

## **This is the letter from the Charity Commission for England and Wales (CCEW) rejecting CTC's application to obtain charitable status.**

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### **CHARITY COMMISSION FOR ENGLAND AND WALES**

Title 0/5020287/331958 Application for registration:

The Cyclists' Touring Club CC: 0361617 Subject Cyclist's Touring Club FAO: Caroline Jones - W/5020287/331958 Application for registration: The Cyclists' Touring Club CC: 0036151.

Dear

Further to my email of 06 October, we have completed our review of the application and supporting information. I have explained in correspondence with ----- that in order to be established as a charity an organisation must have objects which are exclusively charitable and for the public benefit. If any part of the objects of an organisation are not charitable or if it is established in part for private benefit then it is not established as a charity. In this case, the meaning of the objects is not entirely clear and in determining their meaning, it may be appropriate to consider the activities undertaken by the organisation. Our guidance in 'Charities and Public Benefit' sets out our approach in such cases from section D4.

#### **Objects**

The objects of the company set out an initial object 'to promote cycling, cycle touring and fellowship among cyclists for the public benefit' but describe those objects as a means to further other charitable purposes.

**The first further object** is then stated as: the advancement of amateur sports which involve physical or mental skills or exertion by: Promoting, assisting and protecting the use of bicycles, tricycles and other similar vehicles on the public roads and public rights of way; and Promoting and safeguarding the interests of riders of bicycles, tricycles and other similar vehicles; and encouraging cycling and cycle touring as a means of adventure, recreation, character training and other forms of education, to stimulate by any possible means interest and participation in the interest and participation of young persons in cycling, and to promote cycling competitions, rallies, rides and other events. It is difficult to understand precisely from the drafting of the objects which elements or subsections of the objects may be considered as objects of themselves and which elements a means to achieve objects.

It is also the case that not every means of advancing amateur sport will be for the public benefit. For example promoting the individual rights and interests of cyclists may be directed to the private benefit of cyclists. Given the structure of the clause neither is it beyond doubt that the first stated object of promoting cycling, cycle touring and fellowship among cyclists for the public benefit is simply a means.

**The second sub object** is stated as: The promotion of the conservation and protection of the environment by any charitable means including but not limited to Promoting and increasing appreciation of the countryside and places of public interest, and Establishing and protecting access thereto by cycle and on foot, and Preserving and improving amenities, and Taking appropriate action to advance this charitable aim in Parliament and in and before Government departments, local and other public authorities, bodies and officers, landowners, developers and others The first and fourth of the means are political activities, which extend to securing or opposing any change in the law or in the policy or decisions of central government or local

authorities. The extent to which such means are directed towards conservation or the protection of the environment or other activities which the company will undertake in that respect is not apparent. The political activity would appear to be an object of its own right rather than subsidiary and in support of other activities undertaken in furtherance of a charitable purpose. A charity may not have a political purpose. Our guidance in CC9 'Speaking Out' sets out the principles on this point in summary at section B. <http://www.charitycommission.gov.uk/publications/cc9.aspx>

**Clause 1.8.3** is for the advancement of education ... and the promotion of any plans, measures schemes or proposals to that end. The promotion of particular opinions, views or proposals is not education in the sense accepted by charity law. Our guidance in 'The Advancement of Education for the Public Benefit' sets this out from section **C5**. <http://www.charitycommission.gov.uk/Library/guidance/resedu1208.pdf>

**Clause 1.8.4** is for the preservation and protection of health ... by any means. The reference to 'any means' would extend beyond that which would confine the object of public benefit. It would allow either unlawful, private or political objects. Indeed the enforcement of rights as referenced in the wording may be capable of being either of private benefit or political.

**Clause 1.8.5** is for the promotion of cycling ... Catering for the needs of cyclists would appear to extend beyond what is charitable, for example for provision of facilities in the interests of social welfare, and is directed towards private benefit of cyclists. The further provision of benefits appears to be of a private nature. Activities I have outlined the ambiguous nature of the objects. The company has existed as an organisation to benefit and promote the interests of its members. The website refers at 'Converting CTC to a Charity' to 'supporting membership and campaigning' as its charitable activities. There appears to be a misunderstanding of as to the nature of charitable purposes and public benefit. An organisation established to provide benefits for its members is not a charity being directed towards private benefit. The 2006 Act has not changed the nature of public in public benefit (as suggested on the company's website). Similarly, the campaigning appears in part to be directed towards political purposes which cannot be a charitable purpose. The Club has established a charitable organisation to undertake such of its work as is directed towards charitable purposes. However the Club itself is not established for exclusively charitable purposes for the public benefit. It is a members' organisation established to promote the interests of its members and provide them with benefit. It is not therefore established for exclusively charitable purposes or the public benefit.

### Summary

I am sorry to tell you that, for the reasons given above, we feel bound to reject the application for registration. Our decision has taken account of all information, evidence and argument received. If you think our decision is wrong, you can ask us to review it by writing to the Final Decision and Tribunal Coordinator [atenquiries@charitycommission.gov.uk](mailto:atenquiries@charitycommission.gov.uk), or by using our online application form at [www.charitycommission.gov.uk/reviewprocform.aspx](http://www.charitycommission.gov.uk/reviewprocform.aspx). Alternatively, you may appeal against our decision to the First-Tier Tribunal (Charity). Further details about our decision review procedure and the First-Tier Tribunal (Charity) can be found on our website at:

[www.charity-commission.gov.uk/About us/Complaining/Complaining about our decision index.aspx](http://www.charity-commission.gov.uk/About_us/Complaining/Complaining_about_our_decision_index.aspx)

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