

Chief Minister's Department

Consultation

Charities Law and Charities Regulation

Embargoed until: 00.01
8 July 2013

Purpose of consultation

Charities play a unique and important role in our community, undertaking vital work that is supported through the generosity of Islanders. We want to consult Islanders about the proposed development of a legal and regulatory framework that supports charities to grow and flourish, whilst protecting public trust and confidence

The consultation will close on 30 August 2013

Summary

The Chief Minister's Department are consulting all Islanders about whether we need to develop a Charities Law for Jersey. The Law:

- would define what makes a charity a charity
- set out what charitable purpose is and put in place a requirement for all charities to deliver public benefit
- make it a requirement for all charities to be included on a public register.

In addition, we are consulting on whether it should provide for the future introduction of light-touch, proportionate regulation.

The consultation is not about the detail of the law - Islanders will have an opportunity to comment on that in the near future – but on whether a law should be introduced based on the principles outlined in this report.

Similarly if it is decided that the law should allow for the future introduction of regulation, Islanders will also be consulted on the details of that regulation; which organisations it applies to and what elements of their work should be regulated.

Who should respond?

We would like to hear from:

- members of the public
- voluntary & community sector organisations
- financial services organisations.

What we would like to know?

We would like to know whether you think:

- Jersey needs an up-to-date modern definition of charity, and if anything is missing from our proposed definition?
- whether you think there should be a public Charities Register, who should be on that Register and the information they need to provide?
- whether there should be an independent Charities Commissioner
- whether the proposed Charities Law should allow for future proportionate regulation of Charities?

How to respond to the consultation

You can attend a consultation event.

Date	Time	Venue
Monday 15 July	1pm – 3pm	Concord Room*
Tuesday 16 July	5.30pm – 7.30pm	Church House
Wednesday 17 July	9am – 11am	Church House
Thursday 18 July	10am – 11.30am	TBC (note: this presentation is for financial services industry professionals who have an interest in charitable and philanthropic clients or structures. Jersey Finance members should register by e-mailing hannah.talbot@jerseyfinance.je)
Thursday 18 July	5.30pm – 7.30pm	Church House
Friday 19 July	1pm – 3pm	Church House
Monday 22 July	12pm – 2pm	Concord Room*
Tuesday 23 July	5pm – 6.30pm	Church House
Wednesday 24 July	9am – 11am	Church House
Thursday 25 July	5.30pm – 7.30pm	Church House

Concord Room*

Chief Minister's Department
Cyril Le Marquand House
The Parade
St Helier, JE4 8QT

Church House

St Helier Parish Church
St Helier
Jersey JE2 3N

*there is limited room at this venue, so please email us in advance to let us know if you want to attend (charities@gov.je)

You can submit your comments:

- by emailing
- by posting your comments in writing
- by completing the online survey (www.gov.je/consult)

Write to: Charities consultation
Cyril Le Marquand House
PO Box 140
St Helier
Jersey JE4 8QT

Email: charities@gov.je

Your submission

If you are writing or emailing please provide the following information with your response:

- your name and contact details
- whether you are responding on behalf of a voluntary and community sector organisation, a financial services organisation, another company or organisation or as a member of the public.

Please note that consultation responses may be made public (sent to other interested parties on request, sent to the Scrutiny Office, quoted in a published report, reported in the media, published on www.gov.je, listed on a consultation summary etc.). You need to tell us if you:

- agree that your comments may be made public and attributed to you
- agree that your comments may be made public but not attributed (i.e. anonymous)
- do not want your comments made public.

Charities Law and Charities Regulation

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1. Background

The framework within which charities currently operate in Jersey can arguably be considered as outdated, insufficient in parts and in need of improvement. Indeed the current definition of “charity” as set out in 1961 Income Tax Law¹ is drawn from the 1601 Statute of Elizabeth and is interpreted to exclude major areas of bona fide charitable activity, for example community sporting activity.

