

Version	Author	Date approved
V6.0	PDM	10.10.2023

Religious designation for registered charities

Understanding the conditions that must be met and how to apply for the designation.



If you have any accessibility requirements, please contact us at admin@charitycommissionni.org.uk

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Section 1: Overview

The Charity Commission for Northern Ireland is responsible for registering, regulating, and reporting on the charity sector in Northern Ireland.

Our vision:

Well run and trusted charities making a difference in peoples' lives.

Our purpose:

enabling charities to do things right through proportionate regulation, best practice, and advice.

This guidance has been published to help registered charities in Northern Ireland understand and apply for religious designation. Religious designation was included in the Charities Act (Northern Ireland) 2008 to take account of the unique structures within some faith-based charities in Northern Ireland which often have supervisory or regulatory arrangements in place to deal with issues that may arise. The designation is designed to ensure that charity regulation is proportionate in accordance with the structures that are already in place within the charity, while ensuring the Charity Commission for Northern Ireland (the Commission) retains the necessary regulatory powers.

Religious designation will not be granted automatically, rather, it will be up to individual charities to consider whether they wish to apply for designation and provide evidence that they meet the conditions set out in the legislation.

It is important to note that religious designation is distinct from charity registration and whether a charity receives designation or not will have no impact on its status as a charity.

Religious designation became available for registered charities in Northern Ireland on 1 January 2016. This is the date that the Charities (Accounts and Reports) Regulations (Northern Ireland) 2015 came into operation.

These regulations introduced provisions relating to the keeping of accounting records and auditing of accounts, in line with Part 8 of the Charities Act, necessary to meet one of the eligibility conditions for religious designation.

The Commission, as the independent regulator of charities in Northern Ireland, is tasked with promoting public trust and confidence in charities and ensuring that charities meet their obligations under charity law. This guidance is an important tool in order to achieve that.

Section 2: About this guidance

What does this guidance cover?

This document sets out the Commission's guidance for charities that wish to apply for religious designation. It explains what religious designation is and the conditions which must be met for designation to be granted. This will help registered charities to ensure that they have the necessary policies and procedures in place to be considered for religious designation.

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 it does not replace advice from a charity's own professional advisers.

Who does this guidance apply to?

This guidance is aimed at [charity trustees](#), members of management committees, directors of charitable companies, or someone acting on behalf of a charity, for example a solicitor, accountant, agent or adviser.

Only charities that are registered with the Commission are eligible to apply for religious designation.

Will the Commission publish the decision to grant, refuse or withdraw religious designation?

The Commission has considered publication of the decision to grant, refuse or withdraw religious designation in line with the [Publishing our decisions](#) policy.

Granted: Where a charity is granted religious designation we will publish this on the charity's entry on the online [register of charities](#). Where religious designation is granted to a head body any [component elements](#), which are charities in their own right, will be marked as such on the *register of charities*. Further information on component elements is provided within this guidance.

Refused: The Commission will not usually publish where we refuse to grant religious designation unless there is a good reason to do so.

Withdrawn: Where religious designation is withdrawn, we will remove the designation reference from the charity's entry on the [register of charities](#).

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.

Charity legislation

References in this document to 'the Charities Act' are to the [Charities Act \(Northern Ireland\) 2008](#).

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. The words in *blue italics* indicate other guidance or databases.

Please check our website www.charitycommissionni.org.uk to make sure you are viewing the latest version of this guidance.

Key terms

The following are some key terms that it will be useful to understand when reading this guidance. They, and other terms, are also listed in a glossary at Appendix 2.

Activities: We use this term when talking about what organisations do in order to achieve their purposes.

Component element: A component element is a part of the head body of a religious charity. It forms part of the overall governance structure of the religious charity and is subject to requirements to keep accounting records and audit accounts which correspond with those in Part 8 of the Charities Act. A component element does not necessarily have to be a charity in its own right or have the advancement of religion as its principal purpose. Where a component element is a charity in its own right, it is included in the overall religious designation of the charity. Examples of component elements include individual congregations, or other similar elements that are subject to supervisory and disciplinary functions.

Purposes: The purposes of a charity will usually be defined by what its governing document says that it is set up to do. According to the Charities Act, all the organisation's purposes must:

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

Section 3: Religious designation

3.1 What is religious designation?

Religious designation is a status that can be given to certain charities, and which exempts them from a number of sections of the Charities Act. Religious designation may be granted by the Commission to any registered charity that applies for it and meets the conditions set out in section 3.3 of this guidance. Where a charity is granted religious designation this will be marked next to the charity's entry on the online [register of charities](#).

[Section 86](#) of the Charities Act (Northern Ireland) 2008, which sets out persons disqualified from being trustees of a charity, does not apply to a designated religious charity. This is set out in the [Charities Act 2008 \(Designated Religious Charities\) Order \(Northern Ireland\) 2016](#).

