



Charities Act 1992

1992 CHAPTER 41

U.K.

An Act to amend the Charities Act 1960 and make other provision with respect to charities; to regulate fund-raising activities carried on in connection with charities and other institutions; Schedule 6 to make fresh provision with respect to public charitable collections; and for connected purposes. [16th March 1992]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

- E1** Act extends to England and Wales only except as provided by s. 79(3)-(7)

Modifications etc. (not altering text)

- C1** Act transfer of functions (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\)](#), **art. 3(2)(b)**
- C2** Act power to amend conferred (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), **ss. 76, 79(2)**; [S.I. 2007/309](#), **art. 2, Sch.**
- C3** Act functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), **art. 10(2)(b)** (with arts. 10(3), 11, 12)

^{F1} **PART I** **U.K.**

Textual Amendments

- F1** **Pt. I** repealed (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 9** (with [Sch. 10 para. 29](#)); [S.I. 2008/945](#), **art. 2, Sch. 1** (with [art. 9](#))

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.
Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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PART II E+W

CONTROL OF FUND-RAISING FOR CHARITABLE INSTITUTIONS

Commencement Information

- II** Pt. II (ss. 58-64) wholly in force at 1.3.1995; Pt. II not in force at Royal Assent see s. 79(2); Pt. II in force for certain purposes at 28.11.1994 and wholly in force at 1.3.1995 by S.I. 1994/3023, art. 2.

Preliminary

58 Interpretation of Part II. E+W

(1) In this Part—

“charitable contributions”, in relation to any representation made by any commercial participator or other person, means—

- (a) the whole or part of—
 - (i) the consideration given for goods or services sold or supplied by him, or
 - (ii) any proceeds (other than such consideration) of a promotional venture undertaken by him, or
- (b) sums given by him by way of donation in connection with the sale or supply of any such goods or services (whether the amount of such sums is determined by reference to the value of any such goods or services or otherwise);

“charitable institution” means a charity or an institution (other than a charity) which is established for charitable, benevolent or philanthropic purposes;

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“commercial participator”, in relation to any charitable institution, means any person [^{F3}(apart from a company connected with the institution)] who—

- (a) carries on for gain a business other than a fund-raising business, but

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(b) in the course of that business, engages in any promotional venture in the course of which it is represented that charitable contributions are to be given to or applied for the benefit of the institution;

“company” has the meaning given by [F⁴section 353 of the Charities Act 2011];

“the court” means the High Court or [F⁵the county court];

“credit card” means a card which is a credit-token within the meaning of the M¹Consumer Credit Act 1974;

“debit card” means a card the use of which by its holder to make a payment results in a current account of his at a bank, or at any other institution providing banking services, being debited with the payment;

“fund-raising business” means any business carried on for gain and wholly or primarily engaged in soliciting or otherwise procuring money or other property for charitable, benevolent or philanthropic purposes;

“institution” includes any trust or undertaking;

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“professional fund-raiser” means—

(a) any person (apart from a charitable institution [F⁷or a company connected with such an institution]) who carries on a fund-raising business, or

(b) any other person (apart from a person excluded by virtue of subsection (2) or (3)) who for reward solicits money or other property for the benefit of a charitable institution, if he does so otherwise than in the course of any fund-raising venture undertaken by a person falling within paragraph (a) above;

“promotional venture” means any advertising or sales campaign or any other venture undertaken for promotional purposes;

“radio or television programme” includes any item included in a programme service within the meaning of the M²Broadcasting Act 1990.

(2) In subsection (1), paragraph (b) of the definition of “professional fund-raiser” does not apply to any of the following, namely—

(a) any charitable institution or any company connected with any such institution;

(b) any officer or employee of any such institution or company, or any trustee of any such institution, acting (in each case) in his capacity as such;

(c) any person acting as a collector in respect of a public charitable collection (apart from a person who is [F⁸a promoter of such a collection as defined in section 47(1) of the Charities Act 2006]);

(d) any person who in the course of a relevant programme, that is to say a radio or television programme in the course of which a fund-raising venture is undertaken by—

(i) a charitable institution, or

(ii) a company connected with such an institution,

makes any solicitation at the instance of that institution or company; or

(e) any commercial participator;

and for this purpose “collector” and “public charitable collection” have the same meaning as in [F⁹Chapter 1 of Part 3 of the Charities Act 2006].

(3) In addition, paragraph (b) of the definition of “professional fund-raiser” does not apply to a person if he does not receive—

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- (a) more than—
 - (i) [^{F10}£10] per day, or
 - (ii) [^{F11}£1,000] per year,by way of remuneration in connection with soliciting money or other property for the benefit of the charitable institution referred to in that paragraph; or
 - (b) more than [^{F12}£1,000] by way of remuneration in connection with any fund-raising venture in the course of which he solicits money or other property for the benefit of that institution.
- (4) In this Part any reference to charitable purposes, where occurring in the context of a reference to charitable, benevolent or philanthropic purposes, is a reference to charitable purposes [^{F13}as defined by section 2(1) of the Charities Act 2011].
- (5) For the purposes of this Part a company is connected with a charitable institution if—
- (a) the institution, or
 - (b) the institution and one or more other charitable institutions, taken together,
- is or are entitled (whether directly or through one or more nominees) to exercise, or control the exercise of, the whole of the voting power at any general meeting of the company.
- (6) In this Part—
- (a) “represent” and “solicit” mean respectively represent and solicit in any manner whatever, whether expressly or impliedly and whether done—
 - (i) by speaking directly to the person or persons to whom the representation or solicitation is addressed (whether when in his or their presence or not), or
 - (ii) by means of a statement published in any newspaper, film or radio or television programme,or otherwise, and references to a representation or solicitation shall be construed accordingly; and
 - (b) any reference to soliciting or otherwise procuring money or other property is a reference to soliciting or otherwise procuring money or other property whether any consideration is, or is to be, given in return for the money or other property or not.
- (7) Where—
- (a) any solicitation of money or other property for the benefit of a charitable institution is made in accordance with arrangements between any person and that institution, and
 - (b) under those arrangements that person will be responsible for receiving on behalf of the institution money or other property given in response to the solicitation,
- then (if he would not be so regarded apart from this subsection) that person shall be regarded for the purposes of this Part as soliciting money or other property for the benefit of the institution.
- (8) Where any fund-raising venture is undertaken by a professional fund-raiser in the course of a radio or television programme, any solicitation which is made by a person in the course of the programme at the instance of the fund-raiser shall be regarded for the purposes of this Part as made by the fund-raiser and not by that person (and shall be so regarded whether or not the solicitation is made by that person for any reward).

