



2022 CHAPTER 11

Regulations exempting charities from registering by reference to thresholds

3.—(1) The Charities Act (Northern Ireland) 2008 is amended as follows.

(2) In section 16, after subsection (2) (all charities must be registered) insert—

“(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) In section 16(4), after “The register shall contain” insert “for each charity registered in it”.

(4) In section 16, after subsection (5) insert—

“(5A) A registered charity which is exempted under section 16A must be removed from the register if it so requests.”.

(5) After section 16 insert—

“16A Power to set thresholds for exemption from registration

(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

(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.

16B Charities exempted under section 16A: information

- (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,
- 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.

Status: This is the original version (as it was originally enacted).

- (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.

16C Charities exempted under section 16A: consequential provision

- (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).”.
- (6) In section 179(2)(c) (regulations which must be approved in draft are not subject to negative procedure), after “section” insert “16A(7) or”.