That definition also does not make the delivery of public benefit a requirement for all charities, thus a charity can operate in a field which is considered charitable but potentially not benefit the wider public.

In addition, there is currently no regulatory body specifically established to oversee the establishment and activities of charities, which by the nature of work they undertake and position they hold in the community, receive public trust and other benefits such as tax exemptions.

In 2009 the Jersey Law Commission recommended the establishment of a charities regulator and an updated charities law which included a public benefit test stating that:

“Current provisions are seen as insufficient and outdated...it is crucial that effective provisions are in place to adequately regulate, monitor and protect those bodies plus the public that supports them”

The financial services sector have also stated that the lack of modern definition does not assist in growing the philanthropic and charitable trusts and foundations market in Jersey².

Perhaps most importantly however, concerns have been raised by charities and other organisations operating in the voluntary and community sector who have identified:

¹ Under the Income Tax Law organisations that meet the outdated definition of charity included in that law can apply for certain tax exemptions.

² The Trusts Law Steering Group reported that the lack of modern definition of charity did not assist in encouraging high net worth individuals to establish charitable foundations in Jersey.

- the need for a Charities Law that includes an up-to-date definition of charity and enables charities to more readily identify themselves and their intents and purpose to the public
- the need to consider regulation in a wider context of protecting and building public trust in order to support the sector to flourish and to be better placed to meet community need
- the positive impact that regulation, and associated independent official recognition, could have on fundraising³ and volunteering
- the need to safeguard against any potential abuses of charitable status and ensure there is an effective mechanism to identify and deal with any potential abuse.

2. Trust and confidence

Research undertaken by the UK Charity Commission highlights the important role that regulation plays in maintaining public trust and confidence including:

- the public's desire for charities to be held to account for how they spend their money (the most important driver of trust and confidence is knowing that a reasonable proportion of donations get to the end cause);
- information about charities to be in the public domain where it can be interrogated.

Indeed it is widely perceived that charities have a “covenant of trust” with the public which requires protection because without it they would fail in their key aims and objectives. They would do so as a result of losing their ability to:

- influence public opinion and create positive social and behavioural change
- encourage individuals to participate in their activities and service provision, thus failing to reach key stakeholders
- raise funds from the public.

³ Currently a number of Jersey Charities quote their AJC membership number in lieu of a charities number on funding application forms. This is because funders expect to see a charities registration number.

3. Proposed approach

It is proposed that a Charities Law is developed which sets out a modern, fit-for-purpose definition of Charity and Charitable Purposes, and which further promotes public trust and confidence in charities.

This would support the introduction of a proportionate, supportive regulatory regime which protects public trust and confidence in charities *without* placing an unnecessary financial or bureaucratic burden on the sector.

PHASE 1: Charities Law and Public Register

We would introduce a new law with an up-to-date definition of charity and a public register:

- 1) To develop a new law which defines a charity and charitable purpose and also puts in place a “charities test”. To pass the charities test an organisation can only deliver charitable purposes and it must deliver public benefit.

See Section 5 for an outline of key elements of the proposed law.

- 2) To set up a publicly accessible Charities Register and to place a requirement on charities to register if they wish to receive a Jersey charities number and associated tax exemptions.
- 3) To set out what a charity must do to register including the information they must provide. See Section 5 for more information about the Charities Register.
- 4) To establish the role of the Charities Commissioner and give the Commissioner powers as described in Section 5.
- 5) There will be no registration fee but all charities must register regardless of whether they have already been granted “charitable status” by the Taxes Office.
- 6) The Income Tax Law will also be amended to align with the new definition of charity.
- 7) To create a ‘one-stop’ registration process, automatically aligning the charities registration process, the Taxes Office charities registration process⁴ and the Jersey Financial Services Commission’s Non-profit organisations registration process.

PHASE 2: Charities Regulation

We would introduce regulatory standards:

- 1) To develop a proportionate, light touch regulatory framework for charities based on full and detailed consultation with charities and the public.
- 2) To amend the Charities Law, or bring in powers under the Law, that require charities to meet those regulatory requirements.

