

What this chapter is about and how to use it

This chapter, *Charities and Terrorism*, is designed to help charities and their trustees familiarise themselves with the legal framework which aims to protect the UK from terrorist abuse and understand how this affects charities. It provides summary information on key aspects of the UK's counter-terrorism legislation and highlights how particular provisions are likely to affect charities and their work. It explains the various 'terrorism lists' and provides advice to trustees on what they should do if they discover their charity may be working with or connected to people or organisations on those lists. Following the advice within this guidance will also help trustees show they are complying with their legal duties and responsibilities under charity law.

What we mean by 'must' and 'should'

Where we use '**must**', we mean it is a specific legal or regulatory requirement. To help you easily identify these sections which contain a legal requirement, we have marked the heading with the symbol: **L**

We use '**should**' for items we regard as minimum good practice, but for which there is no specific legal definition. Trustees should follow the good practice guidance unless there is a valid reason not to.

Using this guidance

In answer to any anticipated questions, there are **short answers** and explanations **in more detail**. There are links to other websites, documents, further information and useful tools for charities. Links are marked in [blue](#).

Other Commission guidance on terrorism

This guidance supplements existing operational guidance: [OG96 Charities and Terrorism](#) and the Commission's [policy statement on charities and their alleged links to terrorism](#).

Scope of this guidance

This guidance provides summary information on key aspects of the UK's counter-terrorism legislation and highlights how particular provisions are likely to affect charities and their work. It explains the various 'terrorism lists' that exist and provides advice to trustees on what they should do if they discover their charity may be working with or connected to people or organisations on those lists.

Terrorism law is a complex area. It is governed by different pieces of legislation. Additional requirements and international regulations apply if a charity operates or works with partners who are based or work internationally.

It is not the Commission's role to provide trustees with legal advice on the operation and impact of counter-terrorism legislation on specific situations or individual charities. However, the **Compliance Toolkit** provides a general introduction and overview, and highlights areas where trustees may need further advice from the Commission, other government agencies or from the charity's professional advisers. If trustees are in doubt about their legal duties and responsibilities as charity trustees, they can approach the Commission for regulatory advice and guidance about what to do, including getting formal advice under [s.29 Charities Act 1993](#).

Technical terms used

Some technical terms are used in this guidance. This list explains what they mean:

Beneficiary: A person who receives benefit, financial or otherwise, from a charity.

CONTEST: The UK Government's strategy for Countering International Terrorism

Counter-terrorism legislation: The Terrorism Act 2000 is the primary piece of counter-terrorism legislation in the UK. Other relevant primary legislation includes: (1) The Anti-Terrorism, Crime and Security Act 2001; (2) The Prevention of Terrorism Act 2005; (3) The Terrorism-Act 2008; (4) The Counter-Terrorism Act 2008.

Designated Individual or Entity: An individual (or group) who is subject to financial restrictions in the UK, for example, because they are considered to be someone who commits, attempts to commit, participates in or facilitates the commission of acts of terrorism. Individuals (or groups) can also be subject to country-based sanctions.

Governing document: A legal document setting out the charity's purposes and, usually, how it is to be administered. It may be a trust deed, constitution, memorandum and articles of association, will, conveyance, Royal Charter, Scheme of the Commission, or other formal document.

Property: Includes not only land and buildings, but also investments, cash and other assets.

Proscribed Organisation: A proscribed organisation is an organisation which the Home Secretary believes to be concerned in terrorism as defined by the Terrorism Act 2000. It is a criminal offence for a person to be a member of, or invite support for, or arrange a meeting for, a proscribed organisation. Proscription means that the financial assets of the organisation become terrorist property and can be subject to freezing and seizure.

Serious Incident: An incident that has taken place in a charity is considered as serious if it has resulted or could result in a significant loss of funds or a significant risk to the charity's property, work, beneficiaries or reputation.

If a charity has an income over £25,000 trustees must, as part of the Annual Return, sign a declaration that there are no serious incidents that they should have brought to our attention but have not. If they are unable to make this declaration then the Annual Return will not be complete and they will have defaulted on their legal requirements.

RSI Every time you see this symbol it will alert you to the need to report this as a serious incident to the Commission. Detailed information on reporting serious incidents can be found by clicking [here](#).

Terrorism lists: The various lists of people or organisations that are proscribed organisations or designated individuals under UK legislation, or which are banned by another government: (1) The proscribed organisations list, which is kept updated on the Home Office, Office for Security and Counter-Terrorism's website; (2) The Consolidated List of Financial Sanctions Targets in the UK, which is available on the financial sanctions pages of HM Treasury's website; (3) The lists of those designated or restricted by another government (which have no effect in UK law).

Terrorist financing: The raising, moving, storing and using of financial resources for the purposes of terrorism.

Trustees: Charity trustees are the people who serve on the governing body of a charity. They may be known variously as trustees, directors, board members, governors or committee members. Charity trustees are responsible for the general control, management and administration of a charity.