

2009 No. 1060

CHARITIES, ENGLAND AND WALES

**The Charitable Institutions (Fund-Raising) (Amendment)
Regulations 2009**

<i>Made</i> - - - -	<i>21st April 2009</i>
<i>Laid before Parliament</i>	<i>30th April 2009</i>
<i>Coming into force</i> - -	<i>1st October 2009</i>

The Minister for the Cabinet Office makes the following Regulations in exercise of the powers conferred by sections 58(a), 64(1) and (2)(e) and 77(3) of the Charities Act 1992(b).

In accordance with section 77(4) of that Act the Minister has consulted such persons and bodies of persons as the Minister considers appropriate:

Citation, commencement and interpretation

1. These Regulations may be cited as the Charitable Institutions (Fund-Raising) (Amendment) Regulations 2009 and come into force on 1st October 2009.

2. In these Regulations, “the Principal Regulations” means the Charitable Institutions (Fund-Raising) Regulations 1994(c).

Amendment of regulation 7 of the Principal Regulations

3.—(1) Regulation 7 of the Principal Regulations is amended as follows.

(2) For paragraph (2)(b), substitute—

“(b) 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 applied for those purposes;
- (ii) the sum representing so much of any other proceeds of a promotional venture undertaken by him as is to be so 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 applied; and”.

(3) After paragraph (2), insert—

(a) See the definition of “Minister” in subsection (1).

(b) 1992 c. 41: section 58 was amended by the Charities Act 2006 (c.50), Schedule 8, paragraph 90, and S.I. 2006/2951. Sections 64 and 77 were amended by S.I. 2006/2951. There are other amendments to the 1992 Act which are not relevant to these Regulations.

(c) S.I. 1994/3024, to which there are amendments not relevant to these Regulations.

“(3) In this regulation, a reference to the “notifiable amount” in relation to any sum is a reference—

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

Savings

4. The amendments made to regulation 7 of the Principal Regulations by these Regulations apply only in relation to a representation—

- (a) to which regulation 7(2) of the Principal Regulations applies; and
- (b) which is made on or after 1st October 2009.

21st April 2009

Kevin Brennan
Parliamentary Secretary
Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Charitable Institutions (Fund-Raising) Regulations 1994 (“the 1994 Regulations”).

Regulation 7 of the 1994 Regulations regulates the raising of funds for charitable, benevolent or philanthropic purposes otherwise than by professional fund-raisers or commercial participants. Where a person to whom regulation 7 applies makes a representation to the effect that charitable contributions are to be applied for charitable, benevolent or philanthropic purposes, that representation must generally be accompanied by a statement satisfying the requirements specified in regulation 7(2) of the 1994 Regulations.

These Regulations amend, subject to savings, those requirements.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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