Child with
hepatosplenomegaly, delayed
development, and deafness
due to intrauterine
cytomegalovirus infection.

Herpes simplex infection in the newborn infant is generally acquired at the time of birth, but infection early in pregnancy is probably associated with an increased risk of abortion, late fetal death, prematurity, and structural abnormalities of the central nervous system. Maternal varicella infection may also affect the fetus, causing abnormalities of the central nervous system and cutaneous scars. The risk of a fetus being affected by varicella infection is not known but is probably less than 10%, with a critical period during the third and fourth months of pregnancy. Affected infants seem to have a high perinatal mortality rate.

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The illustrations of disruption of the face caused by amniotic bands, congenital myotonic dystrophy, Pierre Robin sequence, sirenomelia sequence, Smith-Lemli-Opitz syndrome, thalidomide malformation, and the valproate syndrome were reproduced by kind permission of Dr Dian Donnai, St Mary's Hospital, Manchester. The illustrations of Potter's syndrome, the Vater association, and thanatophoric dwarfism were reproduced by kind permission of the University of Manchester and Dr Dian Donnai. The illustrations of Treacher Collins syndrome and Goldenhar's syndrome were reproduced from *Dental Update* by permission of Update-Siebert Publications.

The ABC of Child Abuse continues next week. The 11th article in this series will appear on 20 May.

How To Do It

How to apply for charitable status

Maurice Slevin, Patsy Ryan

Creating a unique information service for patients with cancer wasn't Dr Vicky Clement-Jones's only unusual achievement when she founded the British Association of Cancer United Patients (BACUP) in 1984; she also gave a new twist to the old adage "Charity begins at home," as most of the groundwork was done from her home in London while she was convalescing after treatment for advanced ovarian cancer. As her plans gathered momentum and she and willing colleagues were caught up in the frantic merry go round of raising funds, forging contacts, and generally securing a place in the hearts (and pockets) of philanthropic money makers the advantages of acquiring charitable status beckoned invitingly.

Vicky seized all opportunities with characteristic spirit and vigour, and her inspiring enthusiasm (coupled with a sense of true urgency as her prognosis was uncertain) led to the association being registered as a charity in just three days. The year of 1984 certainly had its fair share of unique achievements.

Pros and cons

The first question a potential charity crusader should ask, uncharitably enough, is, "How will charitable status give my plans the edge?" The solution comes from objectively weighing up the pros and cons and banishing Dickensian overtones of the term charity.

The major advantage is financial. The great British

public is reassured by the respectability of a registered charity number when being persuaded to part with hard earned cash. Even if you don't envisage rattling collecting tins at Saturday afternoon shoppers, when you are appealing to benevolent businesses and charitable foundations the magic number proves an effective open sesame to their coffers. More pragmatically, registered charities are automatically entitled to 50% rates relief on premises—some generous local authorities even offer 100% relief. Some useful exemptions from value added tax and stamp duty relax tense purse strings, and opportunities for donations free of tax gild the carrot to tempt valuable regular donors.

The commonest drawback to attaining charitable status is the strict legal limitations then imposed on political and campaigning activities. This is sensitive territory, and if planning to venture into it you would be well advised to have the guiding hand of a good lawyer at your elbow.

Your best guide is generally a solicitor experienced in all aspects of forming charities. The increasingly complex charity laws are a specialist subject, and experts tend to be thin on the ground. Your willing regular solicitor, however, could do the job ably assisted by the Charity Law Advisory Service for Solicitors. This is a service to which lawyers can turn for practical and expert help with charity law. The National Council for Voluntary Organisations can also give legal advice and supply model constitutions for budding founders of a charity.

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Paths paved with charitable intentions

Since 1891 British law has recognised only four distinct categories of charitable purposes. So, unfortunately, however worthy the intentions of your future organisation the law (and therefore charitable status) will remain impervious unless you can slot your aims neatly into one of those four categories.

Categories of charitable purposes

- Relief of poverty
- Advancement of education
- Advancement of religion
- Specific other purposes beneficial to the community.