[Sections 33 to 36](#) of the Charities Act do not apply to charities with religious designation. These sections of the Charities Act give the Commission powers to act to protect a charity by, for example, removing or suspending trustees, or appointing an interim manager.

These sections do not apply to a charity with religious designation because the charity concerned has structures in place that enable it to provide supervisory and disciplinary functions to protect the charity and all of its component parts.

This will not prevent the Commission from opening a statutory inquiry under [section 22](#) of the Charities Act and investigating the charity if there is an evidence based concern.

Religious designation will be withdrawn by the Commission if the charity no longer meets the necessary criteria or if, as a consequence of a statutory inquiry, the Commission considers it no longer appropriate for the charity to be designated. Withdrawal of designation will not affect charitable status.

Religious designation is distinct from compulsory charity registration and is applied for separately. Application is voluntary and being refused designation does not have an impact on charitable status. Charities with religious designation are still subject to charity law requirements and, in common with all registered charities, have to submit their accounts and reports to the Commission on an annual basis.

3.2 Why was religious designation included in the Charities Act?

The religious designation provisions were included in the Charities Act to reflect the unique structure of some faith-based charities established in Northern Ireland, such as churches, which often have supervisory, disciplinary and governance arrangements which are sufficient to deal with investigations, suspensions, poor administration or misconduct. In some cases, these arrangements are underpinned by separate legislation. The intention of excluding charities with religious designation from sections 33 to 36 of the Charities Act was to avoid duplication of regulation and to ensure that charity regulation in Northern Ireland is proportionate.

3.3 What organisations will be eligible for religious designation?

To be eligible for religious designation a charity must be registered with the Commission and must meet the conditions set out in [section 166](#) of the Charities Act. These conditions are that the charity:

- has the advancement of religion as its principal [purpose](#)
- has the regular holding of public worship as its principal [activity](#)
- has been established in Northern Ireland for at least five years
- has an internal organisation to ensure that there are authorities in place to deal with supervisory and disciplinary matters affecting it and all component elements
- has procedures to ensure that all component elements of the charity are subject to requirements to keep accounting records and to audit accounts as correspond with the requirements set out in [Part 8 of the Charities Act](#).

The only exception to these conditions is where, if a charity has not been established in Northern Ireland for five years, it may still be eligible if:

- it was created by the amalgamation of two or more charities each of which, immediately before the amalgamation, was designated or was eligible to be designated or
- it was established by persons who had removed themselves from a charity which, immediately before their removal, was designated or was eligible to be designated.

Component elements

A component element is a part of the head body of a religious charity. It forms part of the overall governance structure of the religious charity and is subject to requirements to keep accounting records and audit accounts which correspond with those in Part 8 of the Charities Act. A component element does not necessarily have to be a charity in its own right or have the advancement of religion as its principal purpose. Where a component element is a charity in its own right, it is included in the overall religious designation of the charity. Examples of component elements include individual congregations, or other similar elements that are subject to supervisory and disciplinary functions.

3.4 What are the implications of religious designation for charities?

Where a charity is granted religious designation, its entry on the online [register of charities](#) will be updated to include 'registered with religious designation'.

The charity will be required to ensure that it continues to meet the conditions attached to designation or risk having the designation withdrawn. The charity will also be required to maintain its supervisory, disciplinary and governance arrangements and to exercise those functions where necessary.

If a concern is raised with the Commission regarding any part of the charity with religious designation it is likely that we will liaise with, or pass that concern to, the charity to resolve. Members of the public or other stakeholders may also raise a concern directly with the charity.

3.5 What are the implications for a charity if religious designation is withdrawn?

Where religious designation is withdrawn from a charity there will be a number of implications:

- the term 'registered with religious designation' will be removed from the charity's entry on the online [register of charities](#)
- the charity will no longer be exempt from sections 33 to 36 of the Charities Act.
- the withdrawal of the designation also extends to any component elements of the charity.

It is important to note that withdrawal of religious designation will have no impact on the charitable status of the organisation, nor on any charitable tax relief granted by Her Majesty's Revenue and Customs (HMRC). The charity may wish to reapply for religious designation in the future.

Section 4: Meeting the criteria for religious designation

This section of the guidance is designed to help applicants to prepare information that is required as part of the religious designation application process.

The application form guides applicants to identify what information and evidence they need to provide. The Commission cannot grant a designation where it is not satisfied that the conditions in section 166(3) are met. It is the responsibility of the applicant to ensure the Commission has all relevant information.

The information below provides guidance to assist you in completing key sections of the application form. It is important that you read this guidance before completing the form.

