

# Bat Conservation Trust



## Charity Registration and Governing Documents

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### **What is a charity?**

In England and Wales, a charity is any organisation whose objectives are solely charitable and provide public benefit.

In Scotland, an organisation can only refer to itself as a charity if it has registered with the Office of the Scottish Charity Regulator (OSCR).

### **Do we need to become a registered charity?**

You are only required to register as a charity if your group:

- is based in England or Wales, and
- has a gross annual income above £5,000 a year.

Or

- is based in Scotland and would like refer to itself as a charity.

There is no legal requirement for other groups to formally register.

### **What are the advantages of registering?**

Some of the advantages of registering are:

- people are more likely to donate to a registered charity;
- many grant-makers and other funders only give to charities; and
- many organisations offer free or discounted services to charities.

Charities also receive a wide range of tax breaks. In the UK, charities are exempt from tax on most income and gains, as long as they use the money for charitable purposes only. This applies to:

- gift aid donations;

- rental income;
- interest and other investment income;
- capital gains; and
- profits from your charity's 'primary purpose' trading. This means a trading activity that is carried out as part of your charitable purpose or aim, for example a theatre charity could sell tickets for a theatrical production they put on.

### **What are the disadvantages?**

There aren't disadvantages as such, but there are restrictions and rules that you must follow if you register as a charity. For example, your group must have a governing document (for most bat groups this will be a constitution) and must provide annual account updates to the appropriate regulating body. More information is provided in the sections below. See also, the Charities Act 2011: [www.legislation.gov.uk/ukpga/2011/25/contents](http://www.legislation.gov.uk/ukpga/2011/25/contents).

### **Registering as a charity in England and Wales**

In England and Wales, bat groups that have a gross annual income above £5,000 a year can register with the Charity Commission through gov.uk pages. The online registration service and associated guidance documents can be found at [www.gov.uk/setting-up-charity/register-your-charity](http://www.gov.uk/setting-up-charity/register-your-charity).

Other documents you may find useful include:

- The Essential Trustee: [www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3](http://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3)
- Trustee Indemnity Insurance information: [www.gov.uk/government/publications/charities-and-insurance-cc49/charities-and-insurance](http://www.gov.uk/government/publications/charities-and-insurance-cc49/charities-and-insurance)
- Charity accounts and reports: [www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-november-2016-cc15d--2](http://www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-november-2016-cc15d/charity-reporting-and-accounting-the-essentials-november-2016-cc15d--2)

Bat Groups that have a gross annual income less than £5,000 should consider applying directly to HM Revenues and Customs for recognition as a charity for tax purposes. HMRC charity numbers should be accepted by organisations such as banks and grant funders as evidence of charitable status. Go to [www.hmrc.gov.uk/charities/tax/index.htm](http://www.hmrc.gov.uk/charities/tax/index.htm) for more information.

Please note, if you are registered in England or Wales, and carry out charitable work in Scotland or represent your organisation as a charity in Scotland it will need to be registered with the OSCR also. See below for further notes.

### **Registering as a charity in Scotland**

All groups seeking charity status in Scotland should apply though the OSCR. Full details can be found at [www.oscr.org.uk/becoming-a-charity/](http://www.oscr.org.uk/becoming-a-charity/). You cannot refer to your group as a charity if you have not registered with the OSCR.

### **Registering as a charity in Northern Ireland**

In Northern Ireland, it is compulsory to register as a charity if your group has exclusively charitable purposes, is governed by the law of Northern Ireland and is an independent organisation. The [Charity Commission website](#) has a large amount of information and support guides for this process. You will also need to apply directly to HMRC. As stated above, HMRC charity numbers should be accepted by

organisations such as banks and grant funders as evidence of charitable status. Go to [www.hmrc.gov.uk/charities/tax/index.htm](http://www.hmrc.gov.uk/charities/tax/index.htm) for more information.

### **Other UK regions**

Please see your relevant governing body to ensure you are following the most up to date information for your region.

Isle of Man - <https://www.gov.im/charities>

Jersey - <https://charitycommissioner.je/for-charities/>

Guernsey and islands - <http://www.guernseyregistry.com/charities>

### **What is a governing document, and do we need one?**

A governing document is a formal document that contains information about your charity's purpose, how it will be run and who will run it. The governing document most relevant to bat groups is a constitution - often referred to as a set of "rules".

If your group does decide to register as a charity, you must prepare a constitution. If you're not registering as a charity, then you are not required to have a constitution. Some groups do find it useful however, to have this agreed set of rules by which to run the group. Constitutions are normally adopted (accepted for use) at a formal meeting of those people who are, or will be, the charity trustees and the general membership.

For an example see:

[assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/586358/GD4.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/586358/GD4.pdf).