
STATES OF JERSEY



JERSEY CHILD CARE TRUST (JCCT): ALTERATION TO THE CONSTITUTION

**Presented to the States on 24th September 2020
by the Minister for Education**

STATES GREFFE

REPORT

Background

The Jersey Child Care Trust (JCCT) Board of Trustees have applied to the Office of the Charity Commissioner to become a registered charity in accordance with the [Charities \(JERSEY\) Law 2014](#).

The Commissioner has advised that their existing constitution is such that, even if he determined that JCCT did meet the charity test, it nonetheless would not do so if there was express 'control' by the Minister in it (which there indubitably is). This is one of the very few statutory prohibitions in his discretion [Charities Law Art.5(2)], and by Art.11(5), if the charity test is not met he is prohibited from making a registration.

The JCCT have taken appropriated legal advice and guidance to review and rewrite the Constitution to remove any Ministerial control and ensure it complies with the charity test.

Clause 9 of the current constitution requires any alteration to the constitution to be approved by the Minister for Education.

Clause 9: Alteration to the Constitution

This Constitution may be altered by a resolution passed by a majority of those present and voting at a Meeting of the Committee called for that purpose, provided that no such resolution shall be considered unless a notice in writing setting out the terms of the resolution shall have been sent to every member of the Committee not less than fourteen days before the date of the Meeting at which it is to be considered; PROVIDED ALWAYS that no alteration to this Constitution shall be effective until approved:-

- i) by the Minister for Education, Sport and Culture; and*
- ii) by the Royal Court of Jersey in accordance with the Law.*

Recommendation

In order to comply with Clause 9 of the current constitution and enable the JCCT to proceed with their application to become a registered charity, the Minister for Education is recommended to approve the alterations to the constitution and submit a written report to the States Assembly advising them of the changes.