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(9) In this Part “services” includes facilities, and in particular—

- (a) access to any premises or event;
- (b) membership of any organisation;
- (c) the provision of advertising space; and
- (d) the provision of any financial facilities;

and references to the supply of services shall be construed accordingly.

(10) The [F14Secretary of State] may by order amend subsection (3) by substituting a different sum for any sum for the time being specified there.

Textual Amendments

- F2** Definition in s. 58(1) omitted (14.3.2012 immediately before the Charities Act 2011 (c. 25) comes into force) by virtue of [The Charities \(Pre-consolidation Amendments\) Order 2011 \(S.I. 2011/1396\)](#), art. 1, [Sch. paras. 40\(1\), \(2\)\(c\)](#)
- F3** Words in s. 58(1) inserted (3.11.1994) by [1994 c. 40, ss. 25\(2\)](#), 82(2)
- F4** Words in s. 58(1) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 65\(1\)](#) (with [s. 20\(2\)](#), [Sch. 8](#))
- F5** Words in s. 58(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F6** Words in s. 58(1) omitted (9.11.2016) by virtue of [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), [Sch. 2 para. 8\(2\)](#) (with art. 12)
- F7** Words in s. 58(1) inserted (3.11.1994) by [1994 c. 40, ss. 25\(3\)](#), 82(2)
- F8** Words in s. 58(2)(c) substituted (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 90\(3\)\(a\)](#); [S.I. 2007/3286](#), art. 3, [Sch. 2](#) (with art. 4)
- F9** Words in s. 58(2) substituted (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), [Sch. 8 para. 90\(3\)\(b\)](#); [S.I. 2007/3286](#), art. 3, [Sch. 2](#) (with art. 4)
- F10** Sum in s. 58(3)(a)(i) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), [3\(a\)](#) (with art. 12)
- F11** Sum in s. 58(3)(a)(ii) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), [3\(b\)](#) (with art. 12)
- F12** Sum in s. 58(3)(b) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), [3\(c\)](#) (with art. 12)
- F13** Words in s. 58(4) substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 65\(2\)](#) (with [s. 20\(2\)](#), [Sch. 8](#))
- F14** Words in s. 58(10) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), [Sch. 2 para. 8\(3\)\(a\)](#) (with art. 12)

Modifications etc. (not altering text)

- C4** S. 58(6)(7) applied by [2011 c. 25](#), s. 162A(4) (as inserted (1.11.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\)](#), [ss. 13\(4\)](#), 17(4); [S.I. 2016/815](#), reg. 4(c))

Commencement Information

- I2** Pt. II (ss. 58-64) wholly in force at 1.3.1995; Pt. II not in force at Royal Assent see s. 79(2); Pt. II in force for certain purposes at 28.11.1994 and wholly in force at 1.3.1995 by [S.I. 1999/3023](#), [art. 2](#)

Marginal Citations

- M1** [1974 c.39](#).
M2 [1990 c.42](#).

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Control of fund-raising

59 Prohibition on professional fund-raiser etc. raising funds for charitable institution without an agreement in prescribed form. E+W

- (1) It shall be unlawful for a professional fund-raiser to solicit money or other property for the benefit of a charitable institution unless he does so in accordance with an agreement with the institution satisfying the prescribed requirements.
- (2) It shall be unlawful for a commercial participator to represent that charitable contributions are to be given to or applied for the benefit of a charitable institution unless he does so in accordance with an agreement with the institution satisfying the prescribed requirements.
- (3) Where on the application of a charitable institution the court is satisfied—
 - (a) that any person has contravened or is contravening subsection (1) or (2) in relation to the institution, and
 - (b) that, unless restrained, any such contravention is likely to continue or be repeated,the court may grant an injunction restraining the contravention; and compliance with subsection (1) or (2) shall not be enforceable otherwise than in accordance with this subsection.
- (4) Where—
 - (a) a charitable institution makes any agreement with a professional fund-raiser or a commercial participator by virtue of which—
 - (i) the professional fund-raiser is authorised to solicit money or other property for the benefit of the institution, or
 - (ii) the commercial participator is authorised to represent that charitable contributions are to be given to or applied for the benefit of the institution,as the case may be, but
 - (b) the agreement does not satisfy the prescribed requirements in any respect,the agreement shall not be enforceable against the institution except to such extent (if any) as may be provided by an order of the court.
- (5) A professional fund-raiser or commercial participator who is a party to such an agreement as is mentioned in subsection (4)(a) shall not be entitled to receive any amount by way of remuneration or expenses in respect of anything done by him in pursuance of the agreement unless—
 - (a) he is so entitled under any provision of the agreement, and
 - (b) either—
 - (i) the agreement satisfies the prescribed requirements, or
 - (ii) any such provision has effect by virtue of an order of the court under subsection (4).
- (6) In this section “the prescribed requirements” means [^{F15}the requirement in subsection (7) and such other requirements (including any requirements supplementing subsections (7) and (8))] as are prescribed by regulations made by virtue of section 64(2)(a).

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- [^{F16}(7) The requirement in this subsection is that the agreement must specify all of the following—
- (a) any voluntary scheme for regulating fund-raising, or any voluntary standard of fund-raising, that the professional fund-raiser or commercial participator undertakes to be bound by for the purposes of the agreement;
 - (b) how the professional fund-raiser or commercial participator is to protect vulnerable people and other members of the public from behaviour within subsection (8) in the course of, or in connection with, the activities to which the agreement relates;
 - (c) arrangements enabling the charitable institution to monitor compliance with subsection (1) or (2) by reference to the agreement.
- (8) The behaviour mentioned in subsection (7)(b) is—
- (a) unreasonable intrusion on a person's privacy;
 - (b) unreasonably persistent approaches for the purpose of soliciting or otherwise procuring money or other property;
 - (c) placing undue pressure on a person to give money or other property.]

