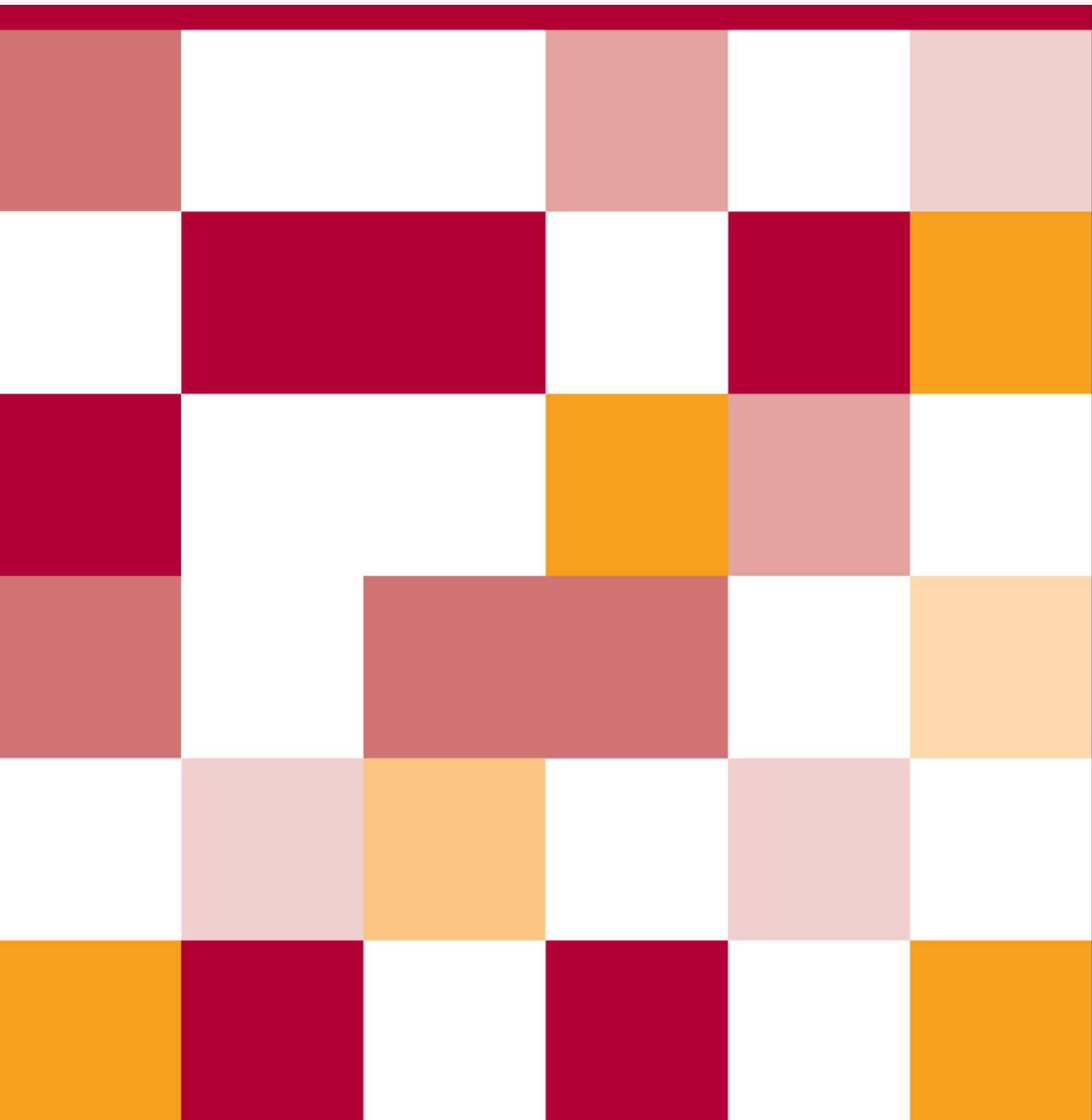




Charitable Fundraising: Guidance on Part 2 of the Charities Act 1992



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Purpose of this Guidance

■ Why this guidance?

The Charities Act 1992 ("the 1992 Act") makes provisions controlling fund-raising for charitable institutions (that is, charities and other institutions which are not charities but which are established for charitable, benevolent or philanthropic purposes) and for charitable, benevolent and philanthropic ("charitable etc.") purposes. [Part 2 of the 1992 Act](#) includes provisions to prevent fund-raising by professional fundraisers and commercial participators who have not entered into a fund-raising agreement with the relevant charitable institution and enable those institutions to prevent unauthorised fund-raising. Donors are, in certain circumstances, given rights to cancel payments or agreements entered into during the course of an appeal.

Part 2 of the 1992 Act also requires professional fund-raisers and commercial participators to make statements to potential donors when fund-raising. These statements must include specific information. The provisions setting out the information to be included in solicitation statements were amended by the Charities Act 2006 ("the 2006 Act"). These amendments came into force on 1 April 2008.

In addition, the 2006 Act amended Part 2 of the 1992 Act to insert a requirement that certain charity officers make a simple statement when collecting in public for a charitable institution or for charitable etc. purposes. This new requirement also came into force on 1 April 2008.

The guidance provides an overview of the requirements of Part 2 of the 1992 Act and explains the changes that have been made by the 2006 Act. It highlights key provisions of Part 2 of the 1992 Act and provides examples of statements that would satisfy the new requirements.

It is intended to assist charitable institutions, charity officers, professional fund-raisers and commercial participators in understanding and complying with the requirements of Part 2 of the 1992 Act and the regulations made under it. However, it is not a substitute for Part 2 of the 1992 Act itself, any regulations made under that Part of that Act or for obtaining independent legal advice in appropriate cases.

This guidance supersedes and replaces the guidance published by the Home Office in 1995 ("Charitable Fund-Raising: Professional and commercial involvement").

■ Who is this guidance for?

This guidance is aimed at professional fund-raisers, commercial participators, charity officers and charitable institutions.


■ Who has written the guidance?

