the geographical area to a certain part of town
- introduce a membership policy
- charge for services.

To work out if a restriction is justified, think about:

- what your charity's purposes are
- why the restriction is needed
- what the people you help need
- what resources (such as time and money) you have available.

For more information and examples see the *Purposes and public benefit toolkit* on the Registration support page of the Commission website.

Identifying private benefit from your charity's purposes

Benefit from your charity's work is 'private' when it goes to a person or organisation who isn't in the group your charity was set up to help. For example, **private benefit** can be received by:

- charity trustees
- volunteers of your charity
- people employed by your charity
- businesses
- local councils.

It's important to make sure any private benefit that comes from your charity is acceptable in law. To be acceptable, the benefit must be incidental, which means:

- it directly helps the charity to fulfil its purpose
- it is a by-product of fulfilling the charity's purpose.

Incidental private benefit should be much less valuable than the main benefit received by those your charity helps. Here are some examples:

- more customers buying from local businesses because a charity has done work to improve the local area
- a local vet being paid by an animal sanctuary to treat its animals.

Paying a volunteer's expenses (for example, for travel) is not a private benefit as long as the volunteer has already paid for something and would be out of pocket if their expenses were not paid by the charity.

Our *Purposes and public benefit toolkit* has a section that explains how to identify private benefit. You can find it in the [Registration support](#) area of our website.

Restricting access to facilities

If your charity runs a facility for the public benefit, for example a youth club, you might need to limit:

- who can use the facility, for example young people between 14 and 18 years old
- what they can use at the facility, for example pool tables or a dart board
- when they can use the facility, for example between 6:00pm – 10:00pm, three evenings a week.

If you make restrictions, you must be able to justify why they are needed.

There are no rules about opening hours. However, it's good practice where possible to make your facility open often enough to cater for everyone who might use it. For example, being open at normal business hours, Monday to Friday. If a charity cannot stay open every day, due to the cost, the **charity trustees** will need to decide the days on which it will close.

There are rules on access to facilities. For example, where appropriate, you must make adjustments so disabled people can use your facility.

Introducing a membership policy

You might decide to introduce a membership policy because a membership structure is a suitable way of fulfilling your charity's purposes for the **public benefit**. For example, a charity provides learning opportunities to retired people within a council area. To join in the activities a person must be retired, live in the area and become a member of the club.

If you do introduce a membership policy for those who will use your charity, make sure you never set membership conditions for personal reasons. For example, to exclude people who disagree with your charity's views. You must allow everyone who might benefit to apply, and the conditions for joining must be based on facts, for example age for a charity which provides residential care or having a medical condition for a charity that advances health or relieves sickness.

Some membership policies limit the benefits of a charity's work to its members. Others allow the wider public to benefit too, and some charities have a membership which is not made up of beneficiaries.

When only members can benefit

In some circumstances, you can use a membership scheme to limit who can benefit from your charity's work. Always link your limits to your charity's purposes. Here are some examples of when this membership policy is appropriate:

- you need to limit membership to people who live in a specific geographical area, such as a town or district
- you need to limit the number of members for practical reasons, such as only having enough space for a certain number of people or for health and safety reasons. (You could then use a waiting list, where the next available place is offered to the person who has waited longest).

When people can benefit without being a member

In some cases, people can benefit without becoming a member of the charity.

For example, a professional body may only allow people who work in that profession to join. However, the wider public can still benefit from:

- articles published by the professional body
- the knowledge gained by a member of the professional body (for example, a nurse using their knowledge to ease a patient's pain).

Charging for services

Some charities ask people to pay a fee for using their services or facilities. Payments can be small or large, and they can be one-off or regular.

You may need to charge fees because your charity's services or facilities are expensive to run or because otherwise your charity wouldn't be able to do its work. For example, your charity might charge people:

- a membership fee to help pay for hiring a local community centre
- a fee for attending a dance class.
- an entry fee for visiting a stately home it manages

- a fee paid by older people to attend a lunch club.

If your fees are more than people on a low income can afford, you must make sure these people can still benefit. How you do this is up to you, but you must link it to your charity's purpose and do more than the bare minimum. Here are some examples:

- offering lower fees or other financial support, for example a bursary to help with study costs.
- universities offering means-tested bursaries or other types of assisted places
- fee-charging schools sharing educational or sports facilities with schools that don't charge fees
- art galleries or theatres offering reduced-rate tickets to people on low incomes, such as students and older people.

If your organisation does charge fees, you can usually still register it as a charity. But we'll need some more information so we can check if your organisation is set up for only charitable purposes.

Equality

Like all organisations, your charity must keep to equality laws.

If your charity is a public body or fully funded by public bodies, you must not discriminate against people for any of the reasons listed above. However, you may be able to discriminate in a positive way if your charity's work focuses on a particular disadvantage faced by people who share one of the characteristics (such as gender or ethnicity).

For example, if your charity runs a refuge for women who have experienced domestic violence, you might decide to only employ counsellors who are women. This is allowed because being a woman is a genuine need for being able to do the job. But you wouldn't be able to employ only women as window cleaners, because being a woman doesn't make a difference to whether someone can do that job.