4.1 Purposes of the charity

You are required to confirm that the advancement of religion is the principal purpose of the charity, as selected in the charity's application for registration, otherwise the charity will not be eligible for religious designation. For example, a charity established with a principal purpose to relieve poverty, but that also sought to advance religion, would not be eligible for religious designation. There is further information on the advancement of religion as a [description of charitable purpose](#) in the [Advancement of religion](#) public benefit requirement supporting document available on the Commission's website.

4.2 Public worship

A condition of religious designation is that the charity must have the regular holding of public worship as its principal activity. You are required to outline how public worship is carried out within the charity and how often this happens. Make reference to, and provide, any relevant evidence. Evidence may include, but is not limited to:

- a newsletter announcing times of church services
- a website with a calendar of public worship events
- a public notice in a newspaper or directory.

It is likely that, to be public, worship will involve the coming together of a congregation or meeting or assembly of people that is open and communicated to members of the public.

4.3 Establishment of the charity

Religious designation will usually only be granted to charities that have been [established](#) in Northern Ireland for at least five years. The charity's [governing document](#) may be sufficient evidence of when the charity was established. If not, other documentary evidence may be required to confirm that the charity was in existence in Northern Ireland, in its present state, more than five years previously. Documentary evidence may include, but is not limited to:

- minutes of meetings
- a company registration certificate.

There are certain circumstances where designation may be awarded to a charity that has been established for fewer than five years. These circumstances are where:

- the charity was established by the amalgamation of two or more charities, each of which immediately before the amalgamation, had religious designation or was eligible for religious designation or
- the charity was established by persons who had removed themselves from membership of a charity that, immediately before their removal, had religious designation or was eligible for religious designation.

If either of these circumstances applies to your organisation then, in addition to evidence of the date of establishment of the charity applying for religious designation, you will be required to provide details of the charities and / or individuals that contributed to the establishment of the charity and evidence to support those details:

- Full legal name of all charities involved (for example, those that amalgamated, or those from where the members of the charity removed themselves)
- Registered charity number of all charities involved (if applicable)
- HMRC number of all charities involved (if applicable)
- Contact details of all charities involved
- A copy of the governing document of all charities involved.

In addition, if the charity was established by individuals who had removed themselves from membership of another charity:

- Full name and contact details of those individuals
- Date of their resignation from the previous charity.

4.4 Component elements

Where there are component elements, the head body must be able to exercise supervisory and disciplinary authority over all its component elements and they must be subject to requirements to keep accounting records and audit accounts which correspond with those in Part 8 of the Charities Act. A component element does not necessarily have to be a charity or have the advancement of religion as its principal purpose. Where a component element is a charity in its own right, it is included in the overall religious designation of the charity.

Non-charitable component elements do not fall under the jurisdiction of the Charity Commission. However, if issues arise within a component element, that is not a charity, which are not dealt with appropriately by the head body, this may be of concern to the Charity Commission as it may indicate mismanagement within the supervisory and disciplinary authority of the head body.

It is necessary, therefore, to list all component elements of the head body being the charity making an application for religious designation.

You are required to provide the following details for each component element:

- Full name
- Charity registration number (if applicable).

In a charity with an organisational structure where the head body is a 'governing body' or 'council' and the component elements are individual congregations or parishes then it may be unclear how the head body can meet the condition of religious designation that the principal activity of the organisation being to carry out public worship. In this case, the overall purpose of the body seeking designation is the advancement of religion and the principal activity of the organisation as a whole is public worship, though this may not necessarily be carried out by the governing body itself but instead by the component elements. The condition would most likely be satisfied.

Where religious designation is granted to a head body any component elements which are charities in their own right, will be marked as such on the register of charities.

4.5 Supervisory and disciplinary authorities

You are required to provide evidence that the charity has an internal organisation to ensure that there are authorities in place to deal with supervisory and disciplinary matters that arise within its operations and those of its component elements. The authorities must be based in Northern Ireland and with an ability to exercise their powers from Northern Ireland. They must be able to exercise sufficient supervisory and disciplinary functions over component elements. This will be considered on a case by case basis and will be up to the applicant to demonstrate.

The table below sets out the information that is required and suggests possible sources to evidence the information. These sources are suggestions only, and do not provide a definitive list, but will help you in considering what information you should provide.