This guidance has been prepared by the Office of the Third Sector. The Office of the Third Sector is part of the Cabinet Office. It advances and develops the role of the third sector, and its responsibilities include charity law and regulation.

In preparing the guidance the Office of the Third Sector has consulted the Charity Commission, Institute of Fundraising, the Public Fundraising Regulatory Association, Charity Law Association, The Fundraising Standards Board, The Association of Fundraising Consultants and representatives from the telephone fund-raising services.

Glossary

- **1992 Act:** [the Charities Act 1992](#), as amended by the Charities Act 1993, the Deregulation and Contracting Out Act 1994, the Communications Act 2003, the Charities Act 2006 and The Transfer of Functions (Third Sector, Communities and Equality) Order 2006 (S.I. 2006/2951).
- **2006 Act:** [the Charities Act 2006](#).
- **1994 Regulations:** the [Charitable Institutions \(Fund-Raising\) Regulations 1994, as amended](#) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649).
- **Appeal (for the purposes of Part 2 of the 1992 Act):** the campaign or other fund-raising venture in the course of which a professional fund-raiser makes a solicitation for money or other property.
- **Charitable institution:** an institution is a “charitable institution” if it is a charity or, if it is not a charity, is established for charitable etc. purposes. An institution is a charity if it is established for charitable purposes only and falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities. “Charitable purposes” are those purposes which are charitable under the law of England and Wales. A purpose is charitable if it satisfies the definition in section 2(1) of the 2006 Act: http://www.opsi.gov.uk/acts/acts2006/ukpga_20060050_en_2#pt1-1g2.
- **Charitable etc. purposes** means charitable, benevolent or philanthropic purposes. “Charitable purposes” are those purposes which are charitable under the law of England and Wales.
- **Charity officer:** a charity officer is a person who is an employee or officer of charitable institution (or a company connected to such an institution) or a trustee of a charitable institution.
- **Commercial participator:** a person falling within the definition of “commercial participator” in section 58(1) of the 1992 Act. This term is explained in more detail in Chapter 3.
- **Company:** means a company formed and registered under the Companies Act 1985 or a company to which the provisions of that Act apply as they apply to a company formed and registered under it.
- **Company connected to a charitable institution:** a company (“A”) is connected with a charitable institution (“B”) if:
 - B is entitled (whether directly or through nominees) to exercise, or control the exercise of, the whole of the voting power at any general meeting of A;
 - or B and one or more other charitable institutions, taken together, are entitled (whether directly or through nominees) to exercise, or control the exercise of, the whole of such voting power.
- **Credit card:** a card which is a credit-token within the meaning of the Consumer Credit Act 1974. Section 14 of the 1974 Act defines “credit-token”.
- **Debit card:** a card which when used by the holder (“H”) to make a payment results in a current account of H’s (whether that account is held at a bank or another institution providing banking services) being debited with the payment.
- **Fund-raising business:** any business carried on for gain and wholly or primarily engaged in soliciting, or otherwise procuring, money or other property for charitable etc. purposes.

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- **Professional fund-raiser:** a person falling within the definition of “professional fund-raiser” in section 58 of the 1992 Act. This term is explained in more detail in Chapter 2.
 - **Promotional venture:** an advertising, sales campaign or other venture undertaken for promotional purposes.
 - **Radio or television programme:** a radio or television programme within the meaning of section 58 of the 1992 Act.
 - **Representation (in relation to a commercial participator):** a representation that charitable contributions are to be given to or applied for the benefit of one or more charitable institutions.
 - **Solicitation statement:** a statement required to be made by a commercial participator or professional fund-raiser under section 60 of the 1992 Act.
 - **Written statement:** a written statement made by a professional fund-raiser or commercial participator in accordance with section 60(5) of the 1992 Act.

1. Introduction

1.1 [Part 2 of the 1992 Act](#) and the [1994 Regulations](#) control professional fund-raising, commercial participation and certain other forms of fund-raising in England and Wales. Part 2 of the 1992 Act applies to fund-raising for the benefit of particular charitable institutions or for charitable etc. purposes.

1.2 Under the 1992 Act, professional fund-raisers and commercial participators involved in fund-raising for the benefit of a particular charitable institution or institutions must have an agreement in place with the relevant charitable institution(s) which complies with specific legal requirements.

1.3 The 1992 Act also places requirements on professional fund-raisers and commercial participators which are intended to ensure that:

- potential donors to whom professional fund-raisers make appeals; and
- potential purchasers of commercial participators' goods or services,

are given, before they make their decision whether or not to donate or purchase, a fair indication of the extent to which charitable institutions or charitable etc. purposes will benefit from the transaction.


1.4 These provisions operate by requiring professional fund-raisers and commercial participators to make solicitation statements to potential donors. In the case of professional fund-raisers the statement in part concerns their remuneration in relation to the appeal and was originally intended to give potential donors some idea of the amount or proportion of their donation that would go towards paying for the services of the professional fund-raiser. In the case of commercial participators the statement in part concerns the amount that the charitable institution is likely to receive from the relevant promotional venture.

1.5 However, it was found (see Strategy Unit (SU) Report '*Private Action, Public benefit- A review of Charities and the Wider Not-For-Profit Sector*', September 2002) that the statements that were required to be made about the extent to which a particular cause would benefit from a promotion were not specific enough. The SU took the view that Part 2 of the 1992 Act as originally enacted appeared to allow very general statements. This meant that there was a lack of transparency. The SU Report recommended that Part 2 of the 1992 Act be amended to require a more specific statement of the return that would be made for charitable etc purposes from promotional ventures. The government accepted this recommendation.

1.6 Consequently, the 2006 Act made some important changes to Part 2 of the 1992 Act. In particular it amended the requirements relating to the solicitation statements that must be made by professional fund-raisers and commercial participators to ensure that they are sufficiently informative for the public to make informed decisions. These amendments came into force on **1 April 2008**. Any solicitation statement made on or after that date by a professional fund-raiser or commercial participator must comply with the new requirements. Chapters 2, 3 and 5 and the Annexes deal with the provisions of Part 2 of the 1992 Act which apply to professional fund-raisers and commercial participators.

