

REPORT – Payment of costs of Charity Commissioner for 2022

The Law

1. Article 20 of the Dormant Bank Accounts (Jersey) Law 2017 states that *“the purposes for which the monies [in the Jersey Reclaim Fund] may be distributed are – (a) to defray the costs of the remuneration or other payment for the services of the Commissioner due under the terms of his or her appointment and the costs of providing staff, accommodation or equipment that are required for the proper and effective discharge of the Commissioner’s functions; and (b) charitable purposes in accordance with paragraph (4).”*
2. The Dormant Bank Accounts (Distribution of Fund Money) (Jersey) Order 2020 states that:-
 - “3. Policy in respect of amount of distribution*
 - (1) In determining the amount to be distributed from the Fund for the purposes of Article 20 of the Law in any year, the Minister must, in addition to the matters considered under Article 2, act in accordance with the following provisions of this Article.*
 - (2) Despite anything in this Article, an amount equating to approximately half of the amount that could be reclaimed from the Fund must be preserved.*
 - (3) Out of the remaining portion of the Fund the Minister must meet the anticipated Charity Commissioner costs for the year in question up to and including the year 2023.*
 - (4) Once the costs mentioned in paragraph (3) have been met the Minister may make a sum available for distribution for charitable purposes in accordance with Article 20(4) of the Law that will leave such monies in the Fund as the Minister considers appropriate.*
 - (5) However, the minimum sum that the Minister must make available for distribution for charitable purposes under paragraph (4) is £250,000 or, if it is less than £250,000, the balance of the remaining portion of the Fund.*
 - (6) Nothing in paragraphs (3) to (5) limits the Minister in determining the amount to be distributed from the Fund, nor the number of times an amount is determined, if the Minister considers that an emergency has arisen in Jersey that justifies any additional distribution being made for charitable purposes to assist with that emergency and its aftermath.*
 - (7) Any amount determined for additional distribution, as described in paragraph (6), is to be taken into account towards the amount of £250,000 for the purpose of paragraph (5).”*

(underline added)

The Costs

3. The Charity Commissioner has provided details of his costs for 2022 as follows:-

Cost	To end 2022
Charity Commissioner staffing costs including - 1 full time Executive Officer	£159,845

- 1 full time Administration Officer (not full year) - Charity Commissioner	
Office Premises including rates	£10,740
Other Overheads including stationery, telephone, electricity	£232
Register and Website costs including annual charges and development costs for update	£7,247
Sub Total	£178,064
Less adjustment in respect of 2021 payment of £6,339 actually posted in 2022	(£6,339)
TOTAL	£171,725

4. These costs have in fact been met in the first instance from the Strategic Policy, Planning and Performance Department of the Government of Jersey (“SPPP”) budget and authorised by SPPP who manage the relationship with the Charity Commissioner on behalf of the Government of Jersey and payment is thus to be made to reflect this. Relevant officers in SPPP have confirmed that, the relevant invoices in support of the items of expenditure have been made available to them (where above de minimis levels) and that they have considered that the expenditure is reasonably and properly incurred and is in line with the requirements of the Law and the anticipated budget and the expectations of the services to be provided by the Charity Commissioner.

The position of the Reclaim Fund

5. Treasury has confirmed that the current balance within the Fund is over £25 million so that there is more than sufficient to meet this payment from the available portion of the Fund whilst preserving *an amount equating to approximately half of the amount that could be reclaimed from the Fund.*

Recommendation

6. It is therefore recommended that the sum of **£171,725** be transferred from the Jersey Reclaim Fund in respect of the Charity Commissioner’s costs.

15 December 2022