



Northern Ireland  
Assembly

Committee for Social Development

# OFFICIAL REPORT (Hansard)

Charities Bill: DSD Briefing

27 September 2012

# NORTHERN IRELAND ASSEMBLY

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**Members present for all or part of the proceedings:**

Mr Mickey Brady (Deputy Chairperson)  
Ms Paula Bradley  
Ms Pam Brown  
Mr Mark Durkan  
Mr Alex Easton

**Witnesses:**

Mr Kieran Doyle	Department for Social Development
Mr Roy McGivern	Department for Social Development

**The Deputy Chairperson:** I welcome Mr Roy McGivern and Mr Kieran Doyle from the Department. They are here to brief the Committee on the Charities Bill and give members the opportunity to ask questions and seek clarity on any issues. I remind members that this is not the formal clause-by-clause scrutiny of the Bill.

**Mr Roy McGivern (Department for Social Development):** Thank you, Deputy Chair. We welcome the opportunity to brief the Committee on the Charities Bill. We have provided members with a comprehensive background paper on the Bill, but we thought it would be useful to give the Committee a brief overview in advance of the clause-by-clause scrutiny next week.

Members will be aware that the primary focus of the Bill is to amend the public benefit provisions in section 3 of the Charities Act (Northern Ireland) 2008. It is very much a technical amendment, which will bring those public benefit requirements in Northern Ireland into line with those already in place in England and Wales. It will also remove the current uncertainty around the requirement to be met in determining whether a charity or institution is actually a charity. This issue was first raised with us by legal counsel representing the Charity Commission back in June 2010. It has taken some considerable time to resolve the matter.

Although the Department has received different legal advice and opinion, we are now clear that the proposed amendment in the Charities Bill will achieve legal certainty and has the support of the regulator, the Charity Commission and the wider charitable sector in Northern Ireland.

The Bill will enable the Charity Commission to consult on its draft public benefit guidance and put in place for the first time a Northern Ireland register of charities. That will be a very important step forward for local charities. It will not only improve accountability for them, but will improve public confidence in charitable giving.

We have also taken the opportunity in the Bill to make a number of other amendments to the Charities Act (Northern Ireland) 2008, including updates to company law references and other changes arising from charity law in England and Wales. It also transfers some regulatory functions from the Department to the Charity Commission. These are non-contentious amendments, the detail of which I will be pleased to explain during clause-by-clause scrutiny next week.

We welcome the submissions that have already been made to the Committee by the Charity Commission and the Northern Ireland Council for Voluntary Action. Both were supportive of the Bill's principles, and we worked particularly closely with the Charity Commission while it was being drafted.

Last week, the Minister for Social Development met representatives of the main Churches in Northern Ireland to explain the background to the Bill and provide assurances to them about the impact of the new framework and regulations, and how they will be applied across the charity sector.

In closing, we believe that there is overwhelming support for the Bill. We are happy to take questions from members before we move into the clause-by-clause scrutiny next week.

**The Deputy Chairperson:** Thank you very much, Roy. Do members have any questions for the officials? Any suggested amendments should be raised now because the clause-by-clause scrutiny of the Bill will take place during next week's meeting. Members have no points to raise. That was relatively painless.

**Mr McGivern:** It has been so far.

**The Deputy Chairperson:** Thank you, Roy.