

CHARITY COMMISSION
DECISION OF THE CHARITY COMMISSIONERS
FOR ENGLAND AND WALES MADE ON THE 30 JANUARY 2003

APPLICATION FOR REGISTRATION OF THE WOLF TRUST
(FORMERLY KNOWN AS WILD BITE)

1. The issue before the Commissioners

The Commissioners considered an application for registration by a trust called The Wolf Trust (formerly known as “Wild Bite”) for registration as a charity. If the trust was established as a charity it should be entered on the Central Register of Charities under section 3(2) of the Charities Act 1993.

This decision has been made by the Commissioners in a final review under the Commission’s review procedures.

2. Decision

The Commissioners:

- having considered the case which has been put to them by the Wolf Trust including submissions on legal issues and full supporting evidence; and
- having considered and reviewed the relevant law and the governing document and activities of the Wolf Trust and the context in which the Wolf Trust intends to operate

concluded that the Wolf Trust is not established for exclusively charitable purposes in that its primary purpose is to promote the introduction of the wolf into Scotland as an end in itself. This purpose could not be accepted as charitable as it was designed to influence the opinion of the public and the decisions of the relevant Government authorities and neither the Court nor the Commission could determine whether such a purpose was for the benefit of the public.

In consequence the Commission could not register the Wolf Trust as a charity.

3. The objects of the Wolf Trust

3.1. The Wolf Trust was established by a Declaration of Trust dated 1 April 2002 with the following objects, to :

“Promote the conservation, rights and welfare particularly of wolves but also of other predators and related wildlife.”

3.2. This Declaration of Trust has not been formally amended. However, one of the trustees, Mr Roger Panaman, suggested in the later stages of the review process that the Wolf Trust’s objects could be restated simply as the

“*conservation of wolves*”, and he has argued that its purpose is wolf conservation through educating people about the real nature of wolves. The Commissioners have taken this into account when reaching their decision.

4. The legal basis for consideration of the activities of the Wolf Trust

- 4.1. The Commissioners considered that the objects as set out in the Declaration of Trust were not exclusively charitable. Although it can be charitable in some circumstances to conserve a species or particular group of species of animal, the objects also included promoting the “rights” and “welfare” of wildlife. It is not charitable to promote the rights of animals. Nor is it necessarily charitable to promote their welfare unless the animals are in need of care and attention and the promotion of their welfare amounts to alleviating distress¹.
- 4.2. There are comments in the case of *Re Wedgewood*² which suggest that the Court would not uphold a trust for the preservation of animals harmful to man, such as beasts of prey or mad dogs. However, circumstances and attitudes have changed greatly since that case was decided in 1915. The Commissioners considered that in the context of a modern society which supports the conservation of endangered species these comments could not be relied on as a current statement of the law. The conservation of dangerous animals is capable in appropriate circumstances of being a charitable purpose.
- 4.3. The Commissioners noted that the purpose, if charitable, would be a purpose under the fourth head of charity (other purposes for the benefit of the public) and as such it is for the Wolf Trust to demonstrate that it is established for the public benefit. This would also apply if the objects were restated as the “conservation of wolves”.
- 4.4. However, for the purpose of considering public benefit, it is necessary to look at the nature and scope of the activities which the trustees intend to promote under the banner of conserving wolves³.
- 4.5. That can conveniently be done by reference to both the argument and material submitted with the application and in the review process and to the Wolf Trust’s website. The Commissioners noted that although the website had been updated during the course of the review process, the changes were not particularly significant in the present context.

5. Consideration of the Wolf Trust’s aims and activities

- 5.1. The Commissioners considered all the material before the Commission in the course of the original application and submitted by the Wolf Trust in the review process and that which appeared on their website .

¹ Re Moss 1949 1 All ER 495

² [1915] 1 Ch 113, per Kennedy LJ at 121

³ Southwood v AG (CA) unreported [2000] June 28 Chadwick LJ; Incorporated Council of Law Reporting v AG [1972] Ch 73 @91 Sachs LJ.

5.2. The Commissioners noted that the Wolf Trust described its activities, both on its website and in Mr Panaman's letter of 1 July 2002 (in which he sought a review of the Commission's initial refusal to register the Wolf Trust as a charity), as fourfold:-

- 5.2.1. the provision of information and advice. This would be via its website, the production of literature and through its wolf centre;
- 5.2.2. educational activities. This primarily consists of the proposal to establish and maintain a wolf centre in Scotland "*to carry out these activities to support a wolf reintroduction and recovery*". It is proposed that the educational activities include daily talks at the centre, outreach work (taking the tame wolves to be kept at the centre out to schools, country fayres, community centres etc), the holding of residential courses and providing residential studentships;
- 5.2.3. supporting research on wolves. There was no evidence to suggest that the Wolf Trust would carry out research itself. It may support research undertaken by others; and
- 5.2.4. fundraising to support the reintroduction and recovery of wolves in the Scottish Highlands.