Textual Amendments

F15 Words in s. 59(6) substituted (1.11.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), ss. 13(2), 17(4); S.I. 2016/815, reg. 4(c)

F16 S. 59(7)(8) inserted (1.11.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), ss. 13(3), 17(4); S.I. 2016/815, reg. 4(c)

Commencement Information

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60 Professional fund-raisers etc. required to indicate institutions benefiting and arrangements for remuneration. **E+W**

- (1) Where a professional fund-raiser 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 concerned;
 - (b) if there is more than one institution concerned, the proportions in which the institutions are respectively to benefit; and

[^{F17}(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.]
- (2) Where a professional fund-raiser 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; and

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- [^{F18}(c) the method by which his remuneration in connection with the appeal is to be determined and the notifiable amount of that remuneration.]
- (3) Where any representation is made by a commercial participator to the effect that charitable contributions are to be given to or applied for the benefit of one or more particular charitable institutions, the representation shall be accompanied by a statement clearly indicating—
- (a) the name or names of the institution or institutions concerned;
 - (b) if there is more than one institution concerned, the proportions in which the institutions are respectively to benefit; and
- [^{F19}(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,
 - (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.]

[^{F20}(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.]

(4) If any such solicitation or representation as is mentioned in any of subsections (1) to (3) is made—

 - (a) in the course of a radio or television programme, and
 - (b) in association with an announcement to the effect that payment may be made, in response to the solicitation or representation, by means of a credit or debit card,

the statement required by virtue of subsection (1), (2) or (3) (as the case may be) shall include full details of the right to have refunded under section 61(1) any payment of [^{F21}£100] or more which is so made.

(5) If any such solicitation or representation as is mentioned in any of subsections (1) to (3) is made orally but is not made—

 - (a) by speaking directly to the particular person or persons to whom it is addressed and in his or their presence, or
 - (b) in the course of any radio or television programme,

the professional fund-raiser or commercial participator concerned shall, within seven days of any payment of [^{F22}£100] or more being made to him in response to the solicitation or representation, give to the person making the payment a written statement—

 - (i) of the matters specified in paragraphs (a) to (c) of that subsection; and
 - (ii) including full details of the right to cancel under section 61(2) an agreement made in response to the solicitation or representation, and the right to have refunded under section 61(2) or (3) any payment of [^{F22}£100] or more made in response thereto.

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- (6) In subsection (5) above the reference to the making of a payment is a reference to the making of a payment of whatever nature and by whatever means, including a payment made by means of a credit card or a debit card; and for the purposes of that subsection—
- (a) where the person making any such payment makes it in person, it shall be regarded as made at the time when it is so made;
 - (b) where the person making any such payment sends it by post, it shall be regarded as made at the time when it is posted; and
 - (c) where the person making any such payment makes it by giving, by telephone or by means of any other [^{F23}electronic communications apparatus], authority for an account to be debited with the payment, it shall be regarded as made at the time when any such authority is given.
- (7) Where any requirement of subsections (1) to (5) is not complied with in relation to any solicitation or representation, the professional fund-raiser or commercial participator concerned shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.
- (8) It shall be a defence for a person charged with any such offence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (9) Where the commission by any person of an offence under subsection (7) is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.
- (10) In this section—
- “the appeal”, in relation to any solicitation by a professional fund-raiser, means the campaign or other fund-raising venture in the course of which the solicitation is made;

F24
...

Textual Amendments

- F17** S. 60(1)(c) substituted (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), **ss. 67(2)**, 79(2) (with [Sch. 10 para. 15](#)); [S.I. 2007/3286](#), [art. 3](#), [Sch. 2](#)
- F18** S. 60(2)(c) substituted (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), **ss. 67(3)**, 79(2) (with [Sch. 10 para. 15](#)); [S.I. 2007/3286](#), [art. 3](#), [Sch. 2](#)
- F19** S. 60(3)(c) substituted (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), **ss. 67(4)**, 79(2) (with [Sch. 10 para. 15](#)); [S.I. 2007/3286](#), [art. 3](#), [Sch. 2](#)
- F20** S. 60(3A) inserted (1.4.2008) by [Charities Act 2006 \(c. 50\)](#), **ss. 67(5)**, 79(2) (with [Sch. 10 para. 15](#)); [S.I. 2007/3286](#), [art. 3](#), [Sch. 2](#)
- F21** Sum in s. 60(4) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), [arts. 1\(1\)](#), **4** (with [art. 13](#))
- F22** Sum in s. 60(5) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), [arts. 1\(1\)](#), **4** (with [art. 13](#))
- F23** Words in s. 60(6)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), **Sch. 17 para. 118** (with [Sch. 18](#)); [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#)); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F24 Words in s. 60(10) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

Commencement Information

I4 Pt. II (ss. 58-64) wholly in force at 1.3.1995; Pt. II not in force at Royal Assent see s. 79(2); Pt. II in force for certain purposes at 28.11.1994 and wholly in force at 1.3.1995 by [S.I. 1999/3023](#), [art. 2](#)

[^{F25}60A Other persons making appeals required to indicate institutions benefiting and arrangements for remuneration **E+W**

- (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.
- (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.

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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.

Textual Amendments

F25 Ss. 60A, 60B inserted (27.2.2007 for the insertion of s. 60B(6) for specified purposes, 1.4.2008 for the insertion of ss. 60A(4)-(7)(9), 60A(8)(10) for specified purposes, 60B(4)(5)) by [Charities Act 2006](#) (c. 50), **ss. 68, 79(2)**; S.I. 2007/309, art. 2, Sch.; S.I. 2007/3286, art. 3, Sch. 2 (with art. 4)

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

- (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—
 - (i) [^{F26}£10] per day, or
 - (ii) [^{F27}£1,000] per year,
 by way of remuneration for acting as a collector in relation to relevant collections, or
 - (b) more than [^{F28}£1,000] 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—

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- (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) [^{F29}£10] per day, or
 - (ii) [^{F30}£1,000] per year, or
 - (b) if a lump sum, is not more than [^{F31}£1,000].
- (6) The [^{F32}Secretary of State] may by order amend subsections (2) and (5) by substituting a different sum for any sum for the time being specified there.]