⁴ Whilst charities will no longer need to apply separately to the Taxes Office for tax exemptions, the Comptroller of Taxes will retain statutory responsibility for granting of tax exemptions.

The benefits of a phased approach include:

1. Enabling us to capture, through the Public Charities Register, information about the size, scale and scope of charities operating in Jersey. This information that is critical to enabling us to consider what regulatory standards would be relevant in Jersey.

At present this information is not available from the Non-Profit Organisations register administered by the Jersey Financial Service Commission, the Taxes Office or the Association of Jersey Charities. We will, however, be able to get it from the Public Charities Register, and we therefore need the Register to be set up before we can scope full regulation.

2. Allowing sufficient time for charities, particularly small charities, to adjust to the changes. We will support this change by pro-actively contacting organisations currently on the Taxes Office “charities list” and helping them through the registration process. This will include a transfer period during which organisations currently on the Taxes Office “charities list” can continue to receive tax exemptions prior to being placed on the Public Charities Register.

3. Providing a significant lead in time from adoption of the new Law to registration, and then from registration to regulation, will allow the Charities Commissioner to develop user friendly guidance on charitable purpose and public benefit.

4. Bringing in a modern fit-for-purpose definition of charity in Phase 1 will support our financial services industry in a more timely fashion, by creating potential to grow the charitable trusts market ahead of regulation in Phase 2.

4. Timeframe (proposed)

2013	July	Phase 1	Consultation: Principles of law and regulation	Phase 2			
	Aug						
	Sept						
	Oct		Law drafting				
	Nov		Consultation: The draft Law (Important note: due to time constraints this consultant period will be curtailed)				
	Dec		Law lodged				
2014	Jan						
	Feb				Law debated by States		
	Mar						
	Quarter 2 – Quarter 3				Develop Charities Register Develop charitable purposes & public benefit guidance		Consultation: Charities Regulation
	Quarter 4						
2015	Quarter 1				Law in force and commencement of registration process		Amending Charities Law or bring in powers to allow for regulation

During Phase 2 we will also be giving consideration to the development of two other key initiatives intended to support charities. These include:

A Compact between the voluntary & community sector and the States of Jersey

A Compact is a jointly owned agreement that sets out the ways in which the States and the voluntary & community sector will work together. The scope of the Compact may, for example, include:

- 1) principles of engagement (the right of Sector to be a critical voice whilst not impacting on funding relationships, and vice versa)
- 2) dispute resolution
- 3) funding relationship
- 4) consultation processes and involvement in policy development.

The aim of the Compact would be to:

- build trust and confidence between the State and the sector
- support greater transparency and a more equitable relationship between the States and voluntary & community sector.

A States of Jersey Employee volunteering scheme

This scheme could potentially include supporting States of Jersey employees to undertake secondments or pro-bono work in charities. It may involve enabling some employees to undertake a regular volunteering activity through a time-match scheme (subject to considerations relating to uninterrupted provision of services).

The aim of the scheme would be to support charities through increased access to potential volunteers and support the skills development of States employees.

We will be seeking your views on these two initiatives during 2014.

5. Key elements of a Charities Law

A Charities test would be included:

A body is a charity if:

- a. it only delivers charitable purposes and;
- b. it provides public benefit in Jersey or elsewhere

Charitable purposes would be defined:

Those purposes⁵ are –

- a. the prevention or relief of poverty;
- b. the advancement of education;
- c. the advancement of religion;
- d. the advancement of health;
- e. the saving of lives;
- f. the advancement of citizenship or community development;
- g. the advancement of the arts, heritage, culture or science;
- h. the advancement of public participation in sport;
- i. the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended;
- j. the advancement of human rights, conflict resolution or reconciliation;
- k. the promotion of religious or racial harmony;
- l. the promotion of equality and diversity;
- m. the advancement of environmental protection or improvement;
- n. the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage;
- o. the advancement of animal welfare; and
- p. any other purpose that may reasonably be regarded as analogous to any of the preceding purposes.

