



Charities Act 2006

2006 CHAPTER 50

PART 3

FUNDING FOR CHARITABLE, BENEVOLENT OR PHILANTHROPIC INSTITUTIONS

CHAPTER 2

FUND-RAISING

67 Statements indicating benefits for charitable institutions and fund-raisers

- (1) Section 60 of the Charities Act 1992 (c. 41) (fund-raisers required to indicate institutions benefiting and arrangements for remuneration) is amended as follows.
- (2) In subsection (1) (statements by professional fund-raisers raising money for particular charitable institutions), for paragraph (c) substitute—
 - “(c) the method by which the fund-raiser’s remuneration in connection with the appeal is to be determined and the notifiable amount of that remuneration.”
- (3) In subsection (2) (statements by professional fund-raisers raising money for charitable purposes etc.), for paragraph (c) substitute—
 - “(c) the method by which his remuneration in connection with the appeal is to be determined and the notifiable amount of that remuneration.”
- (4) In subsection (3) (statements by commercial participators raising money for particular charitable institutions), for paragraph (c) substitute—
 - “(c) the notifiable amount of whichever of the following sums is applicable in the circumstances—
 - (i) the sum representing so much of the consideration given for goods or services sold or supplied by him as is to be given to or applied for the benefit of the institution or institutions concerned,

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- (ii) the sum representing so much of any other proceeds of a promotional venture undertaken by him as is to be so given or applied, or
- (iii) the sum of the donations by him in connection with the sale or supply of any such goods or services which are to be so given or supplied.”

(5) After subsection (3) insert—

“(3A) In subsections (1) to (3) a reference to the “notifiable amount” of any remuneration or other sum is a reference—

- (a) to the actual amount of the remuneration or sum, if that is known at the time when the statement is made; and
- (b) otherwise to the estimated amount of the remuneration or sum, calculated as accurately as is reasonably possible in the circumstances.”

68 Statements indicating benefits for charitable institutions and collectors

After section 60 of the 1992 Act insert—

“60A Other persons making appeals required to indicate institutions benefiting and arrangements for remuneration

- (1) Subsections (1) and (2) of section 60 apply to a person acting for reward as a collector in respect of a public charitable collection as they apply to a professional fund-raiser.
- (2) But those subsections do not so apply to a person excluded by virtue of—
 - (a) subsection (3) below, or
 - (b) section 60B(1) (exclusion of lower-paid collectors).
- (3) Those subsections do not so apply to a person if—
 - (a) section 60(1) or (2) applies apart from subsection (1) (by virtue of the exception in section 58(2)(c) for persons treated as promoters), or
 - (b) subsection (4) or (5) applies,
 in relation to his acting for reward as a collector in respect of the collection mentioned in subsection (1) above.
- (4) Where a person within subsection (6) solicits money or other property for the benefit of one or more particular charitable institutions, the solicitation shall be accompanied by a statement clearly indicating—
 - (a) the name or names of the institution or institutions for whose benefit the solicitation is being made;
 - (b) if there is more than one such institution, the proportions in which the institutions are respectively to benefit;
 - (c) the fact that he is an officer, employee or trustee of the institution or company mentioned in subsection (6); and
 - (d) the fact that he is receiving remuneration as an officer, employee or trustee or (as the case may be) for acting as a collector.

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- (5) Where a person within subsection (6) solicits money or other property for charitable, benevolent or philanthropic purposes of any description (rather than for the benefit of one or more particular charitable institutions), the solicitation shall be accompanied by a statement clearly indicating—
- (a) the fact that he is soliciting money or other property for those purposes and not for the benefit of any particular charitable institution or institutions;
 - (b) the method by which it is to be determined how the proceeds of the appeal are to be distributed between different charitable institutions;
 - (c) the fact that he is an officer, employee or trustee of the institution or company mentioned in subsection (6); and
 - (d) the fact that he is receiving remuneration as an officer, employee or trustee or (as the case may be) for acting as a collector.
- (6) A person is within this subsection if—
- (a) he is an officer or employee of a charitable institution or a company connected with any such institution, or a trustee of any such institution,
 - (b) he is acting as a collector in that capacity, and
 - (c) he receives remuneration either in his capacity as officer, employee or trustee or for acting as a collector.
- (7) But a person is not within subsection (6) if he is excluded by virtue of section 60B(4).
- (8) Where any requirement of—
- (a) subsection (1) or (2) of section 60, as it applies by virtue of subsection (1) above, or
 - (b) subsection (4) or (5) above,
- is not complied with in relation to any solicitation, the collector concerned shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) Section 60(8) and (9) apply in relation to an offence under subsection (8) above as they apply in relation to an offence under section 60(7).
- (10) In this section—
- “the appeal”, in relation to any solicitation by a collector, means the campaign or other fund-raising venture in the course of which the solicitation is made;
- “collector” has the meaning given by section 47(1) of the Charities Act 2006;
- “public charitable collection” has the meaning given by section 45 of that Act.