	Information	Possible sources
1	Details of the supervisory and disciplinary authorities that exist within the charity (see section 4.5.1 below for further information)	<ul style="list-style-type: none"> • Clause within the governing document of the charity • Operations manual • Disciplinary or supervision policy
2	Confirmation that the supervisory and disciplinary authorities are based in, and able to exercise their powers from, Northern Ireland. Identifying whether an authority is based in Northern Ireland may vary depending on the authority. In order to determine this, the Commission will look at a number of factors such as:	<ul style="list-style-type: none"> • A clause within the governing document of the charity • Operations manual • Disciplinary or supervision policy • Letterhead showing the address of any head office/registered office

	<ul style="list-style-type: none"> • Is the geographical location of the authority in Northern Ireland? • If not, does the authority have a substantial presence in Northern Ireland? • Can the authority exercise its powers from Northern Ireland? <p>It will be up to the applicant to provide evidence to support their application.</p>	
3	The extent of the supervisory and disciplinary authorities, for example, whether they apply to all members, staff or trustees of the charity	<ul style="list-style-type: none"> • A clause within the governing document of the charity • Operations manual • Disciplinary or supervision policy
4	Policies and / or procedures the charity has in place to ensure authority is exercised appropriately	<ul style="list-style-type: none"> • Operations manual • Disciplinary or supervision policy
5	How awareness is raised of these policies and / or procedures within the charity and how compliance with them is monitored	<ul style="list-style-type: none"> • Disciplinary or supervision policy • Induction procedures • Training schedule • Newsletter or bulletin • Minutes of or attendance at meetings (for example AGMs, board meetings, or staff meetings)
6	How the outcome of any supervisory or disciplinary action taken is monitored and communicated throughout the charity	<ul style="list-style-type: none"> • Newsletter or bulletin • Disciplinary or supervision policy • Minutes of meetings (for example AGMs or staff meetings)

4.5.1 Examples of supervisory and disciplinary functions

The Commission cannot grant religious designation to a charity unless satisfied that it can ensure there are authorities in place to deal with supervisory and disciplinary matters affecting it and all component elements, whether charities in their own right or not. Examples of the supervisory and disciplinary matters that these authorities may need to be able to address include, but are not limited to:

- taking steps to suspend or remove a trustee, officer, agent or employee in order to safeguard the charity
- assuming control over the management of the charity for a limited period of time
- putting additional trustees in place as necessary
- appointing an independent person to look after the affairs of the charity or its component elements
- restricting or preventing the charity from parting with property, or from making some other transaction
- stopping an individual from being a member of the charity.

4.6 Accounting records and auditing of accounts

You are required to describe the procedures the charity has in place to ensure that all of its component elements keep accounting records and have those records audited (if applicable) in line with Part 8 of the Charities Act. For further information on registered charities' accounting and reporting requirements see the [Annual reporting](#) section of the Commission's website.

If your charity has written guidance, or a relevant clause within its governing document, relating to accounting and reporting procedures then ensure you attach a copy of the relevant documentation.

4.7 Submitting your application for religious designation

An application for religious designation can only be submitted during the registration process or following the registration of the charity. The assessment of an application for religious designation is carried out separately to the registration assessment. Religious designation cannot be given to an organisation that is not registered as a charity. If a charity indicates that they wish to apply for religious designation the Commission will send an email to the contact with a link to the online application form.

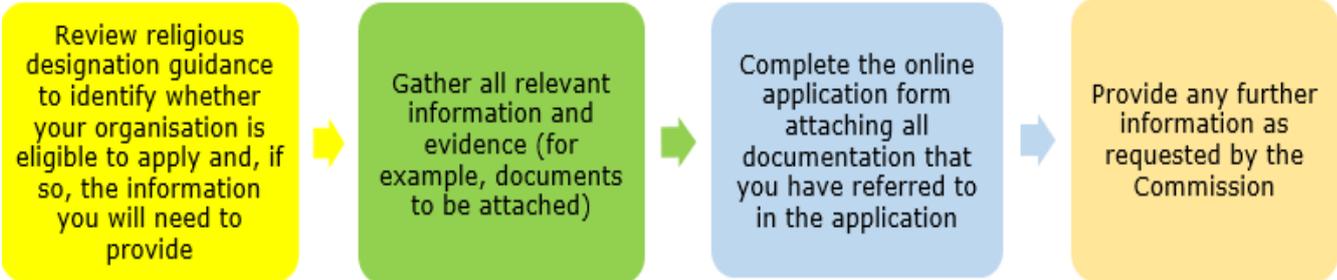
You will be required to attach any evidence to support your application to the online form. Please contact the Commission if you have any specific accessibility requirements.

The Commission will consider the application form and supporting evidence to assess whether the charity satisfies the requirements for religious designation. As a result of this assessment, we may contact the charity to provide a detailed explanation of what is meant by religious designation and to request further information, if necessary.