1.7 In addition, the 2006 Act amended Part 2 of the 1992 Act so as to require, for the first time, a solicitation statement to be provided by charity officers in certain circumstances. Chapter 4 briefly deals with these requirements. A separate more detailed guidance specifically for charity officers is also available.

1.8 A requirement to provide a statement is also imposed on persons who are not professional fund-raisers or commercial participators but who in the course of their normal business activity engage in a promotional venture in the



course of which it is represented that charitable contributions (defined in section 58(1)) are to be applied for charitable etc. purposes rather than for the benefit of particular charitable institutions (regulation 7 of the [1994 Regulations](#)).

1.9 The requirements that such a statement had to comply with were consistent with the requirements imposed on commercial participators under section 60 of the 1992 Act before it was amended by the 2006 Act. We, therefore, propose to amend regulation 7 of the 1994 Regulations to bring it into line with the revised requirements that apply to commercial participators. We will provide more information about these changes on our website http://www.cabinetoffice.gov.uk/third_sector.aspx

2. PROFESSIONAL FUNDRAISER

2.1 What is a 'professional fund-raiser'?

- 2.1.1** Professional fund-raiser is defined for the purposes of Part 2 of the 1992 Act (section [58\(1\) of the 1992 Act](#)). Only people falling within this definition are required to comply with the provisions of Part 2 of the 1992 Act that apply to professional fund-raisers.
- 2.1.2** The definition of professional fund-raiser covers two broad categories. The first covers any person carrying on a fund-raising business. Charitable institutions and companies connected with such institutions **do not** fall within this category.
- 2.1.3** The second category covers any other person who:
- (a) for reward **solicits** money or other property for the benefit of a charitable institution **but does not do so** in the course a fund-raising venture undertaken by a person mentioned in paragraph 2.1.2; **and**
 - (b) is not specifically excluded from the category.

Section 2.5 provides guidance on the meaning of "solicit".

- 2.1.4** The following are specifically excluded from the second category of professional fund-raiser:
- any charitable institution or company connected with such an institution;
 - any officer or employee of a charitable institution who is acting in his capacity as such an officer or employee;
 - any officer or employee of a company connected with a charitable institution who is acting in his capacity as such an officer or employee;
 - any trustee of a charitable institution acting in his capacity as such a trustee;
 - any person who is acting as a collector in respect of a public charitable collection **and** is not treated as a promoter of that collection. Part 3 of the 2006 Act defines "public charitable collection" and sets out who is to be regarded as a collector and a promoter in relation to such a collection (sections 45 to 47 of the 2006 Act);
 - any person who makes a solicitation during the course of a relevant programme at the instance of the relevant institution or connected company. A "relevant programme" is a radio or television programme (as defined in section 58 of the 1992 Act) in the course of which a fund-raising venture is undertaken by a charitable institution or a company connected with such an institution;
 - any commercial participator; and
 - any person who receives remuneration below the remuneration threshold.

2.1.5 A person ("P"), who is soliciting money or other property for the benefit of charitable institution B, receives remuneration below the remuneration threshold if:

- P receives remuneration of £500 or less in connection with any fund-raising venture in the course of which P solicits money or other property for B; **or**
- P receives remuneration of not more than £5 per day or £500 per year in connection with soliciting money or other property for B.

2.1.6 The amounts of remuneration referred to in paragraph 2.1.5 have been reviewed by the Office of the Third Sector and the Charity Commission as part of the Financial Thresholds in the Charities Acts - proposals for change

(http://www.cabinetoffice.gov.uk/third_sector/Consultations/completed_consultations/financial_thresholds_charities_act.aspx). In its response to the Review, the Office of the Third Sector has made clear its intention to amend the remuneration thresholds so P will be excluded from the second category if:

- P receives remuneration of £1,000 or less in connection with any fund-raising venture in the course of which P solicits money or other property for B; **or**
- P is paid not more than £10 per day or £1,000 per year in connection with soliciting money or other property for B.

It is anticipated that the amendments to the relevant provisions of Part 2 of the 1992 Act will have been made by 1 April 2009.

2.2 Some examples of professional fundraiser arrangements

- I. **Charity employing a fundraising business to sign up direct debit donation** - a charity engages a company that carries on a fund-raising business and which is not connected to it, to recruit new donors for the charity by stopping people on the high street and persuading them to sign direct debit mandates for monthly donations to the charity. The charity agrees to pay the company £50 for each new donor recruited in this way, regardless of the monthly amount each donor agrees to give.
- II. **Charity engaging a professional fundraiser to make applications to grant making trusts and appealing to corporate donors** - a charitable institution engages a professional fund-raiser to raise a target amount for the charitable institution within a year by applying to grant-making trusts, appealing to corporate donors etc. The charitable institution agrees to pay the person £5,000 plus 10% of the amount he raises;
- III. **Charity employing a consultant to develop and implement a fundraising strategy which includes asking for donations** - a charitable institution engages a consultant to prepare a strategy for raising money for the charitable institution from corporate donors, and to help the charity to implement the strategy. The charity agrees to pay the consultant a fee of £10,000 for the work, in the course of which the consultant forms part of the charity's team making presentations to corporate executives with a view to persuading them to donate to the charity.
However, if the consultant was only employed to develop the strategy and was not involved directly in asking for donations, he or she may not be a professional fundraiser. The actual nature of the activities of the consultant will need to be examined carefully to determine whether he or she is a professional fund-raiser.
- IV. **Charity using a telemarketing agency to sign up new supporters**-a charitable institution engages an agency to sign-up 500 new supporters over the telephone to regular committed giving through direct-debit. The charitable institution agrees to pay the agency £50 per new supporter.

2.3 What is a 'professional fund-raiser' required to do?

2.3.1 Where a professional fund-raiser solicits money or other property for the benefit of one or more charitable institutions, or for charitable etc. purposes, the professional fund-raiser must make a **solicitation statement**.