Textual Amendments

- F25** Ss. 60A, 60B inserted (27.2.2007 for the insertion of s. 60B(6) for specified purposes, 1.4.2008 for the insertion of ss. 60A(4)-(7)(9), 60A(8)(10) for specified purposes, 60B(4)(5)) by [Charities Act 2006 \(c. 50\)](#), [ss. 68, 79\(2\)](#); [S.I. 2007/309](#), [art. 2](#), [Sch.](#); [S.I. 2007/3286](#), [art. 3](#), [Sch. 2](#) (with [art. 4](#))
- F26** Sum in s. 60B(2)(a)(i) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), [arts. 1\(1\)](#), [5\(a\)](#)
- F27** Sum in s. 60B(2)(a)(ii) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), [arts. 1\(1\)](#), [5\(b\)](#)
- F28** Sum in s. 60B(2)(b) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), [arts. 1\(1\)](#), [5\(c\)](#)
- F29** Sum in s. 60B(5)(a)(i) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), [arts. 1\(1\)](#), [5\(a\)](#)
- F30** Sum in s. 60B(5)(a)(ii) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), [arts. 1\(1\)](#), [5\(b\)](#)
- F31** Sum in s. 60B(5)(b) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), [arts. 1\(1\)](#), [5\(c\)](#)
- F32** Words in s. 60B(6) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), [art. 1\(2\)](#), [Sch. 2 para. 8\(3\)\(b\)](#) (with [art. 12](#))

61 Cancellation of payments and agreements made in response to appeals. E+W

- (1) Where—
- (a) a person (“the donor”), in response to any such solicitation or representation as is mentioned in any of subsections (1) to (3) of section 60 which is made in the course of a radio or television programme, makes any payment of [^{F33}£100] or more to the relevant fund-raiser by means of a credit card or a debit card, but
 - (b) before the end of the period of seven days beginning with the date of the solicitation or representation, the donor serves on the relevant fund-raiser a notice in writing which, however expressed, indicates the donor’s intention to cancel the payment,
- the donor shall (subject to subsection (4) below) be entitled to have the payment refunded to him forthwith by the relevant fund-raiser.

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) Where—

- (a) a person (“the donor”), in response to any solicitation or representation falling within subsection (5) of section 60, enters into an agreement with the relevant fund-raiser under which the donor is, or may be, liable to make any payment or payments to the relevant fund-raiser, and the amount or aggregate amount which the donor is, or may be, liable to pay to him under the agreement is [^{F34}£100] or more, but
- (b) before the end of the period of seven days beginning with the date when he is given any such written statement as is referred to in that subsection, the donor serves on the relevant fund-raiser a notice in writing which, however expressed, indicates the donor’s intention to cancel the agreement,

the notice shall operate, as from the time when it is so served, to cancel the agreement and any liability of any person other than the donor in connection with the making of any such payment or payments, and the donor shall (subject to subsection (4) below) be entitled to have any payment of [^{F34}£100] or more made by him under the agreement refunded to him forthwith by the relevant fund-raiser.

(3) Where, in response to any solicitation or representation falling within subsection (5) of section 60, a person (“the donor”)—

- (a) makes any payment of [^{F35}£100] or more to the relevant fund-raiser, but
- (b) does not enter into any such agreement as is mentioned in subsection (2) above,

then, if before the end of the period of seven days beginning with the date when the donor is given any such written statement as is referred to in subsection (5) of that section, the donor serves on the relevant fund-raiser a notice in writing which, however expressed, indicates the donor’s intention to cancel the payment, the donor shall (subject to subsection (4) below) be entitled to have the payment refunded to him forthwith by the relevant fund-raiser.

(4) The right of any person to have a payment refunded to him under any of subsections (1) to (3) above—

- (a) is a right to have refunded to him the amount of the payment less any administrative expenses reasonably incurred by the relevant fund-raiser in connection with—
 - (i) the making of the refund, or
 - (ii) (in the case of a refund under subsection (2)) dealing with the notice of cancellation served by that person; and
- (b) shall, in the case of a payment for goods already received, be conditional upon restitution being made by him of the goods in question.

(5) Nothing in subsections (1) to (3) above has effect in relation to any payment made or to be made in respect of services which have been supplied at the time when the relevant notice is served.

(6) In this section any reference to the making of a payment is a reference to the making of a payment of whatever nature and (in the case of subsection (2) or (3)) a payment made by whatever means, including a payment made by means of a credit card or a debit card; and subsection (6) of section 60 shall have effect for determining when a payment is made for the purposes of this section as it has effect for determining when a payment is made for the purposes of subsection (5) of that section.

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) In this section “the relevant fund-raiser”, in relation to any solicitation or representation, means the professional fund-raiser or commercial participator by whom it is made.
- (8) The [F36Secretary of State] may by order—
- (a) amend any provision of this section by substituting a different sum for the sum for the time being specified there; and
 - (b) make such consequential amendments in section 60 as he considers appropriate.

Textual Amendments

- F33** Sum in s. 61(1)(a) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), **6(a)** (with art. 14)
- F34** Sum in s. 61(2) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), **6(b)** (with art. 14)
- F35** Sum in s. 61(3)(a) substituted (1.4.2009) by [Charities Acts 1992 and 1993 \(Substitution of Sums\) Order 2009 \(S.I. 2009/508\)](#), arts. 1(1), **6(c)** (with art. 14)
- F36** Words in s. 61(8) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(c)** (with art. 12)

Commencement Information

- I5** Pt. II (ss. 58-64) wholly in force at 1.3.1995; Pt. II not in force at Royal Assent see s. 79(2); Pt. II in force for certain purposes at 28.11.1994 and wholly in force at 1.3.1995 by [S.I. 1999/3023](#), **art. 2**

62 Right of charitable institution to prevent unauthorised fund-raising. **E+W**

- (1) Where on the application of any charitable institution—
- (a) the court is satisfied that any person has done or is doing either of the following, namely—
 - (i) soliciting money or other property for the benefit of the institution, or
 - (ii) representing that charitable contributions are to be given to or applied for the benefit of the institution,and that, unless restrained, he is likely to do further acts of that nature, and
 - (b) the court is also satisfied as to one or more of the matters specified in subsection (2),
- then (subject to subsection (3)) the court may grant an injunction restraining the doing of any such acts.
- (2) The matters referred to in subsection (1)(b) are—
- (a) that the person in question is using methods of fund-raising to which the institution objects;
 - (b) that that person is not a fit and proper person to raise funds for the institution; and
 - (c) where the conduct complained of is the making of such representations as are mentioned in subsection (1)(a)(ii), that the institution does not wish to be associated with the particular promotional or other fund-raising venture in which that person is engaged.