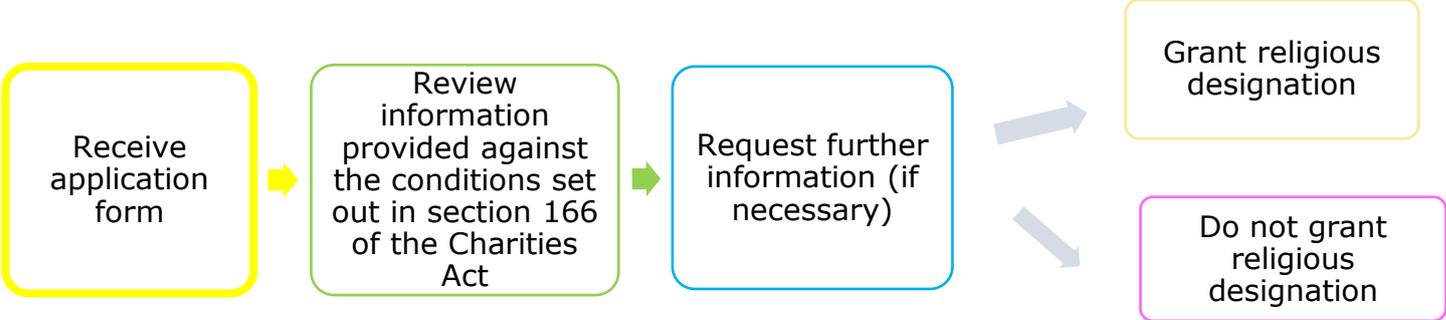
Ultimately, religious designation cannot be granted unless the Commission is satisfied that each of the conditions has been met.

The following flow charts may assist you.

What process should you follow?



What process will the Commission follow?



Appendix 1: Checklist for trustees

The checklist below sets out some questions to prompt preparation for an application for religious designation. It may be useful to download or print the checklist and use it to identify information, materials or documents needed. The text in italics is for guidance purposes only.

	Yes	No	Examples of evidence
Can you provide evidence that the advancement of religion is the principal purpose of the charity?			<ul style="list-style-type: none"> • <i>Details on online register of charities</i> • <i>Purposes section of governing document</i>
Can you provide evidence that the regular holding of public worship is the principal activity of the charity?			<ul style="list-style-type: none"> • <i>Public newsletter</i> • <i>Newspaper announcement</i> • <i>Calendar on a website</i>
Can you provide evidence of when the charity was established in Northern Ireland and the details of its establishment?			<ul style="list-style-type: none"> • <i>Governing document</i> • <i>Meeting minutes</i> • <i>Companies House registration</i>
Can you provide details of all component elements of the charity, whether charities in their own right or not?			<ul style="list-style-type: none"> • <i>Governing document</i> • <i>Management statement or policies</i> • <i>Contact details</i>
Can you provide evidence to demonstrate the supervisory and disciplinary functions of the charity?			<ul style="list-style-type: none"> • <i>Governing document</i> • <i>Operational guidance or manual</i> • <i>Supervisory/disciplinary policies</i>
Can you provide details of the accounting records and auditing required of all component parts of the charity?			<ul style="list-style-type: none"> • <i>Accounting policies / procedures</i> • <i>Governing document</i> • <i>Previous accounts and reports</i>

Appendix 2 Glossary

Term	Definition
Activities	We use this term when talking about what organisations do in order to carry out their 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, 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 sections of the Charities Act are in operation yet. Details of the sections that are in force are available on the Commission's website www.charitycommissionni.org.uk</p>
Charity trustees	<p>These are the people who are legally responsible for the control and management of the administration of the charity. In the charity's governing document they may be called trustees, managing trustees, committee members, governors or directors or they may be referred to by some other title.</p> <p>Some people are disqualified by law from acting as charity trustees. These disqualifications are set out in the Charities Act and broadly include but are not limited to anyone who:</p> <ul style="list-style-type: none"> • has been convicted of an offence involving deception or dishonesty, unless the conviction is a spent conviction under the

	<p>Rehabilitation of Offenders (NI) Order 1978</p> <ul style="list-style-type: none"> • is an undischarged bankrupt or has made an arrangement with creditors • has previously been removed as a trustee by the Commission or by the courts • is subject to disqualification under company legislation.
<p>Component element</p>	<p>A component element is a part of the head body of a religious charity. It forms part of the overall governance structure of the religious charity and is subject to requirements to keep accounting records and audit accounts which correspond with those in Part 8 of the Charities Act. A component element does not necessarily have to be a charity in its own right or have the advancement of religion as its principal purpose. Where a component element is a charity in its own right, it is included in the overall religious designation of the charity. Examples of component elements include individual congregations, or other similar elements that are subject to supervisory and disciplinary functions.</p>
<p>Descriptions of charitable purpose</p>	<p>These are the 12 descriptions of purpose set out in Charities Act:</p> <ul style="list-style-type: none"> • prevention or relief of poverty • advancement of education • advancement of religion • advancement of health or the saving of lives • advancement of citizenship or community development • advancement of the arts, culture, heritage or science • advancement of amateur sport • advancement of human rights, conflict resolution or reconciliation or the

