Chapters 11 and 12: An introduction to charity; The legal definition of charity.

1) ‘The Government’s approach to the reform of charity and the resultant Charities Act 2006 will revolutionise charity law. This is particularly apparent in the new statutory definition of charitable purposes, and the modifications to traditional public benefit requirements’.

Discuss.

2) ‘New charity law promised by the Charities Act 2006 will change little. This is particularly apparent in the new statutory definition of charitable purposes, and the modifications to traditional public benefit requirements’.

Discuss.

3) ‘The Charities Act 2006 can be seen as a project of continuity and change in English charity law’.

Discuss this statement, indicating whether you agree, and provide support for your views.

4) ‘Recent revelations that a number of so-called ‘public schools’ are having difficulty meeting the ‘new’ public benefit test under the Charities Act 2006 add credence to the view that much of the impetus for reform was actually directed towards the difficulties which such institutions present for charitable status’.

Discuss.

Brief guidance notes:

All these questions are general takes on the current state of charity law in the light of reforms introduced pursuant to the Charities Act 2006. In particular they are focused upon the general reach of charity and charitable status, and the underpinnings of legal recognition of charity itself. The questions make it very clear that the new provisions need to be considered alongside traditional approaches taken to defining charity in English law, whilst also drawing attention to the impetus for the Charities Act 2006, in terms of the broader policies underpinning the recent movement for reform. Thus, some understanding of the broad aims of the reform movement alongside perceived shortcomings of traditional charity law are
required, alongside a thorough knowledge of traditional approaches and also the new provisions. Throughout reference to key policy literature identified in the main text chapters is essential, and this acquires enhanced significance in relation to the final question: this mirrors the suggestion made in the text that public schools represented a particular concern in achieving long-term public confidence in the legal significance of charity and the considerable advantages which flow from achieving charitable status.