



Public update

Charities Regulator's work on concerns received about unregistered "charity" shops

22 September 2017

One shop owner has been prosecuted, three shops have ceased trading and seven shops no longer market themselves as "charity shops", following interventions by the Charities Regulator since 2016.

One shop, the Twist charity shop, closed down following the successful prosecution of the owner, Mr Oliver Williams, in February 2017 at Sligo District Court.

Three shops, the Second Chance Boutique, Belmullet, the Charity Boutique, Naas, and the Carrick on Suir River Rescue have closed following the receipt of "cease and desist" letters from the Charities Regulator.

Seven shops subsequently amended their shop fronts or other notices to make it clear to the public that they were not a charity, which made them compliant with the Charities Act 2009 (see Appendix 1).

Since 2016, the Regulator has received concerns from members of the public relating to 28 shops that they believed were charity shops but which were not registered charities.

Concerns relating to 14 shops remain open while concerns relating to three shops were closed after it was established there was no breach of the Act.

It is not the policy of the Charities Regulator to comment on ongoing compliance cases as to do so could jeopardise any future prosecution. However, the Charities Regulator has provided details of the counties in which the shops are located (see appendix 1).

Part of the role of the Charities Regulator is to monitor and ensure compliance with the provisions of the Charities Act 2009.

All charity shops must operate as part of a registered charity and all proceeds must go towards that charity's charitable purpose.

Under Section 41 of the Charities Act 2009 it is an offence for any person to advertise on behalf of, to invite members of the public to give money or property to or to accept such money or property on behalf of an charitable organisation that is not registered, or for an unregistered charitable organisation to carry on such activities.

It is also an offence under Section 46 of the Act for a body (other than a registered charitable organisation), to describe itself or its activities in a manner that would cause a member of the public to reasonably believe that the body was a charitable organisation.

An offence under the Charities Act 2009 carries with it maximum penalties on indictment of a fine not exceeding €300,000 and imprisonment for a term not exceeding 10 years.

While each concern is assessed on a case by case basis in line with our concerns policy, shop owners should be aware that it is considered to be a breach of the Act to use certain words or phrases which would cause a member of the public to reasonably believe that the shop was a charitable organisation when that is not the case.

Examples include the word "charity", phrases like "fundraising for cancer", "supporting the hospice", "helping the needy" or "friends of the homeless".

It is worth noting that all charity shops must be a registered charity or operating as part of a registered charity and all of their proceeds must go towards that charity's charitable purpose.

[The Charities Regulator's online register](#) can be checked to see if a shop is a registered charity.

The public have played a key role to date in reporting shops which were operating as "charity shops", in breach of the Act. The public are reminded that if they have a concern that individuals or shops are in breach of the Act, they should [complete and submit an online concerns form](#).

Appendix 1

LIST of Seven Shops who changed their shop signage in order to comply with the Charities Act 2009

Original Name	New name following intervention by Charities Regulator
Munster Charity Warehouse, Waterford	Munster Furniture shop/Variety shop
SANA Trust Charity shop, Galway	SANA
Laois Hospice charity shop, Portarlinton	Christina's Creations, clothes and curiosities *
Good Cause Way in aid of the intellectually disabled, Dun Laoghaire	Good Cause Way *
Charity Shop, Virginia	(Removed all signage)
Share 2 Care, Addiction and Suicide Awareness, Drop in Centre, Castlebar	Share 2 Care Second Hand shop
Bandon Ataxia Charity Shop	(Removed all signage)

* These shops also displayed notices clearly stating they were a commercial business and not a charitable organisation

List of shops by County, of which concerns raised since 2016 regarding breaches of the Charities Act 2009.

County	Shops
Cavan	1
Cork	4
Donegal	2
Dublin	3
Galway	3
Kildare	3
Laois	3
Louth	1
Mayo	1
Meath	1
Roscommon	1
Sligo	1
Waterford	2
Wexford	1
Wicklow	1
Totals	28