2.3.2 This statement is intended to give potential donors a fair indication of the extent to which the relevant institution or charitable purposes will benefit from the appeal. The statement must satisfy certain requirements and more detailed guidance is provided on these requirements in section 2.6.

2.3.3. In addition, if a professional fund-raiser is soliciting money or other property **for the benefit of one or more charitable institution**, the professional fund-raiser must do so only in accordance with an agreement made with those institutions. This agreement must satisfy specific requirements. Section 2.4 sets out what these requirements are.

2.3.4 It is unlawful for a professional fund-raiser to solicit money or other property for the benefit of a charitable institution in the absence of such an agreement or in breach of any such agreement. Part 2 of the 1992 Act enables the relevant charitable institution to apply for an injunction to restrain any contravention of these requirements by a professional fund-raiser.

2.3.5 No such agreement is required where a professional fund-raiser is soliciting money or other property for charitable etc. purposes **only**. It is recommended, however, that charitable fund-raising is undertaken for specific charitable institutions rather than general charitable etc purposes. The public are warned to be more cautious in responding to appeals for general charitable purposes. In addition, those holding money given in response to such appeals may have a duty in law as trustees of charitable funds, and may be subject to the supervision and control of the Charity Commission.

2.3.6 A professional fund-raiser must also make books and other documents available to charitable institutions and transmit property to such institutions in accordance with the 1994 Regulations. Guidance on these requirements is provided in Chapter 5.

2.4 Agreements between charitable institutions and professional fund-raisers

2.4.1 [Section 59 of the 1992 Act](#) prohibits professional fund-raising for the benefit of charitable institutions otherwise than in accordance with an agreement with the charitable institutions concerned. This agreement must satisfy the requirements prescribed in regulation 2 of the [1994 Regulations](#). This regulation sets out the minimum requirements that the agreement between the charitable institution(s) and the professional fund-raiser must satisfy. Institutions and fund-raisers may wish to include additional provisions in the relevant agreement.

2.4.2 The requirements that an agreement between a charitable institution and a professional fund-raiser **must** satisfy are:

- it must be in writing;
- it must be signed by, or on behalf of, the charitable institution and the professional fund-raiser;
- it must specify:
 - ❖ the name and address of each of the parties to it;
 - ❖ the date on which it was signed by or on behalf of those parties;
 - ❖ the period for which it will subsist;
 - ❖ any terms relating to its termination or variation before the date on which that period is due to expire;
- it must contain a statement of its principal objectives and methods to be used in pursuit of those objectives;
- if more than one charitable institution is a party to the agreement, it must contain a provision setting out how the proportion in which each of the institutions is to benefit under the agreement is to be determined; and
- it must contain a provision as to the amount of remuneration or expenses that the professional fund-raiser is entitled to receive in respect of the things he does in pursuance of the agreement and how that amount is to be determined.

2.4.3 An agreement which does not satisfy these requirements is not enforceable by a professional fund-raiser against a charitable institution without a court order.

2.4.4 A professional fund-raiser is not entitled to receive any remuneration or expenses in respect of anything done in pursuance of an agreement with a charitable institution or institutions unless he is entitled to that remuneration or those expenses under the agreement **and** either:

- a. the agreement satisfies all of the other requirements set out above; or
- b. a court order gives effect to the relevant provision.

2.5 What does solicit mean?

- 2.5.1 An advertisement placed in a newspaper asking for donations in support of a particular campaign or a person standing in the street asking passers-by to donate money in support of a particular charity are examples of 'solicitations' for the purposes of Part 2 of the 1992 Act.
- 2.5.2 The term **solicit** is broadly defined (section 58(6)). It means to solicit in any manner, whether expressly or impliedly, and however done. It covers, for example, not only face to face and telephone appeals but also fund-raising using a website. "Solicitation" is to be interpreted in accordance with the broad definition of "solicit".
- 2.5.3 If a professional fund-raiser solicits (or otherwise procures) money or other property, it is irrelevant whether or not any consideration is, or is to be given, in return for the money or property donated.
- 2.5.4 The definition of solicit is further expanded by section 58(7) of the 1992 Act by treating certain persons as soliciting money or other property who would not otherwise be so regarded. A person to whom this provision applies may, therefore, be a professional fund-raiser. Whether such a person is in fact a professional fund-raiser will depend on whether he falls within the definition in section 58 of the 1992 Act.
- 2.5.5 Section 58(7) applies where a person ("P") makes arrangements with a charitable institution for the solicitation of money or other property for the benefit of that institution **and** under those arrangements P is to be responsible for receiving money or other property given in response to solicitations made for the benefit of the institution. For example, if a charity plans to carry out an appeal and makes arrangements with 'A' that 'A' will receive donations from the appeal on its behalf, crediting cheques temporarily to 'A's' account **and** the charity then invites (e.g. by direct mail, press or television appeal) donations to be made via that route, 'A' will be regarded as soliciting money for the charity's benefit. 'A' will be a professional fund-raiser if he falls within one of the two categories mentioned in paragraphs 2.1.2 and 2.1.3.
- 2.4.5 If A is in fact a professional fund-raiser, Part 2 of 1992 Act and the 1994 Regulations (e.g. on agreements, transmission of money and rights of access) will apply. The requirements in section 60 in relation to solicitation statements will also apply. However, since 'A' would not directly control the material reaching potential donors, 'A' must ensure that the agreement it has with the charitable institution ensures that a suitable statement will accompany any relevant solicitation.

2.6 What is a solicitation statement for professional fund-raisers?

- 2.6.1 Where a professional fund-raiser makes a solicitation for money or other property **for the benefit of one or more charitable institutions**, that solicitation must be accompanied by a statement that meets the requirements in section 60(1) of the 1992 Act.
- 2.6.2 The solicitation statement made by the professional fund-raiser must indicate:
 - a. the name(s) of the institution(s) for whom they are fund-raising;
 - b. if there is more than one charitable institution that will benefit from the appeal, the proportions in which the institutions are respectively to benefit
 - c. how their remuneration in connection with the **appeal** is to be calculated;
 - and**
 - d. the "**notifiable amount**" of that remuneration.
- 2.6.3 Where a professional fund-raiser makes a solicitation for money or other property **for charitable etc. purposes**, that solicitation must be accompanied by a statement that meets the requirements in section 60(2) of the 1992 Act.