Public benefit: A charity must demonstrate it provides, or intends to provide public benefit. In demonstrating public benefit consideration must be given to:

- a. any benefit gained by members of that body or others, other than as members of the public
- b. any disbenefit to the public
- c. where benefit is restricted to a section of the public, whether conditions associated with gaining benefit (e.g. membership fees or charges) is restrictive.

A charity will not meet the charities test if:

- a. its constitution allows it to distribute property for a purpose that is not charitable
- b. its constitution expressly permits a States Minister or a Minister of the Crown to direct or control its activities⁶⁷
- c. one of its purposes is to advance a political party.

Entry onto the Register: A body must register if it is:

- a. to accrue any benefits that may be available to it in Jersey (e.g. tax exemptions)
- b. to call itself a charity in Jersey

Charity trustees: A charity trustee must act in the interest of the charity including:

⁵ Consideration needs to be given to charities that: expound extremist views/incite hate crime etc. and whether Jersey has legal framework to manage these situations OR charities set up purely as offshoots of commercial organisations as a tax device

⁶ Consideration needs to be given to organisations in Jersey that are perceived to be charitable but have a Quango type status.

⁷ Note: this does not exclude any States Member acting as a trustee/board member in their personal capacity.

- a. ensuring the charity acts in a manner consistent with its purpose
- b. cannot be remunerated
- c. can be disqualified from being a trustee if convicted of an offence involving dishonesty; bankrupt; removed as a trustee by the England or Scottish Charities Commission

Information to be submitted to the Charities Commissioner:

- a. Copy of establishing document
- b. Accounts, to the extent to which these are available
- c. Application form setting out extent to which:
 - all purposes are charitable
 - public benefit delivered
 - organisation is run by fit and proper persons: this cannot be a single individual nor members of a family, a charity must have appropriately established body of trustees or board (Note: "trustee" will need to be defined for the purposes of the Charities Law)

Information to be put into public domain:

- a. Name of charity
- b. Names of trustees, subject to exemptions
- c. Operating address
- d. Description of aims and objectives of the charity
- e. Establishing document (if made a requirement of full regulation)
- f. Accounts (if made a requirement of full regulation)

Requirement to inform Commissioner in the event of:

- a. Any changes to information held on Register (name; address etc.)
- b. Cease to exist
- c. Change of charitable purpose or change to establishing document
- d. Cease to deliver public benefit
- e. Merge with another organisation
- f. If any persons running the charity are no longer fit and proper

What charities will be provided with on registration:

- a. a Jersey charity number
- b. right to accrue tax benefits

Circumstances in which a charity will not be put on the Register

The Commissioner will not put a charity on the Register if the Commissioner deems:

- a. it does not pass the charities test
- b. it is not run by fit and proper people
- c. it fails to comply with regulatory standards (Note: only once full regulation introduced in Phase 2)

In the event that it is taken off the Register:

- a. Its Jersey charity number shall be removed
- b. It will be unable to accrue tax benefits
- c. It will not be able to call itself a Charity in Jersey
- d. It will have to pay back any tax benefit it has received if it provided false information on registration or failed to provide timely information.

An appeals process:

- a. Stage 1 Appeal: Appeal Panel (Representatives of Jersey Voluntary and Community Partnership; 2 x lay members)
- b. Stage 2 Appeal: Independent review by qualified expert (possibly UK or Scottish Charities Commissioner)
- c. Royal Court Appeal

Which organisations need to be on the Register

Any organisation that:

- a. calls itself a charity in Jersey
- b. wants to accrue benefits made available to it in Jersey (for example tax exemptions)

What about charities that are registered in other jurisdictions

Any organisation that wants to operate/fundraise in Jersey as a charity must be registered in Jersey including:

- a. those who want to receive tax exemptions in Jersey⁸
- b. those who are not entitled to receive tax exemptions but still wish to call themselves a charity in Jersey. This will be subject to exemptions related to extent of activity, ownership of property etc. A charity that is registered elsewhere but exempted registration in Jersey will need to make it clear that it is registered in another jurisdiction and not in Jersey (i.e. it cannot call itself a Jersey charity)⁹

6. The Charities Commissioner

The Commissioner would be independent of the States of Jersey or any other organisation.

