

CATHOLIC DIOCESE OF PORTSMOUTH

THE PUBLIC BENEFIT TEST

Summary for the Trustees

1 PUBLIC BENEFIT GUIDANCE

- 1.1 The Charity Commission published its top level general guidance on the meaning of public benefit on 16 January 2008. A copy of the summary guidance for trustees and the guidance itself can be found at sections 4 and 5 respectively of Appendix 2 in the Trustees' Handbook.
- 1.2 The guidance does not constitute the law; it is how the Commission interprets and applies the law.

2 WHAT IS PUBLIC BENEFIT?

- 2.1 Public benefit is the legal requirement that all organisations set up for one or more charitable aims must be able to demonstrate that their aims are for the public benefit in order to be recognised, and registered, as charities in England and Wales.
- 2.2 The Charities Act 2006 removes the legal presumption that organisations that advance education or religion or relieve poverty provide a public benefit. This is the only change in the law. The current law on public benefit, based on decisions by the courts and the Charity Commission, is unchanged. However, it is clear that public benefit changes to reflect current social and economic conditions.

3 TRUSTEES' DUTIES

- 3.1 The Trustees have the following duties:
 - 3.1.1 To ensure that the Diocese's charitable objectives are carried out for the public benefit;
 - 3.1.2 To have regard to the Commission's public benefit guidance (a copy of the summary guidance is at section 4 and a copy of the full guidance is at section 5 of Appendix 2 in the Trustees' Handbook) ; and
 - 3.1.3 With effect from 1 April 2008, to report on how the Diocese carries out its purposes for the public benefit and to confirm that they have paid due regard to the Commission's guidance in deciding what activities the Diocese should undertake.