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The power to grant an injunction under subsection (1) shall not be exercisable on the application of a charitable institution unless the institution has, not less than 28 days before making the application, served on the person in question a notice in writing—
- (a) requesting him to cease forthwith—
 - (i) soliciting money or other property for the benefit of the institution, or
 - (ii) representing that charitable contributions are to be given to or applied for the benefit of the institution,
 as the case may be; and
 - (b) stating that, if he does not comply with the notice, the institution will make an application under this section for an injunction.
- (4) Where—
- (a) a charitable institution has served on any person a notice under subsection (3) (“the relevant notice”) and that person has complied with the notice, but
 - (b) that person has subsequently begun to carry on activities which are the same, or substantially the same, as those in respect of which the relevant notice was served,
- the institution shall not, in connection with an application made by it under this section in respect of the activities carried on by that person, be required by virtue of that subsection to serve a further notice on him, if the application is made not more than 12 months after the date of service of the relevant notice.
- (5) This section shall not have the effect of authorising a charitable institution to make an application under this section in respect of anything done by a professional fundraiser or commercial participator in relation to the institution.

Commencement Information

I6 Pt. II (ss. 58-64) wholly in force at 1.3.1995; Pt. II not in force at Royal Assent see s. 79(2); Pt. II in force for certain purposes at 28.11.1994 and wholly in force at 1.3.1995 by [S.I. 1999/3023](#), [art. 2](#)

63 **False statements relating to institutions which are not registered charities.** **E** **+W**

- (1) Where—
- (a) a person solicits money or other property for the benefit of an institution in association with a representation that the institution is a registered charity, and
 - (b) the institution is not such a charity,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.

[^{F37}(1A) In any proceedings for an offence under subsection (1), it shall be a defence for the accused to prove that he believed on reasonable grounds that the institution was a registered charity.]

- (2) In [^{F38}this section] “registered charity” means a charity which is for the time being registered in the register of charities kept under [^{F39}section 29 of the Charities Act 2011].

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

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Textual Amendments

- F37** S. 63(1)(A) inserted (3.11.1994) by 1994 c. 40, ss. 26(2), 82(2)
F38 Words in s. 63(2) substituted (3.11.1994) by 1994 c. 40, ss. 26(3), 82(2)
F39 Words in s. 63(2) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 7 para. 66 (with s. 20(2), Sch. 8)

Commencement Information

- I7** Pt. II (ss. 58-64) wholly in force at 1.3.1995; Pt. II not in force at Royal Assent see s. 79(2); Pt. II in force for certain purposes at 28.11.1994 and wholly in force at 1.3.1995 by S.I. 1999/3023, art. 2

Supplementary

64 Regulations about fund-raising. **E+W**

- (1) The [^{F40}Secretary of State] may make such regulations as appear to him to be necessary or desirable for any purposes connected with any of the preceding provisions of this Part.
- (2) Without prejudice to the generality of subsection (1), any such regulations may—
- (a) prescribe the form and content of—
 - (i) agreements made for the purposes of section 59, and
 - (ii) notices served under section 62(3);
 - (b) require professional fund-raisers or commercial participators who are parties to such agreements with charitable institutions to make available to the institutions books, documents or other records (however kept) which relate to the institutions;
 - (c) specify the manner in which money or other property acquired by professional fund-raisers or commercial participators for the benefit of, or otherwise falling to be given to or applied by such persons for the benefit of, charitable institutions is to be transmitted to such institutions;
 - (d) provide for any provisions of section 60 or 61 having effect in relation to solicitations or representations made in the course of radio or television programmes to have effect, subject to any modifications specified in the regulations, in relation to solicitations or representations made in the course of such programmes—
 - (i) by charitable institutions, or
 - (ii) by companies connected with such institutions,and, in that connection, provide for any other provisions of this Part to have effect for the purposes of the regulations subject to any modifications so specified;
 - (e) make other provision regulating the raising of funds for charitable, benevolent or philanthropic purposes (whether by professional fund-raisers or commercial participators or otherwise).
- (3) In subsection (2)(c) the reference to such money or other property as is there mentioned includes a reference to money or other property which, in the case of a professional fund-raiser or commercial participator—
- (a) has been acquired by him otherwise than in accordance with an agreement with a charitable institution, but

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- (b) by reason of any solicitation or representation in consequence of which it has been acquired, is held by him on trust for such an institution.
- (4) Regulations under this section may provide that any failure to comply with a specified provision of the regulations shall be an offence punishable on summary conviction by a fine not exceeding the second level on the standard scale.

Textual Amendments

F40 Words in s. 64(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), [Sch. 2 para. 8\(3\)\(d\)](#) (with art. 12)

Commencement Information

I8 Pt. II (ss. 58-64) wholly in force at 1.3.1995; Pt. II not in force at Royal Assent see s. 79(2); Pt. II in force for certain purposes at 28.11.1994 and wholly in force at 1.3.1995 by [S.I. 1999/3023](#), [art. 2](#)

[^{F41}64A Reserve power to control fund-raising by charitable institutions E+W

- (1) The [^{F42}Secretary of State] 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 [^{F43} and sections 64B and 64C] “ 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,
- 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—

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- (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.]

Textual Amendments

- F41** S. 64A inserted (27.2.2007) by Charities Act 2006 (c. 50), ss. 69, 79(2); S.I. 2007/309, art. 2, Sch.
- F42** Words in s. 64A(1) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), Sch. 2 para. 8(3)(e) (with art. 12)
- F43** Words in s. 64A(2) inserted (31.7.2016) by Charities (Protection and Social Investment) Act 2016 (c. 4), ss. 14(4), 17(4); S.I. 2016/815, reg. 2(j)

[^{F44}64B Reserve power in relation to fund-raising regulators **E+W**

- (1) Regulations under section 64A may, in particular, impose on charitable institutions requirements to do any of the following—
- (a) to comply with requirements imposed by a regulator;
 - (b) to have regard to guidance issued by a regulator;
 - (c) to pay fees to a regulator of an amount determined by the regulations or determined by the regulator in accordance with the regulations;

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

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- (d) to be registered with a regulator for the purpose of its regulation of charity fund-raising.
- (2) “Regulator ” means a body specified in the regulations as a regulator for the purposes of this section.
- (3) A body may be specified as a regulator for the purposes of this section only if the regulation of charity fund-raising appears to the [^{F45}Secretary of State] to be a principal function of the body.
- (4) A body maintained out of money provided by Parliament may not be specified as a regulator (and this section does not confer power by regulations to establish a body to act as regulator).]