- 2.6.4** The solicitation statement made by the professional fund-raiser must indicate:
- that they are fund-raising for the relevant charitable etc. purposes and not for the benefit of particular institutions;
 - the method by which it will be determined how the proceeds of the **appeal** are to be distributed to different charitable institutions;
 - the method by which the professional fund-raiser's remuneration in connection with the **appeal** is to be calculated; and
 - the "**notifiable amount**" of that remuneration.
- 2.6.5** The requirement to include a "**notifiable amount**" is new. Section 2.8 below explains what is meant by notifiable amount.
- 2.6.6** When soliciting for donations, employees of a professional fund-raiser would have to provide a statement about the remuneration of their employer in connection with the appeal, not the remuneration they receive from the professional fund-raiser as their employer.
- 2.6.7** Failure to comply with the requirements set out above is an offence. Any professional fund-raiser found guilty of such an offence is liable to a fine of up to £5,000. It is a defence for a professional fund-raiser charged with such an offence to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.
- 2.6.8** Additional information will need to be included in the solicitation statement if the professional fund-raiser makes the relevant solicitation in the course of a radio or television programme or it is made by a professional fund-raiser otherwise than face to face with the potential donors. Section 2.10 below deals with these additional requirements.
- 2.6.9** Provided that a professional fund-raiser complies with the requirements set out above and, if they apply, the additional requirements set out in section **2.10**, there is nothing to prevent him including additional information in the statement to assist the donor in making a decision as to whether or not to make a donation. For example, a professional fund-raiser may wish to explain how much money a charity expects an appeal to generate or an additional breakdown of the anticipated costs and benefits of the appeal. Annex B suggests additional information that professional fund-raisers may wish to include in their solicitation statements.

2.7 What is an appeal?

- 2.7.1** An **appeal**, in relation to any solicitation made by a professional fund-raiser, has the specific meaning given by section [60\(10\) of the 1992 Act](#). In this context, an "appeal" is the campaign or other fund-raising venture in the course of which the relevant solicitation is made.
- 2.7.2** Campaigns and other fund-raising ventures can be varied and may, for example, be limited geographically, regionally, in time or theme-based. In order to be able to comply properly with law, each charity and professional fund-raiser will need to be clear about the particular 'appeal' for which they are raising funds and the arrangements that are in place in connection with that appeal.

2.8 What is a "notifiable amount"?

- 2.8.1** From 1 April 2008, all professional fund-raisers have been required to set out in their solicitation statements the **notifiable amount** of their remuneration.
- 2.8.2** The **notifiable amount** is:

(a) if it is known at the time the solicitation statement is made, the actual amount of remuneration that the professional fund-raiser will receive in connection with the appeal; or

(b) if the actual amount is not known at the time the solicitation statement is made, an estimated amount of that remuneration. This estimate must be calculated as accurately as is reasonably possible in the circumstances (section 60(3A) of the Charities Act 1992).

2.8.3 There is no requirement in Part 2 of the 1992 Act that the professional fund-raiser state in the solicitation statement whether he is giving the actual amount of his remuneration or an estimate. However, it is recommended that, as a matter of good practice, professional fund-raisers make clear in their solicitation statement whether the **notifiable amount** given is the actual amount of remuneration that the fund-raiser will receive or an estimated amount.

2.8.4 The requirement to provide **the notifiable amount** means, for example, that where a professional fund-raiser is to be paid a fixed fee for working on the appeal which has been agreed prior to the start of the appeal, the professional fund-raiser has to state:

- a) the fixed fee; **and**
- b) the method by which this fixed fee has been calculated.

The statutory requirements will not be met if the professional fund-raiser makes a statement indicating how the fixed fee has been calculated but not indicating the amount of the fee.

2.8.5 If a professional fund-raiser is being paid on a daily or hourly rate and the time the fund-raiser is likely to work on the campaign is variable depending on the requirements of the campaign (i.e. it is not known at the outset exactly how many days or hours the fund-raiser will be required to work) then the fund-raiser must:

- a) state their daily or hourly rate; **and**
- b) provide an estimate of the total amount of their remuneration. This estimate should be as accurate as is reasonably possible in the circumstances.

2.8.6 As the requirement is to provide the notifiable amount at the time the solicitation statement is made, any estimate of remuneration given must be calculated as accurately as reasonably possible at that time. Professional fund-raisers should, therefore, keep estimated figures under review to ensure the figures given are in fact a notifiable amount.

2.9 How should a solicitation statement be made?

2.9.1 A solicitation statement must **accompany** each solicitation made by a professional fund-raiser. That means it must be made with the solicitation and prior to the donation being given.

2.9.2 There is generally **no** statutory requirement as to the form the statement must take. For example, the solicitation statement does not have to be made in writing. Despite the absence of such a general requirement, circumstances may require the solicitation statement to be made in a particular manner. For example, a solicitation statement could not be made in writing when making a telephone appeal because the written statement would not be available to the potential donor when the solicitation was made and prior any donation being made.

2.9.3 There are, however, circumstances in which a **written statement** must be provided in addition to a solicitation statement being made orally by a professional fund-raiser (section [60\(5\) of the 1992 Act](#)). A written statement

is required where:

- a) the solicitation has been made orally but has **not** been made:
 - i. by speaking directly to the person to whom it is addressed and in that person's presence; **or**
 - ii. in the course of a radio or television programme **and**
- b) in response to the solicitation, the donor has made a payment of £50 or more.

This written statement must be given within seven days of the relevant payment being made. Section 2.10 below provides further guidance in relation to these statements.

- 2.9.4 The £50 threshold mentioned above was included in the "Financial Thresholds in the Charities Acts - proposals for change" consultation - carried out by the Office of the Third Sector and the Charity Commission: (http://www.cabinetoffice.gov.uk/third_sector/Consultations/completed_consultations/financial_thresholds_charities_act.aspx).

