

**CHARITY COMMISSION FOR ENGLAND AND WALES
HITCHIN BRIDGE CLUB**

APPLICATION FOR REGISTRATION OF HITCHIN BRIDGE CLUB

Issues before the Commission

- 1 The Commission considered an application for registration by Hitchin Bridge Club, an unincorporated association, for registration as a charity. If Hitchin Bridge Club is established as a charity it should be registered in the Register of Charities in accordance with section 3 (A) (1) of the Charities Act 1993.

Decision

- 2 The Commission having considered:
 - the case that had been put to it by and on behalf of Hitchin Bridge Club; and
 - the relevant law;concluded that it is established for exclusively charitable aims for the public benefit, namely for the advancement of amateur sport and providing recreational facilities meeting the requirements of the Recreational Charities Act 1958.
- 3 Accordingly, Hitchin Bridge Club can be entered onto the Register of Charities.

Background to the Decision

The objects of Hitchin Bridge Club

- 4 The constitution of Hitchin Bridge Club ('the club') contained objects which were framed in terms of a description of the activities it undertook. It was proposed to amend its constitution to adopt objects in the following form:

For the public benefit

- *the advancement of amateur sport by promoting the game of bridge for the benefit of the residents of Hitchin and the surrounding area;*
- *the provision of facilities for the learning, teaching and playing of bridge for the benefit of the residents of Hitchin and the surrounding area with the object of improving conditions of life.*

The activities

- 5 The club provides facilities for the playing of duplicate bridge. This includes all the necessary equipment such as tables, boards, bidding boxes, dealing machines with hand record analyses, computer, and scoring and results software.
- 6 The club offers courses for beginners wishing to learn bridge and for less experienced players. It also provides classes, workshops and seminars to improve players' skills and enjoyment of the game and to encourage members to regard bridge as a life-long learning experience.
- 7 It encourages members to attend training and teaching courses run by the English Bridge Union so that they can coach others and be qualified to officiate at competitions.
- 8 It runs club competitions and encourages members to participate in local inter-club and county competitions.
- 9 It encourages, advises and assists local schools to offer bridge as an extra-curricular activity.
- 10 It seeks to foster friendship and community spirit through the organising of events and charity fundraising.

The framework for consideration of the issues

- 11 To be a charity, an organisation has to be established for charitable purposes only. A charitable purpose is one that falls within the descriptions of purposes in section 2 (2) of the Charities Act 2006 ('the 2006 Act') and is for the public benefit (s.2 (1) (b)). We use the term 'aims' to mean the purposes of an individual organisation. An organisation's aims are usually expressed in the 'objects clause' of its governing document.
- 12 The approach adopted by the Commission in deciding if an organisation's aims are charitable for the public benefit is set out in Part D of *Charities and Public Benefit* and Part 4 of *The Analysis of the law underpinning Charities and Public Benefit*. To make a determination it is necessary to:
 - (a) clarify what the aims are;
 - (b) decide whether those aims are charitable ie fall within, or are analogous to, one or more of the descriptions of purposes; and
 - (c) ensure that each of the aims are, will or may be administered for the public benefit.
- 13 The club's first object expresses an aim to be considered under 'the advancement of amateur sport', included in the list of descriptions of purposes in the 2006 Act at section 2 (2) (g) and defined in section 2

(3) (d), and in particular 'sport or games involving mental skill or exertion'.

- 12 The club's second object expresses an aim to be considered under the provisions of the Recreational Charities Act 1958, included in the list of descriptions of purposes in the 2006 Act at section 2 (2) (m) and section 2 (4) (a).
- 13 Both aims are required to be for the public benefit.

Consideration of 'games involving mental skill or exertion' under 'the advancement of amateur sport for the public benefit'

- 14 The 'advancement of amateur sport' is included in the 2006 Act, at section 2 (2) (g), in the list of descriptions of purposes that are capable of being charitable if advanced for the public benefit. The 2006 Act specifically defines 'sport' as meaning '*sports or games which promote health by involving physical or mental skill or exertion*'.
- 15 Although the Commission has previously considered those sports which promote physical health, see *Charitable Status and Sport* (RR11), it has not previously considered those sports or games which promote health by involving mental skill or exertion until this element was introduced by the 2006 Act
- 16 It was therefore necessary to consider:
- the level and degree of mental skill or exertion required in a particular sport or game;
 - the potential health benefits arising from the exercise of mental skill or exertion;
 - the public benefit requirement.

Consideration of bridge as a sport or game which promotes health by involving mental skill or exertion

- 17 The Commission is satisfied that bridge is a game involving mental skill or exertion. Bridge involves logical and lateral thinking skills, planning, memory, sequencing, initiation and other higher order functions. Bridge is regarded as a game of high mental skill being one of the five component games in the World Mind Games.
- 18 In framing the 2006 Act it is clear that Parliament considered that certain high level mental games were capable of promoting health. It was considered that bridge was a game involving high level mental skill and exertion of the type which Parliament would have contemplated as falling within 'the advancement of amateur sport'.

