



2008 CHAPTER 12

PART 4

REGISTRATION OF CHARITIES AND CHARITABLE NAMES

The register of charities

Register of charities

16.—(1) The Commission shall keep a register of charities.

(2) Every institution which is a charity under the law of Northern Ireland must be registered in the register of charities.

[^{F1}(2A) Subsection (2) does not apply to a charity exempted under section 16A.

(2B) A charity exempted under section 16A must, if it so requests, be registered in the register.]

(3) The register shall be kept by the Commission in such manner as it thinks fit.

(4) The register shall contain [^{F2}for each charity registered in it] —

- (a) the name of the charity,
- (b) if the charity is a designated religious charity within the meaning of section 165, a statement to that effect, and
- (c) such other particulars of, and such other information relating to, the charity as the Commission thinks fit.

(5) The Commission shall remove from the register—

- (a) any institution which it no longer considers to be a charity, and

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(b) any charity which has ceased to exist or does not operate.

[^{F3}(5A) A registered charity which is exempted under section 16A must be removed from the register if it so requests.]

(6) If the removal of an institution under subsection (5)(a) is due to any change in its trusts, the removal shall take effect from the date of that change.

(7) The register (including the entries cancelled when institutions are removed from the register) shall be open to public inspection at all reasonable times.

(8) Where any information contained in the register is not in documentary form, subsection (7) shall be construed as requiring the information to be available for public inspection in legible form at all reasonable times.

(9) If the Commission so determines, subsection (7) shall not apply to any particular information contained in the register that is specified in the determination.

(10) Copies (or particulars) of the trusts of any registered charity as supplied to the Commission under section 17 shall, so long as the charity remains on the register—

- (a) be kept by the Commission, and
- (b) be open to public inspection at all reasonable times.

Textual Amendments

- F1** S. 16(2A)(2B) inserted (30.3.2022) by Charities Act (Northern Ireland) 2022 (c. 11), ss. 3(2), 4(2)
- F2** Words in s. 16(4) inserted (30.3.2022) by Charities Act (Northern Ireland) 2022 (c. 11), ss. 3(3), 4(2)
- F3** S. 16(5A) inserted (30.3.2022) by Charities Act (Northern Ireland) 2022 (c. 11), ss. 3(4), 4(2)

Commencement Information

- I1** S. 16 in operation at 24.6.2013 by S.R. 2013/145, art. 2, Sch.

[^{F4}Power to set thresholds for exemption from registration

16A.—(1) The Department for Communities may by regulations provide that a charity is exempt from being registered in the register if it meets one or more specified threshold conditions.

- (2) A “threshold condition”, in relation to a charity, is—
- (a) a condition that the charity’s income does not exceed a specified amount,
 - or

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- (b) a condition that the value of the charity's assets does not exceed a specified amount.
- (3) The regulations may make provision about—
 - (a) what counts, or does not count, as income of a charity for the purposes of a threshold condition;
 - (b) what count, or do not count, as assets of a charity for the purposes of a threshold condition;
 - (c) quantifying income or values for the purposes of a threshold condition.
- (4) Provision under subsection (3)(c) may (in particular) be about—
 - (a) the method, principles or basis for calculating, or estimating, income or values;
 - (b) certifying, or providing other evidence of, amounts calculated or estimated;
 - (c) the persons by whom any calculating, or estimating or certifying, is to be or may be done.
- (5) Sections 16B and 16C make further provision about what may be done by regulations under this section.
- (6) Regulations under this section may amend, repeal, revoke or otherwise modify any statutory provision.
- (7) Regulations under this section may not be made unless a draft of the regulations has been laid before, and approved by, a resolution of the Assembly.
- (8) Subsection (7) does not apply to regulations that do nothing more than alter an amount specified under subsection (2)(a) or (b).
- (9) In this section “specified” means specified in regulations under this section.

