

Starting Up: Writing your charitable objects/purposes

ABOUT CHARITABLE PURPOSES

To be a charity, an organisation must have purposes (or 'aims') all of which are exclusively charitable. A charity must also operate for the public benefit.

The list of thirteen 'descriptions of purposes' in the Charities Act 2011 describe broad areas of potentially charitable activity. Each item listed is a description or 'head' of charity rather than a fully-stated charitable purpose in itself.

Under each of the descriptions lie a range of purposes, all of which fit the description, but each of which is a different purpose in its own right. The list of descriptions, taken as a whole with the purposes that underlie each description, encompasses everything that has, or may be, recognised as charitable in England and Wales.

- The prevention or relief of poverty
- The advancement of education
- The advancement of religion
- The advancement of health or the saving of lives
- The advancement of citizenship or community development
- The advancement of the arts, culture, heritage or science
- The advancement of amateur sport
- The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
- The advancement of environmental protection or improvement
- The relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
- The advancement of animal welfare
- The promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services

You can read more about each of these on the Charity Commission website here:

<https://www.gov.uk/government/publications/charitable-purposes>

CHARITABLE PURPOSES AND PUBLIC BENEFIT

To be a charity in England or Wales, your organisation must be set up with purposes which are exclusively charitable for the public benefit.

The law on public benefit can be complex and the language used about public benefit in charity law may be unfamiliar. However, whether you are planning to set up a charity, or are running a charity or are reporting on how you have carried out your charity's purposes, for most charities public benefit is quite straightforward.

Basically, public benefit is about knowing:

- what the charity is set up to achieve - this is known as the charity's 'purpose'
- how the charity's purpose is beneficial - this is the 'benefit aspect' of public benefit
- how the charity's purpose benefits the public or a sufficient section of the public - this is the 'public aspect' of public benefit
- how the trustees will carry out the charity's purpose for the public benefit - this is what is known as 'furthering' the charity's purpose for the public benefit
- If you are setting up a charity, or are a trustee of an existing charity, you should be able to answer those questions.

The Charities Act says that charity trustees must 'have regard' to the commission's public benefit guidance 'when exercising any powers or duties to which the guidance is relevant'. The Charities (Accounts and Reports) Regulations 2008 requires charity trustees to confirm that they have done so in their trustees' annual report.

'Having regard' to the commission's public benefit guidance means charity trustees should be able to show that:

- they are aware of the guidance
- they have taken it into account when making a decision to which the guidance is relevant
- if they have decided to depart from the guidance, they have good reasons for doing so

CHARITABLE OBJECTS

'Objects' describe and identify the purpose for which your charity has been set up. They do not say what it will do on a daily basis. They are usually set out in a single clause or paragraph (the 'objects clause') when you write your charity's governing document.

There are example charitable objects available on the Charity Commission website which you can use as a guide when writing your charitable purposes in the objects clause of your governing document. Your charity registration application will take less time if you can use an example object without alteration.

The Charity Commission may decide that your organisation is not a charity and refuse to register it if:

- the objects clause allows your organisation to do something which the law does not recognise as charitable
- the wording used is unclear

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EXAMPLE OBJECTS FOR CHARITIES

You can find the example objects for charities on the charity commission website. Here there is specific information to be used by groups of all kinds including those working in the advancement of education or religion, animal charities, carers, community amateur sports, community centres, conservation of the environment, the elderly and many more.

These look like the following, which are the example objects for groups working with young people:

To advance in life and [relieve needs of] [help] young people through:

(a) The provision of recreational and leisure time activities provided in the interest of social welfare, designed to improve their conditions of life;

(b) Providing support and activities which develop their skills, capacities and capabilities to enable them to participate in society as mature and responsible individuals.

To help young people, especially but not exclusively through leisure time activities, so as to develop their capabilities that they may grow to full maturity as individuals and members of society.

To act as a resource for young people up to the age of [age] living in [area of benefit] by providing advice and assistance and organising programmes of physical, educational and other activities as a means of:

(a) advancing in life and helping young people by developing their skills, capacities and capabilities to enable them to participate in society as independent, mature and responsible individuals;

(b) advancing education;

(c) relieving unemployment;

(d) providing recreational and leisure time activity in the interests of social welfare for people living in the area of benefit who have need by reason of their youth, age, infirmity or disability, poverty or social and economic circumstances with a view to improving the conditions of life of such persons.