Hand in hand with advice from your legal mentor on how to satisfy the legal criteria of these categories should go the principle of saving time and resources: “Never reinvent the wheel.” When BACUP had little more substance than a pipe dream Vicky embarked on a fact finding mission to the United States National Cancer Institute. She returned with two suitcases crammed full of invaluable anecdotal advice and experience. Avoiding the mistakes and using the successes of others serve as a whetstone to sharpen your aims and speed your progress.

Building the empire

Basically, the constitution of a charity (or governing instrument, to use the legally accurate term) should define the purposes and powers of the organisation and agree the means of achieving them to avoid disputes at a later date. As this worthy document is also one of the chief components of the application for registration as a charity it is worth while investing time and effort to make it absolutely accurate.

Fortunately, plagiarism of a model constitution is acceptable—even advisable—if the chosen model fits your aims like a glove. If original thought is called for, however, the chief architect must remember that the formal constitution is the bricks and mortar of a charity. It must be sturdily constructed to withstand collapsing into rubble at the first knock.

Once the basic constitutional foundations have been laid allow your lawyer to guide you through the plethora of legal formats available to use as your charity's floor plans. For instance, will you form an unincorporated organisation (a trust, for example) or an incorporated organisation (such as a company limited by guarantee)? Do you visualise running a benevolent dictatorship from central headquarters or will you opt for regional centres each with a degree of autonomy? The alternatives are legion, and the consequences of finalising flawed plans can be disastrous for a fledgling charity. Expert legal advice is probably mandatory.

Every empire needs its pillars; every charity needs its trustees or directors. These guardians of the charity's assets and aims are invested with the general control and management of the charity. In a nutshell, they exercise full sway over what the charity does and

how it does it. So, although selecting international superstars may add a certain cachet to your organisation, if the candidates can boast appropriate professional skills to back up their superstardom so much the better. If after appointing trustees or directors, however, you have a couple of left over “unqualified” superstars waiting in the wings endow them with the honorary title of patron. This is an economical way of using their names and backing without entangling them in the running of the charity.

The grand launch

The blessing of new organisations with charitable status has been firmly in the hands of the Charity Commissioners for England and Wales since 1960, since when all charities have been required by law to register with this body. After receiving your application the commissioners will carefully study your constitution and a statement of your proposed activities before bestowing charitable status on you—or not, as the case may be.

If at first, you don't succeed apply, apply again. Your solicitor can argue your case with the commissioners or you may need to alter some details of your constitution to satisfy dissenters. If necessary an expert solicitor may even be able to prove that the commissioners' objections have no legal basis. Remember, any group is basically eligible to register as a charity provided it is willing to conform to current interpretations of the four categories of charitable purposes. Be flexible and well informed. Don't be browbeaten by long delays and minor misunderstandings. Finally, repeat this mantra at regular intervals: “Rome wasn't built in a day.”

Once the charity commissioners have approved your constitution, adopt it formally and you will be allocated your registered charity number to print reassuringly on stationery and fundraising material, with a statement confirming your charitable status. In return, you must supply the commissioners with yearly audited accounts of your financial state of health and get their approval for any planned fundamental changes in the charity's constitution.

Taking it all into consideration, and despite the restrictions imposed by law, founding a charity is the perfect chance of a lifetime to etch your own lasting design on history's slate. Perhaps Vicky's example of starting BACUP with just one person and £32 000 raised from friends and patients will be an inspiration to others to take the plunge into the charity pool. Now, four years later, her legacy to the nation is helping 100 patients with cancer each day, employing over 20 professional staff, and working to meet an annual budget which, in the near future will be approaching £1 000 000.

We thank Andrew Phillips and Tim Clement-Jones for their invaluable advice and support.

The Charity Law Advisory Service for Solicitors is at Bates, Wells and Braithwaite, London EC1M 6HA. The National Council for Voluntary Organisations is at Bedford Square, London WC1B 3HU.

Further reading: Phillips A. *Charitable status, a practical handbook*. 3rd ed. London: InterChange Books, 1988.