



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

Charities Bill:
Clause-by-clause Consideration

25 November 2021

NORTHERN IRELAND ASSEMBLY

Committee for Communities

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Members present for all or part of the proceedings:

Ms Paula Bradley (Chairperson)
Ms Kellie Armstrong (Deputy Chairperson)
Mr Andy Allen
Mr Stephen Dunne
Mr Mark Durkan
Ms Ciara Ferguson
Mr Paul Frew
Ms Aine Murphy
Miss Aisling Reilly

Witnesses:

Ms Colleen Bell	Department for Communities
Mr Martin Ireland	Department for Communities

The Chairperson (Ms P Bradley): The Committee will now commence its formal clause-by-clause consideration of the Charities Bill with Martin Ireland and Colleen Bell from the Department for Communities. A copy of the Bill and previous departmental responses to Committee queries are in members' packs.

A departmental response to queries raised at last week's meeting has been tabled. We have also received a response from the Examiner of Statutory Rules on the delegated powers in the Bill, which the Examiner feels are appropriate. The proposed departmental amendments to the Bill are also in members' packs. Claire McCanny from the Bill Office has also joined our meeting.

Martin and Colleen, you are both welcome to the meeting. It is good to see you again. Martin, before we formally consider the clauses, it would be helpful if you could take us through the departmental response to the queries that were raised at last week's meeting.

Mr Martin Ireland (Department for Communities): Thank you, Chair. Following one of its deliberation sessions, the Committee asked whether a consequential amendment could be tabled to the Bill to extend the time frame for all appeals to the Charity Tribunal. The Department had reservations about that and explained that the power to amend the tribunal rules lies with the Department of Justice. Department of Justice officials attended the briefing session last week and expressed their concerns about the proposal. They reiterated that the tribunal rules allowed the tribunal to consider out-of-time appeals. They referred to statistics that show that additional time had been allowed and to a recent tribunal ruling that explained the issues that a tribunal would consider in granting such a request. DOJ asked that we forward those documents to the Committee, and they were attached to our letter of 22 November. The Minister for Communities is aware, however, that the

Committee has received evidence in support of such a change. She has therefore instructed officials to work with DOJ to explore the issue further. She intends to write to the Minister of Justice to provide the necessary impetus for that work. We will, of course, keep the Committee apprised of significant developments.

During the evidence sessions, the Department felt that some of its answers to queries about the need for charities to register and the effect of clause 3 might have been confusing. To reiterate, clause 3 only introduces a power to introduce a threshold at some future point via secondary legislation below which a charity would not be required to register but could do so voluntarily if it wished to avail itself of the benefits of registration. At present, all organisations that are set up with exclusively charitable purposes and meet the requirements set out in the Charities Act (Northern Ireland) 2008 are required by law to make themselves known to the Charity Commission and to register as a charity. At the point of establishment, however, non-profit organisations have choices to make as to whether being a charity is in their best interests for how they operate — for instance, claiming tax exemptions, availing themselves of funding that is available only to charities and attracting public donations— or whether they could deliver their aims better by operating simply as a non-profit organisation without charitable status. Should they determine that being a charity is the correct path for their organisation, they will be required to register with the commission and will be publicly accountable for their actions through the submitting of annual reports and accounts and through abiding by all the requirements of charity law. Should they choose to be a non-profit organisation without being a charity, those requirements would not apply.

During evidence sessions for the review of charity regulation, it became clear that there is a need for better education and stronger communication on the issue. The Minister will consider how best to take the education piece forward in the light of the review recommendations.

The Committee raised the issue of section 167 organisations and their desire to be registered. Those are organisations that are established in another jurisdiction but operate in Northern Ireland. That section of the 2008 Act has yet to be commenced. The Minister asked the independent panel to look at section 167 as a distinct issue. Recommendations will be brought forward in that regard, and the Minister will consider them in due course.

The Chairperson (Ms P Bradley): Thank you, Martin. Do members have any comments? This really is the final opportunity, because I am about to commence our formal clause-by-clause consideration, which will be read into the record.

We had a discussion in closed session at the end of our meeting last week about appeals and the DOJ issue around. We came to the opinion that, if the Minister was willing to take that on board and write to the Minister of Justice and start those conversations, we could live with that.

In order for us to move on, are members happy with the response that the Committee received from the Department and with what Martin has said today? This really is the last opportunity, so, if members have any burning issues, speak now.

Members indicated assent.

The Chairperson (Ms P Bradley): Members, I will take that as a yes. I do not see anybody objecting on StarLeaf either.

We will now commence the formal clause-by-clause consideration. I will read out the title of the clause before I ask the formal Question on each clause. If you have any final comments, please alert me at the stage before I read out the Question on whether the Committee is content with each clause as drafted or subject to amendment. To remind members, we cannot go back on that once it is done.

Clause 1 (Actions of Commission staff treated as Commission actions)

The Chairperson (Ms P Bradley): Is the Committee content with clause 1, subject to the proposed departmental amendments? I need to hear your voices.

Ms Armstrong: Hold on, but may I just double-check something? Sorry, Chair. It states in annex A to our papers:

"clause 1, page 2, line 31, leave out '42' and insert '91'".

Surely we are not doing that now.

The Chairperson (Ms P Bradley): OK.

The Committee Clerk: Chair, that is for appeals from the Bill, not the —.

Ms Armstrong: Apologies. I just wanted to make sure. That is not our "91". OK.

Question, That the Committee is content with the clause, subject to the proposed amendments, put and agreed to.

Question, That the Committee is content with clause 2, subject to the proposed amendments, put and agreed to.

Question, That the Committee is content with clause 3, put and agreed to.

Question, That the Committee is content with clause 4, put and agreed to.

The Chairperson (Ms P Bradley): Members, that concludes the Committee's formal clause-by-clause consideration of the Charities Bill. I thank departmental officials — Sharron, Martin and Colleen — for their support and patience with our queries. I also thank Claire from the Bill Office for her support.

Sorry. I forgot to put the Question on the long title.

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Ms P Bradley): A draft Committee report will be included in the meeting papers for consideration at next week's meeting. In the tabled papers, we have a copy of the draft recommendations for the Committee report on the Bill. I again thank Sharron, Martin and Colleen for their help. We will now go into closed session to consider the report.