



**NIACRO: Call for evidence and views by the Northern Ireland  
Assembly's Communities Committee on the Charities Bill**

**2<sup>nd</sup> September 2021**

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## **About NIACRO**

NIACRO is a voluntary organisation and we have been working for 50 years in Northern Ireland, taking a leading role in reducing crime and its impact on people and communities.

Our vision is of a society in which the needs and rights of all citizens, including victims of crime, adults and children who offend and those who are at risk of offending, are equally respected.

We support children and young people; families affected by imprisonment; and adults in prison and in the community; those who have been through the justice system and those whose lifestyles may lead to offending behaviour.

At the heart of NIACRO's work is the aim to reduce (re)offending, in the belief that integrated approaches toward desistance are most effective.

## **Our response**

We welcome the opportunity to contribute to the Assembly's Committee for Communities 'Call for Evidence and Views' on the Charities Bill.

We broadly welcome the main principles of the Bill and its intent to protect charities and protect rights. In doing so, this Bill represents a crucial, positive step.

We welcome the Committee's intent to provide a legislative solution that enables the Charity Commission to continue with its work. That, and the restoration of the regulatory framework going forward, will ensure transparency and accountability and enhance public confidence in charities, and indeed in the decisions of the Commission going forward.

Many charities, through no fault of their own, were greatly impacted by Madam Justice McBride's High Court judgement in 2019; not least as "charitable status" underpins many of the legal operations of the organisations, including funding conditions. It is our view that the proposals as set out to retrospectively make lawful previous decisions made by the Commission staff is the correct approach.

We welcome that the Bill will also:

- Examine proposals to amend the Charities Act (NI) 2008

- Include fresh appeals rights
- Ensure clarity on the future delegation of decision-making powers to Charity Commission staff

We welcome specific aspects within the Bill, particularly the provision of a power to introduce a threshold through further regulations (Clause 3).

As a result, NIACRO welcomes a change in the framework of regulation, via subordinate legislation, which will exempt any charity that falls below the threshold from registering with the Charity Commission and being subject to the Charities (Accounts and Reports) Regulations (Northern Ireland) 2015.

We recognise that this anticipated regulation will have a positive effect on the viability of smaller organisations and groups, and, in turn, the impact they create on communities and individuals across Northern Ireland.

The need for a “de minimis threshold” has been identified as a key issue within the charity sector for some time. That is the also the view of NIACRO and we welcome that the Bill includes such a power.

Additionally, we would welcome clarity with respect to the power allowing the regulations to ‘disapply any provision of the Act to any charity exempted from registration by the threshold’. We take it to mean that exempted charities may not have to file accounts and reports to the Charity Commission.

NIACRO would also welcome clarity on whether the current Bill requires the inclusion of a power on proportionate regulation; or whether it would be future regulation that would exempt registered charities (that fall under a particular threshold) from having to file annual reports and accounts.

It is our view that Clause 3 needs to be implemented as soon as possible, and that a timetable should be in place.

Whilst we are cognisant of the fact that this Bill, and the Committee scrutiny of the Bill, is being taken forward in parallel with the Independent Review of Charity regulation, we are concerned that without a timetable in place, secondary legislation may not be implemented.

In conclusion, it is our view that this Bill and the subsequent amendment to the Charities Act (NI) 2008 will be broadly welcomed by the third sector across Northern Ireland. As a charity affected, we look forward to the enactment of these proposed changes.

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