	<p>promotion of religious or racial harmony or equality and diversity</p> <ul style="list-style-type: none"> • advancement of environmental protection or improvement • relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage • advancement of animal welfare • any other charitable purpose.
Established	Founded, instituted, built or brought into being on a firm or stable basis.
Governing document	A charity's governing document is any document which sets out the charity's purposes and, usually, how it is to be administered. It may be a trust deed, constitution, memorandum and articles of association, conveyance, Will, Royal Charter, Scheme of the Commission or other formal document.
Part 8 of the Charities Act	Sections 69-72 of the Charities Act (Northern Ireland) 2008 detailing a charity's accounting and auditing obligations.
Purposes	<p>The purposes of a charity will usually be defined by what its governing document says that it is set up to do.</p> <p>According to the Charities Act, all the organisation's purposes must:</p> <ul style="list-style-type: none"> • fall under one or more of the list of 12 descriptions of charitable purposes in the Charities Act and • be for the public benefit.

Section 166 of the Charities Act

Designation, etc. of religious charities

166.–(1) The Commission may, on receiving an application from the charity trustees of a charity, make a designation under this section in relation to the charity.

(2) Subject to subsection (4), the Commission must not make such a designation unless it appears to the Commission that the conditions set out in subsection (3) are satisfied in relation to the charity.

(3) Those conditions are that the charity–

(a) has the advancement of religion as its principal purpose;

(b) has the regular holding of public worship as its principal activity;

(c) has been established in Northern Ireland for at least 5 years; and

(d) has an internal organisation such that–

(i) one or more authorities in Northern Ireland exercise supervisory and disciplinary functions in respect of the component elements of the charity, and

(ii) those elements are subject to such requirements regarding the keeping of accounting records and auditing of accounts as appear to the

	<p>Commission to correspond to those required by Part 8.</p> <p>(4) The Commission may determine that subsection (3)(c) need not be satisfied in the case of a charity–</p> <ul style="list-style-type: none">(a) created by the amalgamation of 2 or more charities each of which, immediately before the amalgamation–<ul style="list-style-type: none">(i) was designated under this section, or(ii) was, in the Commission’s opinion, eligible to be so designated, or(b) constituted by persons who have removed themselves from membership of a charity which, immediately before the removal–<ul style="list-style-type: none">(i) was designated under this section, or(ii) was, in the Commission’s opinion, eligible to be so designated. <p>(5) The Commission may, by notice served on a charity in relation to which a designation has been made under this section, withdraw the designation where–</p> <ul style="list-style-type: none">(a) it appears to the Commission that one or more of paragraphs (a) to (d) of subsection (3) is no longer satisfied in relation to the charity; or(b) in consequence of an investigation of any component element of the charity under section 22, the Commission considers that it is no longer appropriate for the charity to be designated under this section.
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Section 22 of the Charities Act

General power to institute inquiries

22.—(1) The Commission may institute inquiries with regard to charities or a particular charity or class of charities, either generally or for particular purposes.

(2) The Commission may either conduct such an inquiry or appoint a person to conduct it and make a report to the Commission.

(3) For the purposes of any such inquiry the Commission, or a person appointed by the Commission to conduct it, may (subject to the provisions of this section) direct any person (P)—

- (a) to provide accounts and statements in writing with respect to any matter in question at the inquiry, being a matter on which P has or can reasonably obtain information, or to return answers in writing to any questions or inquiries addressed to P on any such matter, and to verify any such accounts, statements or answers by statutory declaration;
- (b) to provide copies of documents in P's custody or under P's control which relate to any matter in question at the inquiry, and to verify any such copies by statutory declaration;
- (c) to attend at a specified time and place and give evidence or produce any such documents.

(4) For the purposes of any such inquiry evidence may be taken on oath, and the person conducting the inquiry may for that purpose administer oaths, or may instead of administering an oath require P to make and subscribe a declaration of the truth of the matters about which P is examined.

(5) The Commission may pay to P the necessary expenses of attending to give evidence or produce documents for the purpose of an inquiry under this section, and P shall not be required in obedience to a direction under paragraph (c) of 1 6 subsection (3) to go more than 10 miles from

	<p>P's place of residence unless those expenses are paid or tendered to P.</p> <p>(6) Where an inquiry has been held under this section, the Commission may either—</p> <p>(a) cause the report of the person conducting the inquiry, or such other statement of the results of the inquiry as the Commission thinks fit, to be printed and published, or</p> <p>(b) publish any such report or statement in some other way which is calculated in the Commission's opinion to bring it to the attention of persons who may wish to make representations to the Commission about the action to be taken.</p>
<p>Sections 33 to 36 of the Charities Act</p>	<p>Power to act for protection of charities</p> <p>33.—(1) Where, at any time after it has instituted an inquiry under section 22 with respect to any charity, the Commission is satisfied—</p> <p>(a) that there is or has been any misconduct or mismanagement in the administration of the charity; or</p> <p>(b) that it is necessary or desirable to act for the purpose of protecting the property of the charity or securing a proper application for the purposes of the charity of that property or of property coming to the charity,</p> <p>the Commission may of its own motion do one or more of the following things—</p> <p>(i) by order suspend any person who is a trustee, charity trustee, officer, agent or employee of the charity from the exercise of that person's office or employment pending consideration being given to that</p>