Textual Amendments

- F44** S. 64B inserted (31.7.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\), ss. 14\(2\), 17\(4\); S.I. 2016/815, reg. 2\(j\)](#)
- F45** Words in s. 64B(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\), art. 1\(2\), Sch. 2 para. 8\(3\)\(f\)](#) (with art. 12)

[^{F46}64C Reserve power to confer additional powers on Charity Commission **E+W**

- (1) In the case of charity fund-raising which—
- (a) is carried on by a charity, a person managing a charity or a person or company connected with a charity, or
 - (b) involves soliciting or otherwise procuring funds for the benefit of a charity or a company connected with a charity, or for charitable purposes,
- regulations under section 64A may, in particular, make provision conferring functions on the Charity Commission, including provision applying or reproducing, with or without modification, any provision of the Charities Act 2011.
- (2) The regulations may provide for a power that is exercisable by the Commission by virtue of the regulations to be exercisable by a person appointed by the Commission for the purpose.
- (3) Where regulations by virtue of this section apply in relation to charity fund-raising by institutions that are not charities, section 19 of the Charities Act 2011 (fees and other amounts payable to Commission) applies in relation to the regulations as it applies in relation to the enactments relating to charities (but that is without prejudice to the application of other provisions by virtue of this section or section 77(3)).]

Textual Amendments

- F46** S. 64C inserted (31.7.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\), ss. 14\(3\), 17\(4\); S.I. 2016/815, reg. 2\(j\)](#)

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^{F47}**PART III** **E+W**

PUBLIC CHARITABLE COLLECTIONS

Textual Amendments

^{F47} Pt. III repealed (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), Sch. 8 para. 91, [Sch. 9](#); S.I. 2007/309, art. 2, Sch.

PROSPECTIVE

^{F47} *Preliminary*

^{F47}**65** **Interpretation of Part III.** **E+W**

.....

PROSPECTIVE

^{F47} *Prohibition on conducting unauthorised collections*

^{F47}**66** **Prohibition on conducting public charitable collections without authorisation.** **E+W**

.....

PROSPECTIVE

^{F47} *Permits*

^{F47}**67** **Applications for permits to conduct public charitable collections.** **E+W**

.....

^{F47}**68** **Determination of applications and issue of permits.** **E+W**

.....

^{F47}**69** **Refusal of permits.** **E+W**

.....

^{F47}**70** **Withdrawal etc. of permits.** **E+W**

.....

*Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.
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^{F47}71 Appeals. **E+W**

.....

^{F47} Orders made by Charity Commissioners

72 Orders made by Charity Commissioners. **E+W**

.....

^{F47} Supplementary

PROSPECTIVE

^{F47}73 Regulations. **E+W**

.....

74 Offences. **E+W**

.....

PART IV U.K.

GENERAL

75 Offences by bodies corporate. **E+W**

Where any offence—

(a) under this Act or any regulations made under it,

^{F48}(b)

is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In relation to a body corporate whose affairs are managed by its members, “director” means a member of the body corporate.

Textual Amendments

F48 S. 75(b) repealed (1.8.1993) by 1993 c. 10, s. 98(1), **Sch.7**

Commencement Information

I9 S. 75 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), **Sch. 1.**

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

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76 Service of documents. E+W

- (1) This section applies to—
- ^{F49}(a)
 - (b) any notice or other document required or authorised to be given or served under Part II of this Act; ^{F50}...
 - ^{F50}(c)
- (2) A document to which this section applies may be served on or given to a person (other than a body corporate)—
- (a) by delivering it to that person;
 - (b) by leaving it at his last known address in the United Kingdom; or
 - (c) by sending it by post to him at that address.
- (3) A document to which this section applies may be served on or given to a body corporate by delivering it or sending it by post—
- (a) to the registered or principal office of the body in the United Kingdom, or
 - (b) if it has no such office in the United Kingdom, to any place in the United Kingdom where it carries on business or conducts its activities (as the case may be).
- (4) Any such document may also be served on or given to a person (including a body corporate) by sending it by post to that person at an address notified by that person for the purposes of this subsection to the person or persons by whom it is required or authorised to be served or given.

Textual Amendments

F49 S. 76(1)(a) repealed (1.8.1993) by 1993 c. 10, s. 98(2), Sch. 7

F50 S. 76(1)(c) and word repealed (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), Sch. 8 para. 92, Sch. 9; S.I. 2007/309, art. 2, Sch.

Commencement Information

I10 S. 76 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

77 Regulations and orders. E+W+S

- (1) Any regulations or order of the [^{F51}Secretary of State] under this Act—
- (a) shall be made by statutory instrument; and
 - (b) (subject to [^{F52}subsections (2) and (2A)]) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1)(b) does not apply—
- ^{F53}(a)
 - ^{F53}(b)
 - ^{F53}(c)
 - (d) to an order under section 79(2).
- [^{F54}(2A) Subsection (1)(b) does not apply to regulations under section 64A, and no such regulations may be made unless a draft of the statutory instrument containing the

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regulations has been laid before, and approved by a resolution of, each House of Parliament.]

- (3) Any regulations or order of the [^{F55}Secretary of State] under this Act may make—
- (a) different provision for different cases; and
 - (b) such supplemental, incidental, consequential or transitional provision or savings as the [^{F55}Secretary of State] considers appropriate.
- (4) Before making any regulations under section ^{F56} . . . 64 [^{F57} or 64A] ^{F58} . . . the [^{F59}Secretary of State] shall consult such persons or bodies of persons as he considers appropriate [^{F60} and, in the case of regulations made by virtue of section 64B or 64C, shall in particular consult the Charity Commission.]