The powers and responsibilities of the Commissioner will include:

1. setting up a public Register of Jersey charities
2. developing and issuing guidance to organisations on issues related to the charities test including delivery of public benefit
3. determining which organisations pass the charities test and can be placed on the register
4. issuing charities on the Register with a Jersey Charities number
5. investigating charities and removing them from the Register if they no longer pass the charities test
6. working with the Comptroller of Taxes to claw back tax benefit paid to an organisation on the Register which should not have been on the Register (where that organisation has provided false information/failed to provide timely information)
7. issuing guidance on regulatory standards and holding charities to account for compliance with those standards
8. investigating charities that do not meet regulatory standards and removing them from the Register (as set out in Section 5 an appeals process will be put in place).

⁸ In the first instance tax exemptions for charities that are also registered elsewhere will only apply to charities registered and regulated in the UK and Guernsey although consider will potentially be given to the Comptroller of Taxes extending to organisations registered in other jurisdictions if the Charities Commissioner deems that jurisdiction's regulation to be sufficient for the purposes of ensuring public trust and confidence.

⁹ Pending clarification: If the charity has a presence in Jersey and directly fundraises in Jersey it will need to be registered as it is operating in Jersey but, if the charity has not presence in Jersey but someone else fundraises on its behalf it does not need to register (i.e. donating to an individual who is undertaking a sponsored run from a charity based elsewhere).

7. Strengths, Weaknesses, Opportunities and Threats

Like all initiatives the proposed a new Charities Law and Regulation brings potential benefits and also some potential downsides. These are summarised below:

Strengths

A modern definition of charity will help support:

- public trust and confidence
- charitable organisations - including those who do not meet the current definition but would meet the new definition
- the financial services industry.

Phased introduction of regulation enables:

- public scrutiny of the Charities Register from Phase 1, and therefore in a shorter timeframe
- full regulation to be based on an assessment of information about the sector gained from the Public Register.

An Independent Charities Commissioner would determine which organisations were charitable, as opposed to the Taxes Office.

Weaknesses

New definition of charity will potentially result in increased numbers of charities claiming tax exemptions. The Taxes Office estimate revenue loss of approx. £500k to £600k per year (with periodic spikes to an estimated max £1m per year).

A two phased approach takes longer and is more complex to communicate.

Opportunities

Introducing proportional light-touch regulation which will build public confidence without placing unnecessary burden on sector.

Financial services industry estimates potential growth in charitable trusts market would generate additional tax revenue of up to £1.26 million re-occurring after 10 years.

Threats (in brackets: mitigating action)

“Red tape” squeezing out innovation and difference in the sector/cost of regulation and compliance to charities (regulation will be light-touch; charities will be supported to meet standards; regulatory requirements unlikely to require charities to incur costs they do not already incur).

Potential for organisations currently receiving tax exemptions to fail the public benefit test and hence lose access to tax exemptions (very few instances likely to occur, where they do consideration will be given to allowing grace period in which an organisation can restructure its finances).

8. Question & Answers

The Charities Test

What is the charities test?

The charities test will be set out in the proposed law. It is the “test” that the Commissioner will use to determine if an organisation is a charity. It consists of two elements:

1. that the organisation only delivers charitable purposes
2. that it provides public benefit in Jersey or elsewhere.

Could an organisation do charitable work and non-charitable work?

No. A charity will only be able to undertake work that is charitable i.e. meets the definition of charitable purpose as set out in Section 5 above. An organisation can however deliver one or more charitable purposes.

What is meant by public benefit?

