

**JNF Charitable Trust 225910**  
**JNF Educational Trust 2902667**  
**KKL Charity Accounts 1105598**  
(The Charities)

### The decision

In May 2013 the Commission determined that all three Charities were established for exclusively charitable purposes and should not be removed from the register.

The Commission received further information regarding the three Charities . On 18 December 2013 the Commission concluded that none of the information altered the conclusions reached in May 2013. The decision of the Commission of 18 December 2013 was therefore that all three Charities should not be removed from the register.

### Background

In March 2013 the Commission received an application from Stop the JNF Campaign that the above Charities be removed from the Commission's Register of Charities.

S36 (1)(b) of the Charities Act 2011 provides that 'a person who is or may be affected by the registration of an institution may, on the ground that it is not a charity, apply to the Commission for it to be removed from the register.' On reviewing the application the Commission concluded that the Stop the JNF Campaign and its members were not persons who are or may be affected by the registration of the institution as they did not have an interest which is materially greater than or different from the interests of an ordinary member of the public.

This decision is in accordance with the decision of the High Court in *R v Charity Commission ex parte International Peace Project* (CO/1950/2009) dated 28 August 2009 .Lord Carlile of Berriew QC stated:

*"A person who is or may be affected, in my judgment, means someone who has an interest that is materially greater than, or different from, the interests of an ordinary member of the public. This is a question of fact rather than a question of law. My conclusion would be that the claimant is not a person who is or may be affected because there is no relationship between the claimant and the registration of the defendant, other than that of just another charity. The claimant happens to be interested in the subject area and objects of the other charity and does not agree with the conclusion of the Charity Commission, but in my judgment that is insufficient to bring the claimant within the relevant category."*

The Commission has an obligation to remove organisations which are no longer charitable pursuant to s34 Charities Act 2011. The Commission therefore considered the status of the above three Charities under its own powers under that section.

### The objects of the above institutions

The objects of the three institutions are as follows:

“THE RELIEF OF POVERTY, AND THE FURTHERANCE OF ANY OTHER PURPOSES WHICH ARE CHARITABLE ACCORDING TO ENGLISH LAW, WITHIN THE STATE OF ISRAEL AS CONSTITUTED FROM TIME TO TIME, ESPECIALLY SUCH CHARITABLE PURPOSES AS BENEFIT PERSONS OF JEWISH RELIGION, RACE OR ORIGIN.”

(JNF Charitable Trust)

*“helping and educating the beneficiaries through their educational and leisure time activities in learning about the State of Israel, Zionist history and philosophy, the Hebrew language and the Jewish religion*

(JNF Educational Trust)

*“the provision of public benefit for all or any of the purposes deemed charitable from time to time under English law”*

(KKL Charity Accounts)

### The decision in May 2013

Information was sent to the Commission by Stop the JNF Campaign and stated

- JNF UK set up their charities for improper use
- KKL-JNF, of which JNF UK is a branch, is a para-statal organisation in a foreign country
- JNF UK and its charities are involved in violations of human rights and international law
- JNF aims were never in fact for the public benefit and ...the organisation was mistakenly registered as a charity.

In May 2013 the Commission determined that all three Charities were established for exclusively charitable purposes and should not be removed from the register. However, the Commission acknowledged that any restriction of the provision of services to people defined by a protected characteristic did need to be in accordance with the Equality Act 2010.

There were operational and administrative issues raised by Stop the JNF Campaign concerning principally the operation and activities of JNFCT but also relating to JNFET and KKL. These did not affect the status of the charities but were referred to the London Operations function to assess how and to what extent, the Commission should engage with JNFCT, JNFET and KKL.

### The decision on 18 December 2013

The Commission subsequently received a further application to remove the Charities from the register. The Commission again did not consider that the applicant came within the description of “a person who is or may be affected by the registration of an institution as a charity” for the purposes of section 36(1)(b). However, the Commission considered the information provided by the applicant and pursuant to its obligation under s34 set out above concluded that none of the information altered the conclusions reached in May 2013. This information related principally to the activities

of the charities and not its status. The decision of the Commission of 18 December 2013 was therefore that all three Charities should not be removed from the register.

### Appeal rights

Both decisions were made under section 34(1)(a) of the Charities Act 2011. A decision under that section not to remove a charity can be appealed to the First-tier Tribunal (Charity) by the following persons:

- (a) the persons who are or claim to be the charity trustees of the institution
- (b) (if a body corporate) the institution itself, and
- (c) any other person who is or may be affected by the decision.

In the case of category (c) a notice of appeal must be received by the Tribunal within 42 days of the date on which the decision is published (weekends and bank holidays are included in the 42 days). This decision was published on 31 January 2014.

The Tribunal is an independent legal body which has the power to look again at some of the decisions made by the Commission and to quash, change or add to them. In some cases the Tribunal may direct us to take further action or rectify our decision.

If you wish to appeal against our decision you may find it helpful to visit the Tribunal's website for more information about time limits, form of notice of appeal and how to make an application:

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/charity/appeals.htm>