

Registering as a Charity

It is important to remember that charitable status is not a legal structure in its own right and is separate from the legal structure of a group.

As part of the process of registering as a charity you will need to decide what legal structure your group takes before registering. You can find out more this through our [Structures for Groups](#) resource.

Benefits

- Relief from certain tax
- Relief from stamp duty
- Probable rates relief of premises
- Recovery of income tax on 'Gift Aid' donations.
- Only registered charitable organisations are eligible to receive grants from some charitable trusts or funding streams
- The general public usually has more confidence in a body which is formally recognised as charitable

Downsides

- Cost and time to set up
- Regulations and accounting requirements that accompany the status can sometimes be daunting. Recent changes from the Charity Commission have gone some way to making the process more accessible, such as the introduction of Charitable Incorporated Organisations. Find out more about if this could be the right structure for your group [here](#).
- Charities are sometimes limited in what they can do and trading may present complications.
- Once you have adopted charitable status it is difficult to get rid of, so think carefully about if it's the right thing for your group.

Eligibility

You can apply for charitable status after setting up your group, even if your group is unincorporated you can still apply. Only groups with an income of over £5000 per annum are eligible to apply for charity status unless they are being set up as a Charitable Incorporated Organisation which must register with the Charity Commission regardless of its income.

Small groups with an income of less than £5,000 that are not eligible to apply for charity status can get recognition from HM Revenue and Customs (HMRC) for the tax reliefs available to charities and use their HMRC charity number as evidence of charitable activities. Check out more details on that [here](#).

Even though a group is not a registered charity it should still comply with charity law and best practice.

Once a group is approved for charity status it is given a number by the Charity Commission

Governing Documents

Whether your group is an unincorporated association or a registered company – it will need to have some kind of governing document in place to even be considered for charity status.

Your group's governing document is the legal document that creates the charity and says how it should be run and should contain:

- its name
- its charitable purposes ('objects')
- what it can do to carry out its purposes ('powers')
- who runs it ('trustees') and who can be a member (if appropriate)
- how meetings will be held
- how many trustees to appoint and how
- any rules about paying trustees
- whether the trustees can change the governing document, including its charitable objects ('amendment provisions')
- how to close the charity ('dissolution provisions')

For more information on writing a governing document click through to the charity commission [website](#). You can find a range of Charity Commission templates [here](#)

Purpose and Benefit

If you haven't already, you need to define your group's charitable purposes. It is these charitable purposes that you will be judged on when applying for charity status and you must match with one or more of the [purposes](#) in the Charities Act. On top of this, your group's work must be for [public benefit](#) (and in line with what the Commission defines this).

If you already have your group's purposes set then it is a good idea to revisit them before you apply to check that a. registering as a charity is right for your group and b. they fit with the Charity Commission's set purposes.

The 13 descriptions of purposes listed in the Charities Act are:

- 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
- any other purposes currently recognised as charitable or which can be recognised as charitable by analogy to, or within the spirit of, purposes falling the 13 purposes or any other purpose recognised as charitable under the law of England and Wales.

Communicating your Charities purpose is important, and not just for the charity commission! Make sure you get across:

- what the outcomes of its work will be (the difference your work will make)
- where these outcomes will happen
- how it will achieve these outcomes
- who will benefit from these outcomes

Consortium have resources and webinars on understanding more about Outcomes, check them out [here](#).

Information you will need when applying

You will need to provide:

- your groups bank or building society details
- your groups public contact details, including a postal address
- a copy of your charity's governing document
- if your charity is a company: a copy of the certificate of incorporation and memorandum
- proof that your charity's income is over £5,000 (unless it's a CIO) - this can be its latest annual accounts or a recent bank statement

Information about your trustees

Each trustee must read and sign the [trustee declaration form](#) to confirm they can act as a trustee of the organisation named on the declaration form. its worth noting that the Charity Commission will not accept electronic signatures.

You will also need:

- the full name of each trustee (ensure all trustees know that their names will be listed on the Charity Commission website)
- the full address and post code of each trustee (not displayed on the website)
- their previous names, dates of birth and contact details, including email address if they have one (not displayed on the website)
- to say if any trustees (or people connected to them) will personally benefit from the charity in any way

If your charity works with vulnerable people (including children), you'll need to confirm that you've read the commission's guidance on [protecting vulnerable groups including children](#) and sign a declaration that the trustees have carried out all necessary checks required by law.

Register and wait...

To register visit <https://www.gov.uk/setting-up-charity/register-your-charity> and create an account.

The Charity Commission's published aim is to decide on an application for registration in an average of 40 days, but in reality it can take longer.