Section 5 provides some guidance to public benefit. In essence an organisation must be able to demonstrate that it provides benefit to the public, as opposed to just members (although that does not exclude benefits being provided to members). For example; a golf club that charges membership fees which are beyond the financial means of most people and which does not provide significant public benefits, would not be considered a charity.

The Charities Commissioner would develop detailed guidance on public benefit during 2014.

Organisations that will most likely be considered charities

Are schools charities?

Ultimately it is for the Charities Commissioner to decide whether an organisation is a charity. However, it is proposed that any organisation that has its activities controlled by a States Minister is not a charity. A Parent Teachers Association would however most probably be a charity.

Are churches/religious institutions charities?

Most churches and religious institutions will pass the charities test, but consideration will be given on a case-by-case basis to some non-mainstream institutions which may provide very limited public benefit. If regulation should be introduced in Phase 2 consideration will be given to which regulatory elements are applicable.

Are Sport clubs or groups charities?

The extent to which a club or group is a charity will depend on part as to whether it delivers benefits to the public or just its members. The Charity Commissioner will develop detailed guidance during 2014.

Organisations on the Charities Register

Can an organisation call itself a charity but not be on the Charities Register?

No. It is proposed that any organisation that wants to operate as a charity or call itself a charity in Jersey will need to be on the Charities Register. There will be special rules that apply for organisations that are registered elsewhere.

Could an organisation not be on the Charities Register but still receive charitable tax exemptions?

No. To receive charitable tax exemptions an organisation would need to be on the Charities Register.

Will all organisations have to appear on the Charities Register?

All organisations will need to be on the Register, however we are giving consideration as to whether, in some cases, information about a particular organisation on the Register might not be placed in the public domain.

Charities Register and tax exemptions

Will organisations have to register separately to the Taxes Office for tax exemptions and/or to the Jersey Financial Services Commission for the Non-Profit Register?

No. It is intended that we introduce a one-step process that will allow joint registration with the Charities Commissioner, the Taxes Office and the Jersey Financial Services Commission. Obviously Non-Profit Organisations that are not charities will still need to register with the Jersey Financial Services Commission.

Will the Charities Commissioner therefore determine who is eligible for tax exemptions?

The Charities Commissioner will determine which organisations are charities, but the Comptroller of Taxes will ultimately still hold the power to determine who does or does not get tax exemptions.

Will organisations that have already been granted tax exemptions by the Taxes Office be automatically allowed to keep those tax exemptions?

Not if Charities Commissioner does not deem them a charity. An organisation might for example have applied to the Taxes Office at a point in time when they were undertaking charitable work but their activities may subsequently have changed to the extent they are no longer a charity.

In the event that this should happen consideration will be given to a grace period which will allow an organisation to reconfigure its objectives and/or finances.

Can a new charity accrue tax benefits from the moment it is placed on the Register?

A charity can accrue tax benefits from the day it is approved by the Commissioner for inclusion on the Register, not from the day on which it applies to be on the Register.

Can a charity placed on the Register receive backdated tax relief?

A charity which was on the Taxes Office's "charities list" currently has the ability to backdate their claim for tax relief within certain time limits. This will be maintained for those moving to the Charities Register from the Taxes Office's "charities list".

A new charity, which had not previously been on the Taxes Office's charities list, cannot make back dated claims at the point of registration (i.e. sports clubs and other organisations which had not previously been entitled to charity tax exemptions will not be able to backdate tax relief on becoming a charity).

Once a new charity is on the Charities Register however it can receive backdated tax relief, within the time limits set in the Income Tax Law, but only as far back as to the date of registration.

Are there plans to change tax exemptions for charities?

Not at this stage, other than some consideration may be given to placing some limits on GST reclaim for large capital builds.

Regulation

Why can't we move to full regulation straight away?

In order to consider what regulatory standards are relevant for Jersey we need to know more about charities that operate here eg: how many there are, what they do, what their income is.