- 19 A body of research evidence¹ produced to the Commission specifically identified the potential health benefits of playing bridge among seniors in lowering the risk of developing Alzheimer's disease and other dementia by as much as 75%, compared to those who didn't exercise their minds. and identified a possible relationship between the cerebral cortex and the immune system. Further research also points towards the connection between a lack of mental (and physical) activity in middle years of life and subsequent memory loss, dementia and other associated mental illnesses.
- 20 The Commission was satisfied as to the potential health benefits which might arise from the mental skill and exertion involved in the regular playing of bridge.
- 21 The Commission was satisfied that bridge is a game falling within the definition of sport in section 2 (3) (d) of the 2006 Act and is capable of falling within s 2 (2) (g) of the 2006 Act, 'the advancement of amateur sport'.

Consideration of whether the provision of facilities for the playing of bridge is a facility under the Recreational Charities Act 1958

- 22 The club's second object expresses an aim which could be charitable by virtue of the Recreational Charities Act 1958 ('the 1958 Act'). The 1958 Act recognises that some recreational facilities can be charitable. The Commission's approach in considering whether a recreational facility is charitable under the 1958 Act is set out in greater detail in *The Recreational Charities Act 1958* (RR4). In determining whether an organisation providing facilities or organising activities for recreation or other leisure-time occupation is charitable under section 1 of the 1958 Act the Commission needs to be certain that three key elements are satisfied. These are that:
- the organisation provides, or assists in the provision of, facilities for recreation or other leisure-time occupation;
 - those facilities are provided in the interests of social welfare (the 'social welfare requirement'); and
 - the public benefit requirement is met.
- 23 The social welfare requirement cannot be satisfied if certain basic conditions are not met. The basic conditions are:
- the facilities are provided with the object of improving the conditions of life for the persons for whom they are primarily intended; and that either

¹ Research studies include: Diamond Study (Dr Marion Diamond), The Franklin Institute, Case Western Reserve University Medical School, Mayo Clinic Rochester, Minnesota, Dr Geda from the Mayon Clinic Study of Aging (MCSA), University of California and Seattle Longitudinal Study.

- those persons have need of the facilities by reason of their youth, age, infirmity or disability, poverty or social circumstances; or
 - they are available to the public at large.
- 24 Where facilities are provided for the public at large, the facilities should be of a kind which are capable of improving conditions of life. It is not necessary for the community to be one which suffers social deprivation². The recreational facilities need to be of a suitable character such that they are capable of improving conditions of life.
- 25 Facilities which are directed towards the needs of the community as a whole in respect of their physical and mental health and education, including facilities for mental stimulation and physical exercise and social contact, may be considered as capable of improving conditions of life.
- 26 The Commission concluded that the facilities provided by Hitchin Bridge Club are capable of improving the conditions of life and are provided for the public at large.

Public Benefit

- 27 'Public benefit' is the legal requirement that every organisation set up for one or more charitable aims must be able to demonstrate that its aims are for the public benefit if it is to be recognised and registered as a charity in England and Wales. The two key principles of public benefit, as explained in *Charities and Public Benefit* the Commission's statutory guidance on public benefit, are:

Principle 1: There must be an identifiable benefit or benefits

Principle 2: Benefit must be to the public, or a section of the public

Benefit

- 28 The club provides facilities both for learning and improving bridge playing. Whilst the facilities are open to all, participants predominately tend to be those nearing retirement age who may wish to take up a new activity involving mental exercise rather than physical exercise. There is identifiable benefit from regular mental stimulation from participation in bridge.
- 29 Benefit may also arise from the opportunity for social contact among elderly people, reducing isolation, creating opportunity to establish new friendships and for establishing playing partners.
- 30 The club's facilities offer opportunities for both mental stimulation and social contact providing identifiable benefits for the participants.

² Guild v I.R.C. [1992] 2 AC 310

Public

- 31 The activities and instruction at the club are open to all members of the public, whether or not members of Hitchin Bridge Club. There are no restrictions on who may benefit. The club provides facilities for all the community, including assisting with the provision of facilities in schools.
- 32 There are no restrictions on who may benefit based on the ability to pay any fees charged and people in poverty are not excluded from the opportunity to benefit. The club does not charge high fees and reduced charges are made to those in receipt of benefits or on low incomes.
- 33 The Commission was satisfied that the club's aims are, and are administered, for the public benefit.

Conclusion

- 34 Having concluded that all of the public benefit principles are fulfilled, the public benefit requirement is met. The Commission concluded that Hitchin Bridge Club is established for exclusively charitable aims for the advancement of amateur sport and the provision of recreational facilities meeting the requirements of the Recreational Charities Act 1958 for public benefit and is entitled to be registered as a charity.