
THE CHARITY LAW & PRACTICE REVIEW

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All editorial correspondence should be addressed to
Hubert Picarda QC, The Managing Editor
9 Old Square, (Third Floor North), Lincoln's Inn, London WC2A 3SR
Facsimile (020) 7831 3584

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Contents of Volume 6, Issue 3

CONTENTS

	Page No
Editorial	vii
Human Rights, Public Authorities and Charities Jean Warburton & Andrew Cartwright	169
Trustee Benefit Michael King	185
The 'Charitable Incorporated Institution' Francesca Quint	199
Wither the Deed of Covenant?! Julian Smith and Sam Macdonald	211
Taxation News Robert Venables QC	227

From the Managing Editor

EDITORIAL

The blends in this latest issue of Charity Law and Practice Review are as varied as ever, though there is considerable attention paid to the new gift aid regime.

We start, as is apt in a year when human rights are so much to the fore in the consideration of lawyers, with a co-authored article from the Charity Law Unit at the University of Liverpool. Jean Warburton and Andrew Cartwright discuss "Human Rights, Public Authorities and Charities". This canvasses the vexed question of which charities can be identified as public authorities and what is the test to be applied to identify a public authority.

The current Chairman of the Charity Law Association, Michael King, a partner in Stone King of Bath (and Head of that firm's Charity and Education Unit) has provided a topical piece on "Trustee Benefit". As well as rehearsing the main problems in this field, Michael King volunteers some personal and critical views and adds a postscript about the implications of the decision of Blackburne J in *Nationwide Building Society v Various Solicitors (No. 3)* Times, 1st March, 2000 concerning actual loss suffered as the limit for restitutionary relief.

Francesca Quint's "The Charitable Incorporated Institution" considers the proposals in Chapter 9 of the DTI Consultation Document "Modern Company Law For A Competitive Economy - Developing the Framework" for the creation in fresh legislation of a new, incorporated legal form for use by charities. If the proposals are adopted it could revolutionise the governance of charities. Accordingly advance reading of a possible if not likely reform becomes desirable: forewarned is forearmed.

The new gift aid regime introduced in the Finance Act 2000 has important consequences for the deed of covenant device. Those consequences are the exclusive focus of the article by Julian Smith and Sam Macdonald of Farrer & Co entitled punningly "Wither the Deed of Covenant?!". As from two dates in April this year (1st April for companies and 6th April for individuals) a payment under a deed of covenant will only be relieved from tax if that payment qualifies as a gift aid payment. The particular illumination that is brought to bear on the consequences of this change by the two co-authors relate to future administration by charities of their existing deeds of covenant and the role that deeds of covenant can continue to play.

This perspective is a valuable introduction to the detailed practical deductions drawn from the statutory changes, in the course of the ensuing article by Robert Venables QC entitled "Taxation News".

As the more comprehensive title of Robert Venables' article indicates it is not exclusively tied in with the gift aid changes; he also covers the payroll giving reforms, exemption for small trading and other fundraising activities. However the respective viewpoints and ruminations of all the commentators involved in these articles add to our insight notwithstanding the inevitable overlap in some places.

Hubert Picarda QC
Chambers of Lord Goodhart QC
3 New Square
Lincoln's Inn
London WC2A 3RS

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