



2008 CHAPTER 12

PART 2

THE CHARITY COMMISSION FOR NORTHERN IRELAND

The Commission's objectives, general functions, etc.

The Commission's objectives

- 7.—(1) The Commission has the objectives set out in subsection (2).
- (2) The objectives are—
- (1) The public confidence objective.
 - (2) The public benefit objective.
 - (3) The compliance objective.
 - (4) The charitable resources objective.
 - (5) The accountability objective.
- (3) Those objectives are defined as follows—
- (1) The public confidence objective is to increase public trust and confidence in charities.
 - (2) The public benefit objective is to promote awareness and understanding of the operation of the public benefit requirement.
 - (3) The compliance objective is to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities.
 - (4) The charitable resources objective is to promote the effective use of charitable resources.

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- (5) The accountability objective is to enhance the accountability of charities to donors, beneficiaries and the general public.

^{F1}(4)

Textual Amendments

F1 S. 7(4) repealed (19.1.2013) by [Charities Act \(Northern Ireland\) 2013 \(c. 3\), s. 10\(1\), Sch. 2](#)

The Commission's general functions

8.—(1) The Commission has the general functions set out in subsection (2).

(2) The general functions are—

- (1) Determining whether institutions are or are not charities.
- (2) Encouraging and facilitating the better administration of charities.
- (3) Identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking remedial or protective action in connection with misconduct or mismanagement therein.
- (4) Determining whether public collection certificates should be issued, and remain in force, in respect of public charitable collections.
- (5) Obtaining, evaluating and disseminating information in connection with the performance of any of the Commission's functions or meeting any of its objectives.
- (6) Giving information or advice, or making proposals, to the Department on matters relating to any of the Commission's functions or meeting any of its objectives.

(3) The Commission's fifth general function includes (among other things) the establishment and maintenance of an accurate and up-to-date register of charities under section 16.

(4) The Commission's sixth general function includes (among other things) complying, so far as is reasonably practicable, with any request made by the Department for information or advice on any matter relating to any of the Commission's functions.

The Commission's general duties

9.—(1) The Commission has the general duties set out in subsection (2).

(2) The general duties are—

- (1) So far as is reasonably practicable the Commission must, in performing its functions, act in a way—
 - (a) which is compatible with its objectives, and

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- (b) which it considers most appropriate for the purpose of meeting those objectives.
- (2) So far as is reasonably practicable the Commission must, in performing its functions, act in a way which is compatible with the encouragement of—
 - (a) all forms of charitable giving, and
 - (b) voluntary participation in charity work.
- (3) In performing its functions the Commission must have regard to the need to use its resources in the most efficient, effective and economic way.
- (4) In performing its functions the Commission must, so far as relevant, have regard to the principles of best regulatory practice (including the principles under which regulatory activities should be proportionate, accountable, consistent, transparent and targeted only at cases in which action is needed).
- (5) In performing its functions the Commission must have regard to the desirability of facilitating innovation by or on behalf of charities.
- (6) In managing its affairs the Commission must have regard to such generally accepted principles of good corporate governance as it is reasonable to regard as applicable to it.

[F2] Performance of functions by staff

9A.—(1) Anything authorised or required to be done by the Commission may be done by any member of the Commission's staff who is authorised for that purpose by the Commission, whether generally or specially (but this is subject to sub-paragraphs (2) and (7)).

- (2) The following may not be delegated under sub-paragraph (1)—
 - (a) the instituting of an inquiry under section 22(1);
 - (b) the making of a decision that a report or statement be published under section 22(6)(a) or (b);
 - (c) the making of an order under any of sections 33 to 37;
 - (d) the making of regulations in exercise of power conferred by a statutory provision.
- (3) The Department may make a scheme describing—
 - (a) things that may, consistently with sub-paragraph (2), be delegated under sub-paragraph (1), and
 - (b) in relation to anything which may be delegated under sub-paragraph (1), the member or members of the Commission's staff to whom it may be delegated.

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(4) The delegation which may be allowed by a scheme under sub-paragraph (3) includes (in addition to delegation of described things or to described staff)—

- (a) delegation of all things authorised or required to be done by the Commission and not excepted by sub-paragraph (2), or delegation of all such things with additional exceptions described by the scheme;
- (b) delegation to all staff, or delegation to all staff other than those described by the scheme.

(5) Before making a scheme under sub-paragraph (3), the Department must consult the Commission; and before making the first scheme under sub-paragraph (3), the Department must carry out a public consultation.

(6) The Department must publish a scheme made by it under sub-paragraph (3).

(7) A delegation under sub-paragraph (1) is effective only so far as it is in accordance with a scheme under sub-paragraph (3).

(8) Sub-paragraph (1) is additional to paragraph 9(1)(a) (delegation to committees).

(9) In this paragraph—

“the Department” means the Department for Communities;

“member of the Commission’s staff” includes any person working for the Commission under paragraph 4(1)(a) or (b) or 5(1) (employees, service-providers and secondees).]

Textual Amendments

- F2** [Sch. 1 para. 9A](#) and cross-heading inserted (30.3.2022) by [Charities Act \(Northern Ireland\) 2022 \(c. 11\)](#), **ss. 2, 4(2)**

The Commission's incidental powers

10.—(1) The Commission has power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of its functions or general duties.

(2) However, nothing in this Act authorises the Commission—

- (a) to exercise functions corresponding to those of a charity trustee in relation to a charity, or
- (b) otherwise to be directly involved in the administration of a charity.

(3) Subsection (2) does not affect the operation of section 36 or 37 (power of Commission to give directions as to action to be taken or as to application of charity property).

Changes to legislation: *There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Cross Heading: The Commission's objectives, general functions, etc.. (See end of Document for details)*

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Modifications etc. (not altering text)

- C1** S. 10(3) modified (18.2.2011) by Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2011 (S.R. 2011/12), **art. 2**, Sch.
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Commencement Information

- II** S. 10 wholly in operation at 18.2.2011; s. 10 not in operation at Royal Assent, see s. 185(1); s. 10(1)(2) in operation at 27.3.2009 by S.R. 2009/138, **art. 2**, Sch.; s. 10(3) in operation at 18.2.2011 by S.R. 2011/11, **art. 2**, Sch.

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