

Charities in Northern Ireland Prepare for Registration

April 2010



The proposed method and timescale for registration of charities in Northern Ireland has been announced by the Charities Commission for Northern Ireland ("CCNI").

Details held by HM Revenue & Customs on charities based in Northern Ireland will be transferred to the CCNI during the week commencing 30 April 2010. This means that details of around 7,000 organisations will be transferred onto a list held by CCNI entitled the 'Current Deemed Charities List'. The Current Deemed Charities List will be available online and in the future CCNI will determine whether each of the organisations listed in the Current Deemed Charities List qualifies as a charity under the criteria set out in the Charities Act (Northern Ireland) 2008. If an organisation qualifies as a charity, the charity's details will be transferred from the Current Deemed Charities List to the new charity register in Northern Ireland (the "Charity Register")

Charities do not need to take any action at present as CCNI will be writing to all organisations listed on the Currently Deemed Charities List inviting them to apply for registration on the Charity Register. It is anticipated that CCNI will contact the organisations on the Currently Deemed Charities List starting with organisations with the largest incomes and it is anticipated that it will take approximately 18 months to issue all the invites to apply for registration on the Charity Register.

It is anticipated that from the end of June 2010 it will be possible for organisations which have never been recognised as a charity in Northern Ireland to apply for inclusion on the Charity Register. It should be noted that the Charities (Northern Ireland) Act 2008 places an obligation on organisations carrying out certain types of charitable work to register with the CCNI irrespective of whether they wish to take advantage of tax advantages available to organisations with charitable status. Once it is possible for new organisations to apply to CCNI for inclusion on the Charity Register it will be necessary for the registration with CCNI to be complete before an application is made to HM Revenue and Customs for recognition as a charity for tax purposes.

CCNI will issue guidance on the registration procedure and the requirements under the Public Benefit Test at the beginning of June 2010.

Action Points for Organisations Recognised as a Charity in Northern Ireland for Tax Purposes:

- Search the Current Deemed Charities List to see if your organisation is listed.
- If your organisation is listed on the Current Deemed Charities List there is no need to contact CCNI as CCNI will issue an invitation to all organisations on the Current Deemed Charities List to apply for registration on the Charity Register.
- Look out for the invitation to apply for registration on the Charity Register.
- Consider the guidance on the registration process and the public benefit test produced by CCNI.
- Allow until December 2011 for CCNI to make contact with your organisation (approximately 18 months from end of June 2010).

Please note: The content of this article is for information purposes only and further advice should be sought from a professional advisor before any action is taken.

Action Points for Organisations Seeking to Register New Organisations as Charities:

- Consider the guidance on the registration process and the public benefit test produced by CCNI.
- Apply from end of June 2010 for registration on the Charity Register.

For further information please contact Jennifer Ebbage on 028 9027 1302 (j.ebbage@cfrlaw.co.uk), Naomi Gaston on 028 9027 1336 (n.gaston@cfrlaw.co.uk) or any member of the Charities Team.

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