5.3. The Commissioners noted further that the website makes very clear that the main thrust of the Wolf Trust's aims and activities is directed towards the reintroduction of wolves into the Highlands of Scotland. For example:-

- beneath the Wolf Trust's logo at the top of every page is a strapline referring to the reintroduction of wolves in Britain⁴;
- the Home Page starts by saying "*The Wolf Trust is a non-profit charity educating the public about wolves...and promoting a wolf reintroduction and recovery in Britain to the Scottish Highlands*";
- the same page says that the Wolf Trust "*calls for partnership... to further wolf reintroduction in Britain*"; and
- a page about the Wolf Trust lists its first aim as being to "*promote the reintroduction and recovery of wolves back to Britain in the Scottish Highlands*".

This message is reinforced by the way in which Mr Panaman described the purpose of the Wolf Trust in his letter of 1 July 2002: "*The purpose of the Wolf Trust is to facilitate the reintroduction and recovery of wolves ...in Britain*".

⁴ Although at the date of publication of this Decision the strapline has been amended

6. The re-introduction of the wolf into Scotland

6.1. The Commissioners noted that the process for analysing the potential public harm against the benefits of reintroducing a predatory species into Britain and safeguarding public safety was undertaken by other authorities⁵. There would appear to be strict requirements as to any reintroduction of the species. Indeed it is recognised by the Wolf Trust that any release would need to be authorised by and involve other authorities (including Scottish Natural Heritage and the Secretary of State for Scotland) and the Wolf Trust would not be ultimately deciding whether the reintroduction of the wolf into Scotland was conducive to the public good.

7. The Commissioners' determination of the Wolf Trust's purpose

7.1. The Commissioners considered the Wolf Trust's aims and activities as set out in paragraph 5 above, together with the stated objects, in order to ascertain the true purpose for which the Wolf Trust could be said to be established. They then considered the extent to which such a purpose could be said to be charitable.

7.2. The Commissioners noted that there was a difference between a body which was established for educational and conservation purposes and which carried out an ancillary activity of promoting the reintroduction of the wolf and a body concerned with promoting the reintroduction of the wolf as an end in itself.

7.3. The Courts have held that a purpose to promote a change in the law or bring about a change in government policy is a political purpose and as such cannot be charitable⁶. This is primarily because the Court is unable to judge whether such a change is for the benefit of the public. Similarly, a purpose designed to promote a propagandist or particular point of view, for the same reason, cannot be charitable⁷.

7.4. The Commissioners concluded that the purpose of the Wolf Trust was primarily to secure the reintroduction of wolves into Scotland, and that the Wolf Trust's educational activities were directed at securing broad public acceptance and support for reintroduction and at influencing the authorities which would eventually have to decide whether reintroduction should be allowed. The following factors support this conclusion:-

7.4.1. The Wolf Trust's stated aims are explicitly directed at reintroduction;

⁵ In particular, it is an offence under s14(1) Wildlife and Countryside Act 1981 to release into the wild an animal which is of a kind which is not ordinarily resident in and not a regular visitor to Great Britain in a wild state without a licence (which in this case would need to be obtained under s16(4)(c) from the Secretary of State for Scotland)

⁶ *McGovern v AG* [1982] Ch 321

⁷ *Re Shaw* [1957] 1 WLR 729

- 7.4.2. The Wolf Trust acknowledges on its website the important connection between its educational activities, in particular the centre, and securing its aim of reintroduction. It recognises that a good case for the reintroduction of wolves must include broad public support for the proposals, and it wants to educate the public towards such support. Its website states that the centre “*will support the Highland wolf recovery with information, education, fundraising and more*”. Although the subject of the educational activities is potentially wide, those activities have an underlying purpose, namely securing public support for wolves and their reintroduction into Britain;
- 7.4.3. The Wolf Trust also claims that one of the reasons why the government and large conservation organisations would not support wolf introduction is fear of upsetting landowners and farmers;
- 7.4.4. On the Wolf Trust’s website it asks partners to “*contribute substantially to the wolf reintroduction in Britain*”; and
- 7.4.5. It has published on its website a Wolf Trust resolution to Her Majesty’s Government to call for it to promote public awareness about wolves and consider the possibility of reintroducing wolves into Scotland and declares that certain measures should be taken by the Government concerning the reintroduction of wolves.

8. Conclusion

The Commissioners therefore concluded that the Wolf Trust was not established for exclusively charitable purposes in that its primary purpose was to promote the reintroduction of the wolf into Scotland as an end in itself. That purpose could not be charitable as it was designed to influence the opinion of the public and the decisions of the relevant Government authorities and neither the Court nor the Commission could determine whether such a purpose was for the benefit of the public.

In consequence the Commission could not register the Wolf Trust as a charity pursuant to Section 3 of the Charities Act 1993.