60B Exclusion of lower-paid collectors from provisions of section 60A

- (1) Section 60(1) and (2) do not apply (by virtue of section 60A(1)) to a person who is under the earnings limit in subsection (2) below.
- (2) A person is under the earnings limit in this subsection if he does not receive—
- (a) more than—

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- (i) £5 per day, or
- (ii) £500 per year,
- by way of remuneration for acting as a collector in relation to relevant collections, or
- (b) more than £500 by way of remuneration for acting as a collector in relation to the collection mentioned in section 60A(1).
- (3) In subsection (2) “relevant collections” means public charitable collections conducted for the benefit of—
 - (a) the charitable institution or institutions, or
 - (b) the charitable, benevolent or philanthropic purposes,
 for whose benefit the collection mentioned in section 60A(1) is conducted.
- (4) A person is not within section 60A(6) if he is under the earnings limit in subsection (5) below.
- (5) A person is under the earnings limit in this subsection if the remuneration received by him as mentioned in section 60A(6)(c)—
 - (a) is not more than—
 - (i) £5 per day, or
 - (ii) £500 per year, or
 - (b) if a lump sum, is not more than £500.
- (6) The Minister may by order amend subsections (2) and (5) by substituting a different sum for any sum for the time being specified there.”

69 Reserve power to control fund-raising by charitable institutions

After section 64 of the 1992 Act insert—

“64A Reserve power to control fund-raising by charitable institutions

- (1) The Minister may make such regulations as appear to him to be necessary or desirable for or in connection with regulating charity fund-raising.
- (2) In this section “charity fund-raising” means activities which are carried on by—
 - (a) charitable institutions,
 - (b) persons managing charitable institutions, or
 - (c) persons or companies connected with such institutions,
 and involve soliciting or otherwise procuring funds for the benefit of such institutions or companies connected with them, or for general charitable, benevolent or philanthropic purposes.

But “activities” does not include primary purpose trading.
- (3) Regulations under this section may, in particular, impose a good practice requirement on the persons managing charitable institutions in circumstances where—
 - (a) those institutions,
 - (b) the persons managing them, or
 - (c) persons or companies connected with such institutions,

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are engaged in charity fund-raising.

- (4) A “good practice requirement” is a requirement to take all reasonable steps to ensure that the fund-raising is carried out in such a way that—
- (a) it does not unreasonably intrude on the privacy of those from whom funds are being solicited or procured;
 - (b) it does not involve the making of unreasonably persistent approaches to persons to donate funds;
 - (c) it does not result in undue pressure being placed on persons to donate funds;
 - (d) it does not involve the making of any false or misleading representation about any of the matters mentioned in subsection (5).
- (5) The matters are—
- (a) the extent or urgency of any need for funds on the part of any charitable institution or company connected with such an institution;
 - (b) any use to which funds donated in response to the fund-raising are to be put by such an institution or company;
 - (c) the activities, achievements or finances of such an institution or company.
- (6) Regulations under this section may provide that a person who persistently fails, without reasonable excuse, to comply with any specified requirement of the regulations is to be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) For the purposes of this section—
- (a) “funds” means money or other property;
 - (b) “general charitable, benevolent or philanthropic purposes” means charitable, benevolent or philanthropic purposes other than those associated with one or more particular institutions;
 - (c) the persons “managing” a charitable institution are the charity trustees or other persons having the general control and management of the administration of the institution; and
 - (d) a person is “connected” with a charitable institution if he is an employee or agent of—
 - (i) the institution,
 - (ii) the persons managing it, or
 - (iii) a company connected with it,or he is a volunteer acting on behalf of the institution or such a company.
- (8) In this section “primary purpose trading”, in relation to a charitable institution, means any trade carried on by the institution or a company connected with it where—
- (a) the trade is carried on in the course of the actual carrying out of a primary purpose of the institution; or
 - (b) the work in connection with the trade is mainly carried out by beneficiaries of the institution.”