	<p>person's removal (whether under this section or otherwise);</p> <p>(ii) by order appoint such number of additional charity trustees as it considers necessary for the proper administration of the charity;</p> <p>(iv) 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>(v) order any debtor of the charity not to make any payment in or towards the discharge of liability to the charity without the approval of the Commission;</p> <p>(vi) by order restrict (notwithstanding anything in the trusts of the charity) 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>(vii) by order appoint (in accordance with section 35) an interim manager, who shall act as receiver and manager in respect of the property and affairs of the charity.</p> <p>(2) Where, at any time after it has instituted an inquiry under section 22 with respect to any charity, the Commission is satisfied—</p> <p>(a) that there is or has been any misconduct or mismanagement in the administration of the charity; and</p> <p>(b) that it is necessary or desirable to act for the purpose of protecting the property of the charity or securing a proper application for the purposes of the charity of that property or of property coming to the charity, the Commission may of its own</p>
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motion do either or both of the following things—

(i) by order remove any trustee, charity trustee, officer, agent or employee of the charity who has been responsible for or privy to the misconduct or mismanagement or whose conduct has contributed to it or facilitated it;

(ii) by order establish a scheme for the administration of the charity.

(3) The references in subsections (1) or (2) to misconduct or mismanagement shall (notwithstanding anything in the trusts of the charity) extend to the employment for the remuneration or reward of persons acting in the affairs of the charity, or for other administrative purposes, of sums which are excessive in relation to the property which is or is likely to be applied or applicable for the purposes of the charity.

(4) The Commission may also remove a charity trustee by order made of its own motion—

(a) where, within the last 5 years, the trustee—

(i) having previously been adjudged bankrupt or had estate sequestrated, has been discharged, or

(ii) having previously made a composition or arrangement with, or granted a trust deed for,

creditors, has been discharged in respect of it; or

(iii) having previously been the subject of a debt relief order, has been discharged from all the qualifying debts under the debt relief order;

(b) where the trustee is a corporation in liquidation;

(c) where the trustee is incapable of acting by reason of mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986 (NI 4);

(d) where the trustee has not acted, and will not declare willingness or unwillingness to act;

(e) where the trustee is outside Northern Ireland or cannot be found or does not act, and that absence or failure to act impedes the proper administration of the charity.

(5) The Commission may by order made of its own motion appoint a person to be a charity trustee—

(a) in place of a charity trustee removed by the Commission under this section or otherwise;

(b) where there are no charity trustees, or where by reason of vacancies in their number or the absence or incapacity of any of their number the charity cannot apply for the appointment;

(c) where there is a single charity trustee, not being a corporation aggregate, and the Commission is of opinion that it is necessary to increase the number for the proper administration of the charity;

(d) where the Commission is of opinion that it is necessary for the proper administration of the charity to have an additional charity trustee because one of the existing charity trustees who ought nevertheless to remain a charity trustee either cannot be found or does not act or is outside Northern Ireland.

(6) The powers of the Commission under this section to remove or appoint charity trustees of its own motion shall include power to make any such order with respect to the vesting in or transfer to the charity trustees of any property as the Commission could make on the removal or appointment of a charity trustee by it under section 31.

(7) Any order under this section for the removal or appointment of a charity trustee or trustee for a charity, or for the vesting or transfer of any property, shall be of the like effect as an order made under section 31.

(8) The power of the Commission to make an order under subsection (1)(i) shall not be exercisable so as to suspend any person (P) from the exercise of office or employment for a period of more than 12 months; but (without prejudice to the generality of section 175(1)), any such order made in the case of P may make provision as respects the period of P's suspension for matters arising out of it, and in particular for enabling any person to execute any instrument in P's name or otherwise act for P and, in the case of a charity trustee, for adjusting any rules governing the proceedings of the charity trustees to take account of the reduction in the number capable of acting.

(9) Before exercising any jurisdiction under this section otherwise than by virtue of subsection (1), the Commission shall give notice of its intention to do so to each of the charity trustees, except any that cannot be found or has no known address; and any such notice may be given by post and, if given by post, may be addressed to the recipient's last known address.

