

Charities law and regulation:

Overview of consultation results

October 2013

Consultation

- 8 week consultation: 8 July – 30 August
 - 11 meetings: 240 people
 - ↳ 9 public/VCS, 1 finance industry, 1 States Members
 - 130 responses from the public, VCS, FSI
 - ↳ 82 surveys and 33 letters or emails
 - ↳ 15 FSI surveys
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Consultation response

- **Definition:** 96% agree there should be an updated definition
89% agree with the charitable purposes
89% agree with public benefit requirement
- **Registration:** 98% agree a charities register should be set up
98% agree must register to receive tax exemptions
95% agree must register to make public appeals for money
94% agree must register to call yourself a charity
40% agree to confidential registration; 44% disagree
96% agree to a single registration process

Consultation response

- **Registration cont.**

(Finance Industry Survey)

Should structures be required to register to call themselves charities and receive associated tax benefits? <ul style="list-style-type: none">• public charities (charities that raise money from the public)• private charities in the form of local charitable trusts set up for local charitable giving• private charities in the form of trust with a non-resident settlor and a regulated trustee• orphan / charitable purpose structures	Yes	No	Don't Know
	67%	33%	0%
Should all registration info be in the public domain, including trustee's names?	Yes	No	Don't Know
	27%	67%	6%

Consultation response

- **Commissioner:** 84% think there should be a commissioner
99% think a commissioner should be independent
87% think CC should determine charitable status
91% think CC should investigate and remove
- **Trustees:** 80% think duties should be set out in law
91% agree with the proposed duties
74% agree to no single or family only trustees
90% agree restrictions on who can be a trustee

(Finance Industry Survey)

Do you think the proposal that trustees of charities should not be remunerated is appropriate for all charitable structures?	Yes	No	Don't Know
	8%	84%	8%

Do you think sole trustee or family only trustees should be permitted for some structures?	Yes	No	Don't Know
	62%	15%	23%

Consultation response

- **Regulation:** 81% think charities should be regulated
85% think charities should publish accounts
76% think charities should publish an annual report

(Finance Industry Survey)

Do you think charities with a sole professional trustee should be exempt from charities regulation?	Yes	No	Don't Know
	29%	64%	7%
Do you think charities regulation should apply to all charities on the register?	Yes	No	Don't Know
	50%	29%	21%

Themes

Other themes that emerged from the consultation are:

- Public vs private charities
- The possibility of joint working with Guernsey
- The treatment of cross-border charities under the new law
- The Commissioner being part of the JFSC
- The interface between the Charity Law and the tax system
- The short timescales for consultation on draft law

Updated Timetable

The timetable for the project has been revised in response to concerns raised during the consultation:

Action	Date
Law drafting and internal sign-off on draft law	September - December
Public consultation on draft law	8 January – 5 March
Consultation analysis	6 March – 18 March
Amendments and internal sign-off	18 March – 9 April
Law lodged with States Greffe	16 April
States debate law	3 June