In its response to the Review, the Office of the Third Sector has made clear its intention to amend this threshold so that a written statement is only required to be sent to donors making payments of £100 or more. It is expected that this threshold will have been amended by 1st April 2009.

2.10 Additional information requirements - telephone fund-raising and broadcast appeals

2.10.1 Where a professional fund-raiser solicits money or property otherwise than face to face with the potential donor, the fund-raiser may have:

- a) to provide additional information in his solicitation statement; **and / or**
- b) to provide a written solicitation statement in addition to the solicitation statement he has made already.

This section of the guidance sets out when these additional requirements apply, what the requirements are and the consequences of failure to comply with them.

2.10.2 Broadcast appeals: where a solicitation of money or other property is made by a professional fund-raiser:

- in the course of a radio or television programme; **and**
- in association with an announcement to the effect that payments, in response that solicitation, can be made by debit or credit card,

the solicitation statement made by the fund-raiser **must** include full details of the donor's **right to a refund, under section 61(1) of the 1992 Act**, of any payment of £50 or more (section 60 of the 1992 Act). Section 2.11 below provides guidance on rights of refund.

2.10.3 Professional fund-raisers will wish to be aware that, where they undertake a fund-raising venture in the course of a radio or television programme and in the course of that programme **another person** makes a solicitation at their instance, the solicitation is treated as having been made by the professional fund-raiser. This is the case whether or not the other person receives a reward for making the solicitation. This means, for example, in cases where a celebrity is paid for fronting an advert or voiceover and at the instance of a professional fund-raiser solicits money or other property for the benefit of a charity, that solicitation is treated as made by the professional fund-raiser (see also the definition of "professional-fund-raiser in section 2.1 above) not the celebrity.

2.10.4 It is an offence for a professional fund-raiser to fail to include the additional information in his solicitation statement. A professional fund-raiser found guilty of this offence is liable to a fine of up to £5,000. It is a defence for a fund-raiser charged with this offence to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

2.10.5 Telephone fund-raising: if a professional fund-raiser makes a solicitation for money or other property:

- orally; **but**
- not either:
 - ❖ by speaking directly to the potential donor or donors to whom it is addressed and in his or their presence; or
 - ❖ in the course of a television or radio programme,

he **must** give a written statement to any person who makes any payment of £50 or more in response to that solicitation.

2.10.6 The written statement **must**:

- contain all the information required to be included in the solicitation statement;
- give the donor full details of his right to cancel, under section 61(2) of the 1992 Act, an agreement made in response to the solicitation;
- give the donor full details of his right to a refund under section 61(2) or (3) of the 1992 Act; and
- be given to the donor within seven days of his payment being made.

Section 2.11 gives guidance on the donor's rights to a refund or to cancel an agreement.

2.10.7 Specific rules apply for the purpose of determining when a payment has been made by a donor:

- if the payment is made by the donor in person, the payment is treated as made at the time it is made by the donor;
- if the donor sends the payment by post, the payment is treated as made at the time when it is posted; and
- if the donor makes the payment by giving by phone or means of other electronic communication apparatus, authority for an account to be debited with the payment, it is regarded as being made at the time when that authority was given.

2.10.8 It is an offence for a professional fund-raiser to fail to comply with the requirement to provide the statement, to provide a statement which does not include all of the required information or to fail to provide the statement within the relevant seven day period. A professional fund-raiser found guilty of such an offence is liable to a fine of up to £5,000. It is a defence for a fund-raiser charged with any such offence to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

2.10.9 Professional fund-raisers will wish to be aware that the Office of the Third Sector are proposing to increase the payment thresholds mentioned above from £50 to £100 (see:

http://www.cabinetoffice.gov.uk/third_sector/Consultations/completed_consultations/financial_thresholds_charities_act.aspx]

This will mean that in future a written statement will only need to be given to relevant donors making payments of £100 or more. In addition, the information given in connection with broadcast appeals will need to deal with the right to a refund of relevant payments of £100 or more. The amendments to the 1992 Act are expected to be made by 1 April 2009.

2.11 Donor's right to a refund or to cancel an agreement

2.11.1 A donor is in most cases entitled to a refund from a professional fund-raiser if:

- he makes a **payment of £50 or more** in response to a solicitation made by that fund-raiser **during a radio or television programme**;
- he **makes the payment by credit or debit card**; and
- he serves on that fund-raiser, within seven days of the solicitation being made, **written notice of his intention to cancel** that payment (section 61(1) of the 1992 Act).

2.11.2 A donor who wishes to obtain a refund must return any goods received in return for the payment. However, if the donor made the payment in respect of services that have already been supplied to him at the time when he serves his notice of intention, he is **not** entitled to a refund. The service of a notice of intention to cancel by the donor also does not affect any payment to be made for services already received by the donor at the time that notice is served.

2.11.3 Where a donor is entitled to a refund, the amount that must be refunded by the relevant professional fund-raiser is:

- the amount of the payment made; **less**
- any administrative expenses reasonably incurred by the relevant fund-raiser in connection with the making of the refund.

2.11.4 An identical right of refund exists where a donor:

- makes **any payment of £50 or more** but does not enter into an agreement mentioned in paragraph 2.11.5 below;
- makes that payment in response to a **solicitation made by a professional fund-raiser otherwise than: (i) face to face; or (ii) in the course of a radio or television programme;** and
- **serves** on that professional fund-raiser, within seven days of being given a **written statement, written notice of his intention to cancel** that payment (section 61(3) of the 1992 Act).

2.11.5 If a donor:

- enters into an **agreement** with a professional fund-raiser under which the donor is, or may be liable, to make **any payment of at least £50 or, as the case may be, payments totalling at least £50; and**
- the donor has entered into that agreement **in response to a solicitation made by a professional fund-raiser otherwise than: (i) face to face; or (ii) during the course of a radio or television programme,**

the donor **may** be able to cancel that agreement **and** obtain a refund from the professional fund-raiser.