Subordinate Legislation Made

- P1** S. 77(3) power partly exercised (27.11.1994): different dates appointed for specified provisions by S.I. 1994/3023, **art. 2**

Textual Amendments

- F51** Words in s. 77(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(g)** (with art. 12)
- F52** Words in s. 77(1)(b) substituted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 93(2)**; S.I. 2007/309, art. 2, **Sch.**
- F53** S. 77(2)(a)-(c) repealed (1.8.1993) by [1993 c. 10](#), s. 98(2), **Sch. 7**
- F54** S. 77(2A) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 93(3)**; S.I. 2007/309, art. 2, **Sch.**
- F55** Words in s. 77(3) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(g)** (with art. 12)
- F56** In s. 77(4) the figures 20, 22, and 23 repealed (1.8.1993) by [1993 c. 10](#), s. 98(2), **Sch. 7**
- F57** Words in s. 77(4) inserted (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 93(4)(a)**; S.I. 2007/309, art. 2, **Sch.**
- F58** Words in s. 77(4) repealed (27.2.2007) by [Charities Act 2006 \(c. 50\)](#), s. 79(2), **Sch. 8 para. 93(4)(b)**, **9**; S.I. 2007/309, art. 2, **Sch.**
- F59** Words in s. 77(4) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(g)** (with art. 12)
- F60** Words in s. 77(4) inserted (E.W.) (31.7.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\)](#), **ss. 14(5)**, 17(4); S.I. 2016/815, reg. 2(j)

Commencement Information

- I11** S. 77 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), **Sch. 1**.

78 Minor and consequential amendments and repeals. **U.K.**

- (1) The enactments mentioned in Schedule 6 to this Act shall have effect subject to the amendments there specified (which are either minor amendments or amendments consequential on the provisions of this Act).
- (2) The enactments mentioned in Schedule 7 to this Act (which include some that are already spent or are no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

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Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I12 S. 78 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), **Sch. 1**.

79 Short title, commencement and extent. **U.K.**

- (1) This Act may be cited as the Charities Act 1992.
- (2) This Act shall come into force on such day as the [^{F61}Secretary of State] may by order appoint; and different days may be so appointed for different provisions or for different purposes.
- (3) Subject to subsections (4) to (6) below, this Act extends only to England and Wales.
- ^{F62}(4)
- ^{F62}(5)
- (6) The amendments in Schedule 6, and (subject to subsection (7)) the repeals in Schedule 7, have the same extent as the enactments to which they refer, and section 78 extends accordingly.
- (7) The repeal in Schedule 7 of the ^{M3}Police, Factories, &c. (Miscellaneous Provisions) Act 1916 does not extend to Northern Ireland.

Subordinate Legislation Made

- P2** S. 79(2) power partly exercised (28.7.1992): different dates appointed for specified provisions see S.I. 1992/1900 art. 2.
S. 79(2) power partly exercised (27.11.1994): different dates appointed for specified provisions see S.I. 1994/3023, art. 3

Textual Amendments

- F61** Words in s. 79(2) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 8(3)(h)** (with art. 12)
- F62** S. 79(4)(5) repealed (1.8.1993) by [1993 c. 10](#), s. 98(2), **Sch.7**

Commencement Information

I13 S. 79 in force at 1.9.1992 by S.I 1992/1900 art 2(1) Sch 1.

Marginal Citations

M3 [1916 c.31](#).

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

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SCHEDULES

^{F63}SCHEDULE 1 **E+W**

.....

Textual Amendments

F63 [Sch. 1](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch. 7](#)

^{F64}SCHEDULE 2 **E+W**

.....

Textual Amendments

F64 [Sch. 2](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch. 7](#)

^{F65}SCHEDULE 3 **E+W**

.....

Textual Amendments

F65 [Sch. 3](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch. 7](#)

^{F67}SCHEDULE 4 **E+W**

.....

Textual Amendments

F67 [Sch. 4](#) repealed (1.8.1993) by [1993 c. 10, s. 98\(2\)](#), [Sch. 7](#)

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F68 SCHEDULE 5 E+W

Section 49.

Textual Amendments

F68 Sch. 5 repealed (1.4.2008) by Charities Act 2006 (c. 50), s. 79(2), Sch. 9 (with Sch. 10 para. 28); S.I. 2008/945, art. 2, Sch. 1

SCHEDULE 6 U.K.

Section 78(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

CLERGY PENSIONS MEASURE 1961 (No.3)

F69₁

Textual Amendments

F69 Sch. 6 para. 1 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 10 (with s. 20(2), Sch. 8)

F70₂

Textual Amendments

F70 Sch. 6 para. 2 repealed (27.7.1999 with effect in relation to instruments executed on or after 6.2.2000) by 1999 c. 16, s. 139, Sch. 20 Pt. V(5) Notes 1, 2

CATHEDRALS MEASURE 1963 (No.2)

F71₃

Textual Amendments

F71 Sch. 6 paras. 3-8 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 10 (with s. 20(2), Sch. 8)

LEASEHOLD REFORM ACT 1967 (c.88)

F71₄

Textual Amendments

F71 Sch. 6 paras. 3-8 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, Sch. 10 (with s. 20(2), Sch. 8)

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SHARING OF CHURCH BUILDINGS ACT 1969 (c.38)

F715

Textual Amendments

F71 Sch. 6 paras. 3-8 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

LOCAL GOVERNMENT ACT 1972 (c.70)

F716

Textual Amendments

F71 Sch. 6 paras. 3-8 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

FIRE PRECAUTIONS (LOANS) ACT 1973 (c.11)

F717

Textual Amendments

F71 Sch. 6 paras. 3-8 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

THEATRES TRUST ACT 1976 (c.27)

F718

Textual Amendments

F71 Sch. 6 paras. 3-8 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

PROSPECTIVE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (c.30)

F729

Textual Amendments

F72 Sch. 6 para. 9 repealed (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 9**; S.I. 2007/309, art. 2, Sch.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (c. 45)

10 In section 119(6)(d) (grounds for refusal of permission for public charitable collection in Scotland)—

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- (a) after “under”, where secondly occurring, insert “ this section or ”; and
- (b) after “section”, where secondly occurring, insert “ or under Part III of the Charities Act 1992 or regulations made under section 73 of that Act ”.

Commencement Information

I34 Sch. 6 para. 10 partly in force; Sch. 6 para. 10 not in force at Royal Assent see s. 79(2); Sch. 6 para. 10(a) in force at 1.9.1992 see S.I. 1992/1900, art. 2(1), Sch. 1.