(10) The Commission shall, at such intervals as it thinks fit, review any order made by it under paragraph (i), or any of paragraphs (iii) to (vii),

of subsection (1); and, if on any such review it appears to the Commission that it would be appropriate to discharge the order in whole or in part, the Commission shall so discharge it (whether subject to any savings or other transitional provisions or not).

(11) Any person who contravenes an order under subsection (1)(iv), (v) or (vi), is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(12) Subsection (11) shall not be taken to preclude the bringing of proceedings for breach of trust against any charity trustee or trustee for a charity in respect of a contravention of an order under subsection (1)(iv) or (vi) (whether proceedings in respect of the contravention are brought against that person under subsection (11) or not).

Power to suspend or remove trustees, etc. from membership of charity

34.—(1) This section applies where the Commission makes—

- (a) an order under section 33(1) suspending from office or employment any trustee, charity trustee, officer, agent or employee of a charity, or
- (b) an order under section 33(2) removing from office or employment any officer, agent or employee of a charity,

and the trustee, charity trustee, officer, agent or employee (as the case may be) is a member of the charity.

(2) If the order suspends the person in question from office or employment, the Commission may also make an order suspending that person's membership of the charity for the period for which

that person is suspended from office or employment.

(3) If the order removes the person in question from office or employment, the Commission may also make an order—

(a) terminating that person's membership of the charity, and

(b) prohibiting that person from resuming membership of the charity without the Commission's consent.

(4) If an application for the Commission's consent under subsection (3)(b) is made 5 years or more after the order was made, the Commission must grant the application unless satisfied that, by reason of any special circumstances, it should be refused.

Supplementary provisions relating to interim manager appointed for a charity

35.—(1) The Commission may under section 33(1)(vii) appoint to be interim manager in respect of a charity such person (other than a member of its staff) as it thinks fit.

(2) Without prejudice to the generality of section 175(1), any order made by the Commission under section 33(1)(vii) may make provision with respect to the functions to be discharged by the interim manager appointed by the order; and those functions shall be discharged by the interim manager under the supervision of the Commission.

(3) In connection with the discharge of those functions any such order may provide—

(a) for the interim manager appointed by the order to have such powers and duties of the charity trustees of the charity

	<p>concerned (whether arising under this Act or otherwise) as are specified in the order;</p> <p>(b) for any powers or duties exercisable or falling to be performed by the interim manager by virtue of paragraph (a) to be exercisable or performed by the interim manager to the exclusion of those trustees.</p> <p>(4) Where a person has been appointed interim manager by any such order—</p> <p>(a) section 49 shall apply to that person and to that person's functions as a person so appointed as it applies to a charity trustee of the charity concerned and to the duties of a charity trustee as such; and</p> <p>(b) the Commission may apply to the Court for directions in relation to any particular matter arising in connection with the discharge of those functions.</p> <p>(5) The Court may on an application under subsection (4)(b)—</p> <p>(a) give such directions, or</p> <p>(b) make such orders declaring the rights of any persons (whether before the Court or not),</p> <p>as it thinks just; and the costs of any such application shall be paid by the charity concerned.</p> <p>(6) Regulations made by the Department may make provision with respect to—</p> <p>(a) the appointment and removal of persons appointed in accordance with this section;</p> <p>(b) the remuneration of such persons out of the income of the charities concerned;</p>
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(c) the making of reports to the Commission by such persons.

(7) Regulations under subsection (6) may, in particular, authorise the Commission—

(a) to require a person so appointed to give security for the due discharge of that person's functions;

(b) to determine the amount of that person's remuneration;

(c) to disallow any amount of remuneration in such circumstances as are prescribed by the regulations.

Power to give specific directions for protection of charity

36.—(1) This section applies where, at any time after the Commission has instituted an inquiry under section 22 with respect to any charity, it is satisfied as mentioned in section 33(1)(a) or (b).

(2) The Commission may by order direct—

(a) the charity trustees,

(b) any trustee for the charity,

(c) any officer or employee of the charity, or

(d) (if a body corporate) the charity itself,

to take any action specified in the order which the Commission considers to be expedient in the interests of the charity.

(3) An order under this section—

(a) may require action to be taken whether or not it would otherwise be within the powers exercisable by the person or persons concerned, or by the charity, in relation to

the administration of the charity or to its property, but

(b) may not require any action to be taken which is prohibited by any statutory provision or expressly prohibited by the trusts of the charity or is inconsistent with its purposes.

(4) Anything done by a person or body under the authority of an order under this section shall be deemed to be properly done in the exercise of the powers mentioned in subsection (3)(a).

(5) Subsection (4) does not affect any contractual or other rights of any other person arising in respect of anything which has been done under the authority of such an order.

If you 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.

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

As part of its work the Commission is lawfully required to collect and process personal data. 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](#). You may want to read the Commission's [Privacy notice](#) which explains what we do with personal data and your rights in relation to that processing.

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.

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