



**Private Office**  
**Level 9**  
**Causeway Exchange**  
**1-7 Bedford Street**  
**Belfast**  
**BT2 7EG**  
**e-mail:** [Assembly.section@communities-ni.gov.uk](mailto:Assembly.section@communities-ni.gov.uk)  
**Telephone:** (028) 9051 5234 (DD 75234)

Dr Janice Thompson  
Communities Committee Clerk  
Room 430  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

17 November 2021

GM-1523-2021

Dear Janice

## **DELIBERATIONS ON THE CHARITIES BILL**

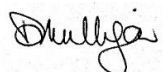
I am writing in response to your letter following the briefing session on the Charities Bill on 11 November 2021 when officials undertook to provide further information in respect of the Committee's query as to whether the timeframe for all appeals to the Charity Tribunal could be extended from the 42 days currently in the Tribunal Rules to the 91 days agreed by the Minister for appeals arising from this Bill by way of consequential amendment.

The Department remains of the view that to extend the timeframe for all appeals to the Charity Tribunal is outside the scope of the Bill, whilst recognising that this is ultimately a matter for the Speaker. We are advised that Bills are not generally used to amend secondary legislation. The Department of Justice could affect any necessary change through secondary legislation using section 13 of the Charities Act (Northern Ireland) 2008 (the Act) and the Minister has agreed that her officials should begin to work with officials in DoJ on such a policy change.

DoJ, Northern Ireland Courts and Tribunal Service (NICTS) and Tribunal Judge McMahon, President of the Charities Tribunal have expressed grave reservations about such a proposal for policy change without due consideration, including any unintended consequences for charities and the rights of individuals; and importantly, without formal consultation. Given these concerns, Minister Hargey cannot commit to bringing forward an amendment to extend the timeframe for all appeals to the Charity Tribunal from 42 days to 91 days. However, she wishes to reiterate her commitment to exploring such a change and has instructed officials to begin that work with DoJ.

As you know, representatives from DoJ and NICTS will attend the evidence session on Thursday 18 November to articulate those concerns with a view to assisting Committee come to its conclusions based on all of the available evidence at this stage.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Diane Mulligan', written over a light grey rectangular background.

**Diane Mulligan**

Departmental Assembly Liaison Officer

Private Office