Textual Amendments

- F4** Ss. 16A-16C inserted (30.3.2022) by [Charities Act \(Northern Ireland\) 2022 \(c. 11\)](#), ss. [3\(5\)](#), [4\(2\)](#)

Charities exempted under section 16A: information

- 16B.**—(1) Regulations under section 16A may make provision requiring, or authorising the Commission to require, any—
- (a) relevant institution, or
 - (b) person connected with a relevant institution,

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to provide the Commission with information or evidence for the purpose of enabling the Commission to determine whether the institution is, or is still, a charity exempted under section 16A.

(2) Requirements under subsection (1) may set deadlines for the provision of the information or evidence.

(3) Information or evidence provided in response to a requirement under subsection (1) may be used also for the purposes of the exercise, in relation to the relevant institution or a person connected with it, of any function of the Commission.

(4) In this section “relevant institution” means—

- (a) any institution if—
 - (i) it is not a registered charity, and
 - (ii) a representation that it is a charity, or that it is a charity of a particular description, is made by a person connected with it, or
- (b) any purported institution if a representation that it is a charity, or that it is a charity of a particular description, is made by a person connected with it.

(5) For the purposes of this section, a person is connected with an institution if—

- (a) the institution is a charity and the person is a charity trustee of the charity, or
- (b) the person—
 - (i) is a trustee, officer, agent or employee of the institution,
 - (ii) holds property on behalf of the institution or of any trustee of it, or
 - (iii) engages in appeals to the public to give money or other property, or in other fund-raising activities, for the benefit of the institution.

(6) For the purposes of this section, a person is connected with a purported institution if the person—

- (a) makes a representation that the person is a trustee, officer, agent or employee of it or that the person holds property on behalf of it or of any trustee of it, or
- (b) engages in appeals to the public to give money or other property, or in other fund-raising activities, for its benefit.

Textual Amendments

- F4** Ss. 16A-16C inserted (30.3.2022) by [Charities Act \(Northern Ireland\) 2022 \(c. 11\)](#), ss. 3(5), 4(2)

Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, PART 4. (See end of Document for details)

Charities exempted under section 16A: consequential provision

16C.—(1) Regulations under section 16A may make provision consequential on, or supplemental or incidental to, the possibility of there being—

- (a) not only charities that are registered (or required to be registered), but
- (b) also charities that are not required to be registered.

(2) Provision included in regulations by virtue of subsection (1) may (in particular)—

- (a) provide for a statutory provision that applies in relation to charities whether registered or not to apply only in relation to registered charities;
- (b) provide for a statutory provision that applies in relation to charities whether registered or not to apply with modifications in relation to exempt charities;
- (c) where a statutory provision is expressed to apply only in relation to, or by reference to, registered charities—
 - (i) provide for the statutory provision to apply, with or without modifications, also in relation to exempt charities or (as the case may be) also by reference to exempt charities;
 - (ii) make similar or corresponding provision applying in relation to, or by reference to, exempt charities.

(3) Provision under subsection (2)(b) or (c) may widen the circumstances in which an existing offence may be committed or (as the case may be) create a similar or corresponding offence for additional circumstances, but the penalties or maximum penalties for the widened or new offence may not be higher than those for the existing offence.

(4) In subsection (2) “exempt charities” means—

- (a) charities exempted under section 16A,
- (b) charities exempted under section 16A that are registered, or
- (c) charities exempted under section 16A that are not registered.

(5) Subsections (1) to (4) are additional to, and do not limit the generality of, section 179(5) (power to include supplemental, incidental, consequential etc provision).]

Textual Amendments

- F4** Ss. 16A-16C inserted (30.3.2022) by [Charities Act \(Northern Ireland\) 2022 \(c. 11\)](#), ss. **3(5)**, 4(2)

Duties of trustees in connection with registration

17.—(1) Where a charity required to be registered by virtue of section 16(2) is not registered, it is the duty of the charity trustees—

- (a) to apply to the Commission for the charity to be registered, and
- (b) to supply the Commission with the required documents and information.

(2) The “required documents and information” are—

- (a) copies of the charity's trusts or (if they are not set out in any extant document) particulars of them,
- (b) such other documents or information as may be prescribed by regulations made by the Department, and
- (c) such other documents or information as the Commission may require for the purposes of the application.