COMPANIES ACT 1985 (c.6)

- 11 In each of the following provisions, namely—
- (a) section 209(1)(c) (interests to be disregarded for purposes of general disclosure provisions), and
 - (b) paragraph 11(b) of Schedule 13 (interests to be disregarded for purposes of provisions relating to disclosure by directors etc.),
- after “section 22” insert “ or 22A ”.

Commencement Information

I35 Sch. 6 para. 11 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

HOUSING ACT 1985 (c.68)

- 12 For paragraph 12 of Schedule 1 substitute—
- “12 A licence to occupy a dwelling-house is not a secure tenancy if—
- (a) the dwelling-house is an almshouse, and
 - (b) the licence was granted by or on behalf of a charity which—
 - (i) is authorised under its trusts to maintain the dwelling-house as an almshouse, and
 - (ii) has no power under its trusts to grant a tenancy of the dwelling-house;
- and in this paragraph “almshouse” means any premises maintained as an almshouse, whether they are called an almshouse or not; and “trusts”, in relation to a charity, means the provisions establishing it as a charity and regulating its purposes and administration, whether those provisions take effect by way of trust or not.”

Commencement Information

I36 Sch. 6 para. 12 wholly in force at 1.9.1992 see s. 79(2) and S.I. 1992/1900, art. 2(1), Sch. 1.

HOUSING ASSOCIATIONS ACT 1985 (c.69)

- 13 ^{F73}(1)
- ^{F74}(2)

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F73(3)

Textual Amendments

F73 Sch. 6 para. 13(1)(3) repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

F74 Sch. 6 para. 13(2) repealed (1.8.1993) by 1993 c. 10, s. 98(2), **Sch.7**

FINANCIAL SERVICES ACT 1986 (c.60)

F75¹⁴

Textual Amendments

F75 Sch. 6 paras. 14-16 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

COAL INDUSTRY ACT 1987 (c.3)

F75¹⁵

Textual Amendments

F75 Sch. 6 paras. 14-16 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

REVERTER OF SITES ACT 1987 (c.15)

F75¹⁶

Textual Amendments

F75 Sch. 6 paras. 14-16 repealed (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 10** (with s. 20(2), Sch. 8)

INCOME AND CORPORATION TAXES ACT 1988 (c.1)

F76¹⁷

Textual Amendments

F76 Sch. 6 para. 17 repealed (with effect in accordance with s. 1184(1) of the commencing Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 3 Pt. 1** (with Sch. 2)

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

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SCHEDULE 7 **U.K.**

Section 78(2).

REPEALS

Extent Information

E2 [Schedule 7](#): extents of individual entries are in accordance with s. 76(6)

Commencement Information

I37 [Sch. 7](#) partly in force; [Sch. 7](#) not in force at Royal Assent see [s. 79\(2\)](#); certain repeals in [Sch 7](#) in force at 1.9.1992 and at 1.1.1993 see [S.I 1992/1900](#) arts. 2(1), 4(1), [Schs. 1, 3](#).

| Chapter | Short title | Extent of repeal |
|------------|---|--|
| 1872 c.24. | Charitable Trustees Incorporation Act 1872. | In section 2, the words from “; and all” onwards. In section 4, the words from “; and the appointment” onwards. In section 5, the words from “; and nothing” onwards. In section 7, the words from “; and there” onwards. The Schedule. |
| 1916 c.31. | Police, Factories, &c. (Miscellaneous Provisions) Act 1916. | The whole Act. |
| 1939 c.44. | House to House Collections Act 1939. | The whole Act. |
| 1940 c.31. | War Charities Act 1940. | The whole Act. |
| 1948 c.29. | National Assistance Act 1948. | Section 41. |
| 1958 c.49. | Trading Representations (Disabled Persons) Act 1958. | Section 1(2)(b). |
| 1959 c.72. | Mental Health Act 1959. | Section 8(3). |
| 1960 c.58. | Charities Act 1960. | In section 4(6), the words from “and any person” onwards. Section 6(6) and (9). Section 7(4). F77 ... Section 16(2). |

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| | | |
|------------|--|---|
| | | In section 19(6), the words “or the like reference from the Secretary of State”. |
| | | In section 22, subsection (6) and, in subsection (9), the words from “, and the” to “endowment” (where last occurring). |
| | | Section 27. |
| | | Section 29. |
| | | In section 30C(1)(c), the words “by or”. |
| | | Section 31. |
| | | Section 44. |
| | | In section 45(3), the words “Subject to subsection (9) of section twenty-two of this Act,”. |
| | | In section 46, the words “, subject to subsection (9) of section twenty-two of this Act,”. |
| | | In Schedule 1, in paragraph 1(3), the words “Subject to sub-paragraph (6) below,”. |
| | | In Schedule 6, the entry relating to the War Charities Act 1940. |
| 1966 c.42. | Local Government Act 1966. | In Schedule 3, in column 1 of Part II, paragraph 20. |
| 1968 c.60. | Theft Act 1968. | In Schedule 2, in Part III, the entry relating to the House to House Collections Act 1939. |
| 1970 c.42. | Local Authority Social Services Act 1970. | In Schedule 1, the entry relating to section 41 of the National Assistance Act 1948. |
| 1972 c.70. | Local Government Act 1972. | Section 210(8). In Schedule 29, paragraphs 22 and 23. |
| 1983 c.41. | Health and Social Services and Social Security Adjudications Act 1983. | Section 30(3). |

Status: Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

Changes to legislation: Charities Act 1992 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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| 1983 c.47. | National Heritage Act 1983. | In Schedule 4, paragraphs 13 and 14. |
| 1985 c.9. | Companies Consolidation (Consequential Provisions) Act 1985. | In Schedule 2, the entry relating to section 30(1) of the Charities Act 1960. |
| 1985 c.20. | F77 | F77 |
| | ... | ... |
| 1986 c.41. | Finance Act 1986. | Section 33. |

Textual Amendments

F77 Sch. 7: entries relating to 1960 c. 58, s. 8 and (so far as not in force at 1.8.1993) 1985 c. 20 repealed (1.8.1993) by 1993 c. 10, s. 98(2), Sch.7

Status:

Point in time view as at 09/11/2016. This version of this Act contains provisions that are prospective.

Changes to legislation:

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