For more information on how equality laws may affect your charity and whether exceptions apply to you, read our [Equality guidance for charities in Northern Ireland](#). You can find this guide in the [Charity essentials](#) area of our website.

The Equality Commission for Northern Ireland regulates organisations, including charities, on their equality duties. For more information, please visit the Equality Commission's website, www.equalityni.org.

Reporting on your charity's public benefit

One of your responsibilities as a trustee is to report on what your charity is doing to fulfil its purposes for the public benefit. This involves:

- reporting each year on how your charity has continued to meet the public benefit requirement
- confirming that you have followed our guidance on meeting the public benefit requirement.

To help you, use our *The Public benefit requirement: statutory guidance* and the *Purposes and public benefit toolkit*. These are available on the [Annual reporting](#) page of our website.

Support and resources

Resource	What is it
Helper groups	<p>Helper groups can support you with:</p> <ul style="list-style-type: none"> • registering your charity • annual reporting • other aspects of managing your charity. <p>Helper groups are organisations that have volunteered to provide this support.</p> <p>Follow the link to see the support each organisation can offer, who they work with, and how to contact them.</p>
<p>Registration support</p> <p>Purposes and public benefit toolkits</p> <p>Reporting on the public benefit toolkit</p>	<p>The Public benefit requirement: statutory guidance and the <i>Purposes and Public benefit toolkit</i> are available on the Registration support page of our website.</p> <p>The <i>Purposes and Public benefit toolkit</i> helps you check:</p> <ul style="list-style-type: none"> • do your charity’s purposes express well enough what it was set up to achieve • is this clear to stakeholders. <p>If you can’t answer yes to these questions, you may need to rewrite your charity’s purposes.</p> <p>The <i>Reporting on the public benefit toolkit</i> helps you provide information on how your charity has met the public benefit requirement as part of your annual reporting.</p>
<p>Registration support</p> <p>Screenshots of the registration application</p>	<p>We have created a document with screenshots of the main questions you’ll need to answer when registering your charity online. You can use the screenshots to know what information you should gather in advance, to help you answer the questions.</p> <p>You can find this on the Registration support page of our website.</p>

Appendix 1: Key terms

Beneficiary: This is a person or group of people who your charity was set up to help.

Charities Act: The Charities Act (Northern Ireland) 2008 as amended by the Charities Act (NI) 2013 and the Charities Act (NI) 2022. This is the main law that defines what a charity is and how charities are regulated.

Charity trustees: These are the people who are legally responsible for controlling and managing how your charity is run.

Good governance: Good governance means making sure the charity is well managed, keeps to charity law and keeps to any other regulations that apply. Good governance is key to the success of any charity.

Governing document: This is a formal document that sets out your charity's purposes and, usually, how the charity will be run. It may be a trust deed, a constitution, a memorandum and articles of association, a conveyance, a will, a Royal Charter, or a Scheme of the Commission.

What these terms mean and the type of charity that will use them is set out below.

Types of governing documents

Articles of association - define the company's purpose and lay out how tasks are to be accomplished within the organisation, including the process for appointing directors and how financial records will be handled. For companies with older style memorandum and articles of association all provisions in the memorandum are now classed under the articles of association.



Charitable company

Constitution - this is a legal document that sets out its charitable purposes ('objects'), powers, who runs it and who can be a member, meetings and appointments, rules on remuneration, investments and holding land, power to change the governing document and how to close the charity.



Unincorporated association

Rules which set out items such as its name, objects, where it is registered, membership.



Community benefit society

Scheme



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.

Harm: Harm is caused when something your charity does has negative consequences for someone else. It can be physical, mental, environmental or social.

Incidental benefit: A benefit is incidental if it:

- Directly contributes to achieving the charity's purposes (for example, paying a person employed by the charity), or
- Comes from fulfilling those purposes (for example, when a cafe makes more profit because your charity's work has improved the local area).

Private benefit: This is something (for example, pay or higher profit) that a person or organisation who is not a beneficiary gains from your charity. Charities are allowed to provide private benefit as long as the benefit is incidental.

Public benefit: Public benefit is at the heart of what it means to be a charity. It's about who your charity helps and what difference it makes. The Charities Act sets out that a charity's purposes must be for the 'public benefit'.

Public benefit requirement:

By law, all charities must have purposes that benefit the public. The law states that **all** a charity's purposes must:

- Fall into one or more of the 12 charitable purposes described in the Charities Act, and
- Be for the public benefit.

The Charities Act calls this the 'public benefit requirement'.

Purposes: A charity's purposes are what the charity aims to achieve. They are usually set out in the charity's governing document. Some charities call their purposes 'objectives', 'goals', or 'aims'.

You can find definitions of other useful terms in the main glossary on the Commission website.

More information

Website: www.charitycommissionni.org.uk

Email: admin@charitycommissionni.org.uk

Phone: 028 3832 0220

Sign up to our *newsletter* for news, views and important updates

Follow us on [Linkedin](#) and [Bluesky](#)