(3) Where an institution is for the time being registered, it is the duty of the charity trustees (or the last charity trustees)—

- (a) to notify the Commission if the institution ceases to exist, or if there is any change in its trusts or in the particulars of it entered in the register, and
- (b) (so far as appropriate), to supply the Commission with particulars of any such change and copies of any new trusts or alterations of the trusts.

(4) Nothing in subsection (3) requires a person—

- (a) to supply the Commission with copies of schemes for the administration of a charity made otherwise than by the Court,
- (b) to notify the Commission of any change made with respect to a registered charity by such a scheme, or
- (c) if the person refers the Commission to a document or copy already in the possession of the Commission, to supply a further copy of the document.

(5) Where a copy of a document relating to a registered charity—

- (a) is not required to be supplied to the Commission as the result of subsection (4), but
- (b) is in the possession of the Commission,

a copy of the document shall be open to inspection under section 16(10) as if supplied to the Commission under this section.

Commencement Information

I2 S. 17 in operation at 24.6.2013 by S.R. 2013/145, art. 2, Sch.

Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, PART 4. (See end of Document for details)

Effect of, and claims and objections to, registration

18.—(1) An institution shall for all purposes other than rectification of the register be conclusively presumed to be or to have been a charity at any time when it is or was on the register of charities.

(2) Any person who is or may be affected by the registration of an institution as a charity may, on the ground that it is not a charity, object to its being entered by the Commission in the register, or apply to the Commission for it to be removed from the register; and the Department may by regulations make provision as to the manner in which any such objection or application is to be made, prosecuted or dealt with.

(3) If there is an appeal to the Tribunal against any decision of the Commission to enter an institution in the register, or not to remove an institution from the register, then until the Commission is satisfied whether the decision of the Commission is or is not to stand, the entry in the register shall be maintained, but shall be in suspense and marked to indicate that it is in suspense.

(4) For the purposes of subsection (1) an institution shall be deemed not to be on the register during any period when the entry relating to it is in suspense under subsection (3).

(5) Any question affecting the registration or removal from the register of an institution may, notwithstanding that it has been determined by a decision on appeal under Schedule 3, be considered afresh by the Commission and shall not be concluded by that decision, if it appears to the Commission that there has been a change of circumstances or that the decision is inconsistent with a later judicial decision.

Commencement Information

I3 S. 18 in operation at 24.6.2013 by S.R. 2013/145, art. 2, Sch.

Status of registered charity to appear on official publications, etc.

19.—(1) The fact that a charity is registered shall be stated in legible characters—

- (a) in all notices, advertisements and other documents issued by or on behalf of the charity and soliciting money or other property for the benefit of the charity;
- (b) in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed on behalf of the charity; and
- (c) in all bills rendered by it and in all its invoices, receipts and letters of credit.

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(2) Subsection (1)(a) has effect whether the solicitation is express or implied, and whether the money or other property is to be given for any consideration or not.

(3) Any person who issues or authorises the issue of any document falling within paragraph (a) or (c) of subsection (1) which does not contain the statement required by that subsection, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Any person who signs any document falling within paragraph (b) of subsection (1) which does not contain the statement required by that subsection, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement Information

I4 S. 19 in operation at 24.6.2013 by S.R. 2013/145, art. 2, Sch.

Charity names

Power of Commission to require charity's name to be changed

20.—(1) Where this subsection applies to a charity, the Commission may give a direction requiring the name of the charity to be changed, within such period as is specified in the direction, to such other name as the charity trustees may determine with the approval of the Commission.