This information is not currently available, in its totality, from either the Non-Profit Organisations Register; the Taxes Office or from the Association of Jersey Charities. We will be able to get it from the Charities Register however, so we need the Register to be set up before we can scope full regulation.

What might regulation include?

We need to decide that in consultation with the public and in light of the information that we will be able to get from the Charities Register. Regulatory standards vary from place to place; there are for example some significant differences between England and Scotland.

Whatever we do it must be right for Jersey and it must be proportionate. We want to create a regulatory regime which benefits charities and protects public trust and confidence, but which does not place an unnecessary financial or bureaucratic burden on them.

Regulation might include:

- a requirement on all charities to submit annual accounts
- standards to which those accounts must adhere, for example a requirement to enable the public to see how much of their donations goes to running costs as opposed to the delivery of charitable purposes
- a requirement for all charities to have a reserves policy; stating how much money they can hold in reserve and why
- standards about governance for charities including who can be a trustee; how many trustees etc.

Charity trustees

What is meant by trustees and what are their responsibilities under the proposed law?

In Jersey, as in other jurisdictions, members of the board or committee who are responsible for the governance of a charity may be called a trustee, a board member, a committee member or sometimes given a completely different title. The title is not of prime importance, albeit a clear definition will need to be set out in law. What is essential however is that very clear guidance is developed to ensure that all trustees/board members understand their responsibilities and the impact that this proposed law may have on those responsibilities. This guidance will be produced.

What is meant by a "fit and proper person" (Section 5)?

In essence a trustee must be a 'fit and proper person' to run a charity. Those who would not be considered as "fit and proper" would, subject to safeguards include, those who had committed tax fraud or those who had been convicted for relevant criminal activity.

What about charities run by a single trustee?

It is proposed that no charity should be run by a single person or only by members of a family. A charity should have an appropriately established body of trustees. This does not exclude members of the same family being trustees but other non-family members should be trustees as well.

Appeals

Will there be an appeals process to challenge decisions made by the Charities Commissioner?

Yes. See Section 5. An independent appointments process will be established for members of appeals panels.

9. Consultation questions

Below are some questions that we would be interested in knowing the answer to. You might also have additional comments or questions you would like to raise.

Definition of a charity

1. Do you think the legal definition of charity should be updated?
2. Do you agree with the proposed list of charitable purposes?
3. Do you think there is anything missing from the proposed list?
4. Are there things included on the proposed list that should not be?
5. Do you think it should be a requirement that charities provide 'public benefit'?

Registration process

1. Do you think a charities register should be set up in Jersey?
2. Do you think an organisation should register as a charity in Jersey if it wants to:
 - a. Receive charitable tax exemptions?
 - b. Call itself a charity?
 - c. Make public appeals for charitable donations?
3. Do you think that the proposed information needed to register is appropriate?
4. Do you think that the proposed information to be made publicly available via the register is appropriate?
5. Are there any types of charities or organisations that you think should be on the charities register but on a confidential basis (i.e. their information is not in the public domain)?
6. Do you think that there should be a single registration process (which would automatically align the charities registration with the Taxes Office and Jersey Financial Services Commission registration processes)?

Charities commissioner

1. Do you think a charities commissioner should be appointed?
2. Do you agree that a charities commissioner should be completely independent of the States of Jersey or any other organisation in Jersey?
3. Do you think a charities commissioner should have the power to:
 - a. Decide if an organisation is a charity?
 - b. Investigate and remove an organisation from the register if it no longer meets the requirements to be deemed a charity?
4. If you have any comments on the proposed appeals process, please tell us.

Trustees

1. Do you think that the duties and responsibilities of charity trustees should be set out in law?
2. Do you agree with the proposed basic duties and responsibilities for charity trustees?
3. Do you think there should be regulations to ensure charities are not run by a single person or members of the same family?
4. Do you think that there should be restrictions on who can act as a charity trustee?

Regulation

1. Do you think that charities should be regulated?
2. Do you think charities should provide members of the public with information about how they spend their money?
3. Do you think charities should publish an annual report?