2.11.6 To cancel the agreement, the donor must serve written notice of his intention to cancel on the relevant fund-raiser within seven days of being given the **written statement** by that fund-raiser. If the donor does so, the agreement is cancelled on the date on which the notice is served on the professional fund-raiser. Service of the notice also cancels the liability of any person, other than the donor, in connection with the making of any payment or payments under the agreement (section 61(2) of the 1992 Act).

2.11.7 If a donor serves such a notice, he is also in most cases entitled to a refund in respect of any payment of £50 or more made by him under the agreement. A donor who wishes to obtain a refund must, however, return any goods received in return for the payment. If the donor has made the payment in respect of services that have already been supplied to him at the time when he serves his notice of intention, he is **not** entitled to a refund. The service of such a notice also does not affect any payment to be made for services already received by the donor at the time the notice is served.

2.11.8 The amount that must be refunded to the donor by the relevant professional fund-raiser is:

- the amount of the payment; **less**
- any administrative expenses reasonably incurred by the fund-raiser in dealing with the notice of cancellation served by the donor.

2.11.9 The Office of the Third Sector are proposing, following the consultation [http://www.cabinetoffice.gov.uk/third_sector/Consultations/completed_consultations/financial_thresholds_charities_act.aspx] to increase the payment thresholds mentioned above from £50 to £100. This means that only relevant donors who make, or are liable to make, payments of £100 or more will be entitled to a refund, or have a right of cancellation, under section 61 of the 1992 Act. These amendments to the 1992 Act are expected to be made by 1 April 2009.

2.12 What about prospecting or two-step fundraising?

- 2.12.1** As the fundraising market matures, increasingly charities and professional fund-raisers are developing new ways of raising funds. A recent phenomenon has been the increase in 'prospecting' where fund-raisers ask donors to support a charity by providing their names and addresses to that charity. The charity **itself** may then often (and sometimes quite shortly afterwards) contact those donors who have provided their names and addresses with an opportunity to get involved in the charity's work. This could include, for example, volunteering or donating money. Alternatively the second approach for a donation may be made by the professional fund-raiser.
- 2.12.2** Under Part 2 of the 1992 Act, a professional fund-raiser is required to make a **solicitation statement** only when he solicits **money or other property** for the benefit of a charitable institution or for charitable etc. purposes. In our view, a request **only** for contact details, such as name, address and telephone number, would **not** be a solicitation of money or other property for the purposes of Part 2 of the 1992 Act. Consequently, it is also our view that a professional fund-raiser would not be required to make a solicitation statement when asking a potential donor to provide contact details **only**. **However**, a solicitation statement will be required from any professional fund-raiser who subsequently contacts any person who has given their contact details **and** asks that person to donate money or other property for the benefit of the relevant institution or to be applied for charitable etc. purposes.
- 2.12.4** Part 2 of the 1992 Act will not apply to a subsequent request for a donation of money or other property made by the charitable institution itself or a company connected with any such institution.

3. COMMERCIAL PARTICIPATOR

3.1 What is a 'commercial participator'?

3.1.1 "Commercial Participator" is defined in section [58\(1\) of the 1992 Act](#). The definition has not been changed by the 2006 Act.

3.1.2 A person ("A") is a **commercial participator** in relation to a charitable institution ("B") if A:

(a) is not a company connected with B;

(b) carries on for gain a business which is not a **fund-raising business**; and

(c) in the course of the business mentioned in (b) engages in a promotional venture in which it is represented that charitable contributions are to be given or applied for **the benefit of B**.

Therefore A **will not** be a commercial participator if A represents that charitable contributions are to be applied for charitable etc. purposes, rather than a specific charitable institution.

3.1.3 **Charitable contributions** are, in relation to any representation made by a commercial participator ("CP"):

(a) the whole or part of the payment given for goods or services sold or supplied by a CP;

(b) the whole or part of any other proceeds of a promotional venture undertaken by a CP; or

(c) sums to be given by CP by way of donation in connection with the sale or supply of any goods or services by him. For this purpose it does not matter how the CP calculates the amount of the donations to be made.

3.1.4 A high-street card shop would, for example, be a commercial participator when it sells its own brand of Christmas card with a statement on the pack that a charitable institution - say, a particular children's charity - will receive a proportion of the profit, or a specific amount, from the sale of each pack of cards. However, if the high-street card shop sold its own brand of Christmas cards with a statement on the pack that the "profits would be used to help needy children", it would not be a commercial participator. The shop would, however, need to consider whether regulation 7 of the 1994 Regulations applied to it (see section 3.6 below).

3.2 Some examples of commercial participator arrangements

(i) **A cereal manufacturer using a charity logo to promote a particular cereal** - a charitable institution allows its name and logo to be used by a manufacturer of breakfast cereal to promote a particular cereal. The manufacturer agrees to give the charitable institution 1p for every packet of endorsed cereal sold. The manufacturer represents in advertisements and on the cereal packets that 1p from the sale of each packet of the cereal will be donated to the charitable institution;

(ii) **A stationery retailer selling Christmas cards using a charity logo and its name** - a charitable institution allows a stationery retailer to use its name and logo on Christmas cards. The retailer pays all the production costs of the cards and agrees to pay the charitable institution 25% of its profits on total sales of the cards. The retailer represents that a proportion of the proceeds from the sales of the cards will be given to the charitable institution;

- (iii) **House to House clothing collections** - a company collects old clothes by going from house to house. It intends to sell collected clothes in bulk for profit and agrees with a charitable institution that, in return for permission to use the charitable institution's name on its leaflets as an incentive to householders to contribute, it will pay the charitable institution £300 per tonne of clothes collected. The company represents on its leaflets that it will donate £300 per tonne of clothes collected to the charitable institution;
- (i) **A charity event** - an event-organising company agrees to stage a ball for a charitable institution. The company agrees to pay all the expenses of organising the ball and to give all the profits (ticket sales less expenses) to the charitable institution. The event organising company makes representations to members of the public that all profits of the event will be donated to the charitable institution;
- (ii) **A Bank using a charitable institution's name and logo to promote 'affinity' credit card** - a bank enters into an agreement with a charitable institution for an "affinity" credit card. The bank uses the charitable institution's name and logo in its marketing of the credit card and agrees to pay the charitable institution £3 for every card account opened by a consumer plus £1 for every £100 spent by the consumer using the card. The bank tells customers who are considering applying for a credit card about the affinity card and of the donations it will make to the charitable institution if the card account is opened and for money spent using the card;

