

Consultation on the Proposals for Regulations under Section 15 on Charity References in Documents

Response of the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities supports moves towards greater transparency with regard to identifying charities but is concerned that these should not be unnecessarily onerous, and in particular should not be disproportionately heavy on small charities.

Q1. Do you agree that all charities should have to follow the same mandatory requirements for references in documents (ie no exemptions)? Or do you consider that a financial threshold (such as a gross income of £5000 pa) should be used to exempt smaller charities? If such an exemption were to be set, what level do you consider is appropriate?

We agree that the public should have the right to know whether an organisation is registered as a charity, and that this information should, therefore, be declared no matter how small the charity.

We wish to highlight the situation of charities that do not collect funds (for example, small private Charitable Trusts). The inclusion of charity references on the documentation of such organisations is clearly not required in order to reassure donors but may be helpful for administrative purposes. (For example, including the charity number on cheques should provide sufficient proof of charitable status to enable the charity to make VAT-free purchases without additional documentation having to be produced.)

We also wish to take the opportunity to comment on the proposals for Charities based outwith Scotland. Many charitable organisations in the Jewish community operate on a cross-border basis, and we welcome the suggestion for those not occupying or operating from land or premises in Scotland to identify themselves as 'a registered English Charity' without having to register with OSCR.

Q2. Which documents should identify that a body is a charity?

Q3. Do you agree with the main categories of document proposed to be included in the Regulations as requiring mandatory identification information? Are there other types or examples of document which should be included? Is the format in the Charities Act 1993 (clause 5) the best way to describe them?

We support the Executive's view that all documents representing a charity should be covered by this requirement, and we believe that this is also in the best interest of charities, as potential donors are more likely to come forward if they feel confident of the organisation's probity. However, to prevent fraud, we suggest that it should be an offence for any person (for example a commercial printer) to print a charity number on a document without documentary proof of the organisation's entitlement to that number.

We would, however, emphasise that this requirement should not be too onerous on small charities, many of which may take some time to use up existing stocks of stationery. We therefore urge that this requirement should only apply to new supplies for at least five years.

Q4. Do you agree that the information charities should be required to include on documents is their name (stating that they are a charity if not included in the name)?

Yes.

Should they also be required to include a charity reference number?

Yes.

Q5. What if a charity is known by a number of different names?

Do you agree that the “normal” charity name which appears on the Register should be included in all formal documents under section 15?

Yes.

Q6. Use of Gaelic or other languages. Is this the correct approach to documents in other languages?

All statutory information should be provided in English. However, where a document is wholly in another language it should be mandatory for the statutory information to be given in that language so that the intended readership can understand it.

Q7. Do you agree that the component elements of Designated Religious Charities should have to provide the additional information, as proposed, on all formal documents?

Yes

Q8. Do you agree that 12 months from the date the proposed regulations come into force is an appropriate period of grace for existing charities and “unregistered charitable bodies” (eg charities registered outwith Scotland) to use up stationery and make relevant changes?

A large or medium-sized organisation should have no difficulty in complying with a 12-month transitional period after which all documents must include the required information. We are, however, concerned that this may present difficulties for some very small organisations, such as one-person charitable trusts. If, for example, an organisation issues only a few cheques or writes a few letters each year it may take several years for their current chequebook and existing stationery to be used up. We would therefore urge that that this requirement should only apply to new supplies for at least five years.

Q9. Does the RIA provide an accurate picture of the impact of the proposed requirements and options? Do you have any comments on the draft RIA? Are you able to provide any further information which might help expand or improve the RIA?

Since the RIA was not included in the consultation paper we are unable to comment.

Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

In preparing this response we have consulted widely among members of the Scottish Jewish community.