(2) Subsection (1) applies to a charity if—

(a) it is a registered charity and its name (“the registered name”)—

(i) is the same as, or

(ii) is in the opinion of the Commission too like,

the name, at the time when the registered name was entered in the register in respect of the charity, of any other charity (whether registered or not);

(b) the name of the charity is in the opinion of the Commission likely to mislead the public as to the true nature—

(i) of the purposes of the charity as set out in its trusts, or

(ii) of the activities which the charity carries on under its trusts in pursuit of those purposes;

(c) the name of the charity includes any word or expression for the time being specified in regulations made by the Department and the inclusion in its name of that word or expression is in the opinion of the Commission likely to mislead the public in any respect as to the status of the charity;

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(d) the name of the charity is in the opinion of the Commission likely to give the impression that the charity is connected in some way with a government department or any district council, or with any other body of persons or any individual, when it is not so connected; or

(e) the name of the charity is in the opinion of the Commission offensive;

and in this subsection any reference to the name of a charity is, in relation to a registered charity, a reference to the name by which it is registered.

(3) Any direction given by virtue of subsection (2)(a) must be given within 12 months of the time when the registered name was entered in the register in respect of the charity.

(4) Any direction given under this section with respect to a charity shall be given to the charity trustees; and on receiving any such direction the charity trustees shall give effect to it notwithstanding anything in the trusts of the charity.

(5) Where the name of any charity is changed under this section, then (without prejudice to section 17(3)) it shall be the duty of the charity trustees forthwith to notify the Commission of the charity's new name and of the date on which the change occurred.

(6) A change of name by a charity under this section does not affect any rights or obligations of the charity; and any legal proceedings that might have been continued or commenced by or against it in its former name may be continued or commenced by or against it in its new name.

^{F5}(7)

(8) Any reference in this section to the charity trustees of a charity shall, in relation to a charity which is a company, be read as a reference to the directors of the company.

Textual Amendments

F5 S. 20(7) repealed (19.1.2013) by Charities Act (Northern Ireland) 2013 (c. 3), s. 10(1), Sch. 1 para. 4, 2 (S. 20(7) never in operation)

Modifications etc. (not altering text)

C1 S. 20(1)(2)(b)-(e)(4)(6)(8) modified (18.2.2011) by Charities Act 2008 (Transitional Provision) Order (Northern Ireland) 2011 (S.R. 2011/12), art. 2, Sch.

Commencement Information

I5 S. 20 partly in operation; s. 20 not in operation at Royal Assent see s. 185(1); s. 20(1)(2)(b)-(e)(4)(6)(8) in operation at 18.2.2011 by S.R. 2011/11, art. 2, Sch.

I6 S. 20(2)(a)(3)(5)(7) in operation at 24.6.2013 by S.R. 2013/145, art. 2, Sch.

Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, PART 4. (See end of Document for details)

Effect of direction under section 20 where charity is a company

21.—(1) Where any direction is given under section 20 with respect to a charity which is a company, the direction shall be taken to require the name of the charity to be changed by resolution of the directors of the company.

(2) Where a resolution of the directors is passed in accordance with subsection (1), the company must give notice of the change to the registrar of companies.

(3) Where the name of such a charity is changed in compliance with any such direction, the registrar of companies—

- (a) shall, ^{F6}if satisfied that the new name complies with the requirements of Part 5 of the Companies Act 2006], enter the new name on the register of companies in place of the former name, and
- (b) shall issue a certificate of incorporation altered to meet the circumstances of the case;

and the change of name has effect from the date on which the altered certificate is issued.

Textual Amendments

- F6** Words in s. 21(3)(a) substituted (19.1.2013) by [Charities Act \(Northern Ireland\) 2013 \(c. 3\)](#), s. 10(1), [Sch. 1 para. 5](#)

Modifications etc. (not altering text)

- C2** S. 21(1)(2) modified (18.2.2011) by [Charities Act 2008 \(Transitional Provision\) Order \(Northern Ireland\) 2011 \(S.R. 2011/12\)](#), [art. 2](#), [Sch.](#)

Commencement Information

- I7** S. 21 partly in operation; s. 21 not in operation at Royal Assent see s. 185(1); s. 21(1)(2) in operation at 18.2.2011 by [S.R. 2011/11](#), [art. 2](#), [Sch.](#)
- I8** [S. 21\(3\)](#) in operation at 24.6.2013 by [S.R. 2013/145](#), [art. 2](#), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, PART 4.