3.3 What is a 'commercial participator' required to do?

- 3.3.1 Where a commercial participator represents that charitable contributions will be given to or applied for the benefit of one or more charitable institutions, that representation must be accompanied by a solicitation statement satisfying the requirements in section 60(3).
- 3.3.2 This statement must clearly indicate:
 - which charitable institution(s) will benefit from the promotional venture;
 - if there is more than one institution concerned, the proportions in which the institutions are respectively to benefit; and
 - the **notifiable amount** of the relevant sum (section 60(3)(c)). Section 3.8 below explains what the notifiable amount is.
- 3.3.3 Under [Part 2 of the Charities Act 1992 \(section 59\(2\)\)](#), a commercial participator must also have entered into an agreement with the charitable institution for whom it is to be represented that charitable contributions are to be given or applied before any relevant representation is made.
- 3.3.4 A commercial participator must also make books and other documents available to charitable institutions and transmit property to such institutions in accordance with the 1994 Regulations. Guidance on these requirements is provided in Chapter 5.

3.4 What are the legal requirements relating to written agreements between a charitable institution and commercial participator?

- 3.4.1 [Section 59 of the 1992 Act](#) prohibits fund-raising by commercial participators for the benefit of particular charitable institutions otherwise than in accordance with a written agreement with the charitable institutions concerned. Regulation 3 of the [1994 Regulations](#) sets out the minimum legal requirements that the agreement between the charitable institutions and the commercial participator must satisfy. These requirements are:

- it must be in writing;
- it must be signed by or on behalf of the charitable institution and the commercial participator;
- it must specify:
 - ❖ the name and address of each of the parties to it;
 - ❖ the date on which it was signed by or on behalf of those parties;
 - ❖ the period for which it will subsist;
 - ❖ any terms relating to its termination or variation before the date on which that period is due to expire; and
- it must contain a statement of its principal objectives and methods to be used in pursuit of those objectives. This statement must make clear, in relation to each method, the types of charitable contributions that are to be given or applied for the benefit of the charitable institutions and the circumstances in which they are to be given or applied;
- it must contain provision to clarify the manner in which the following are to be determined:
 - ❖ if more than one charitable institution is party to the agreement, the proportion in which the institutions are to benefit under the agreement;; **and**
 - ❖ as relevant, either:
 - (i) the proportion of the consideration for goods or services sold or supplied by the commercial participator, or any other proceeds of the promotional venture undertaken by the commercial participator, to be applied for the benefit of the charitable institution; or
 - (ii) the sums by way of donations by the commercial participator in connection with the sale or supply of any goods or services supplied by him are to be given or applied for the benefit of the charitable institution;
- it must contain a provision relating to the amount of remuneration or expenses that the commercial participator is entitled to receive in respect of the things he does in pursuance of the agreement and how any such amount is to be determined. A commercial participator is not entitled to any remuneration or expenses if the agreement does not include the necessary provision (section 59(5) of the 1992 Act).

3.4.2 Consideration should always be given to what further detail it may be appropriate to specify in either type of agreement. Agreements are also subject to the general provisions of contract law, and other relevant law. The institution should ensure that agreements are signed only by trustees, or those suitably authorised to do so on their behalf, whether at the main office of the institution or its local branches.

3.4.3 Association with a charity can offer a powerful commercial advantage to a business: responsibility rests with the institution to safeguard its best interests by negotiating a sufficiently favourable and comprehensive agreement (or refusing one which is insufficiently favourable), and to consider with care the type of commercial venture it is associated with. It may also be advisable to seek suitable advice, for example from others with relevant business experience, or from lawyers, accountants or other professionals. This guidance contains a list of organisations issuing guidance or codes of practice which may be relevant.

- 3.4.4 Charitable appeals can be very successful, or they can generate less income and more expense than is projected. Before making any such agreement charitable institutions should therefore ask themselves: what is the balance of financial benefit for each of the parties (charitable and commercial)? Is a sufficiently competitive price being obtained for the use of this institution's name in this arrangement? What is the full extent of the possible risks, obligations, costs and other adverse consequences? Have commercial rights (e.g. copyright, trade marks, etc) to the institution's property been safeguarded? Do the proposed arrangements represent prudent use of the institution's name and resources? In summary, would the arrangements secure a fair deal for this institution and its beneficiaries? Would they enhance the reputation of this institution and of charitable fund-raising? If not, it may well be better not to agree to the proposed terms.
- 3.4.5 Any agreement between a charitable institution and a commercial participator which does not satisfy the requirements prescribed in regulation 3 of the 1994 Regulations is not enforceable by the commercial participator without a court order (section 59(4) of the 1992 Act). If the agreement provides for the commercial participator to be remunerated or receive expenses but does not otherwise comply with those requirements, a court order would have to be obtained by the commercial participator before it could receive any remuneration or expenses.

3.5 Are charitable institutions and companies connected to them covered by these requirements?

- 3.5.1 The provisions of the 1992 applying to professional fund-raisers and commercial participators do not apply to charitable institutions (see, however, chapter 4). Similarly these controls do not for the most part apply to a company connected with a charitable institution (see section [58\(5\) of the 1992 Act](#)).
- 3.5.2 Such a company cannot be a professional fund-raiser and is not a commercial participator if it represents that it will apply charitable contributions solely for the benefit of the institution or institutions to which it is connected. **However**, it may be a commercial participator if it makes similar representations in relation to a charitable institution that does not control it. For example, company A is controlled by charity 1 and charity 2. Company A carries on a card manufacturing business and represents on the packs of cards it makes that it will split all the profits it makes on the sale of those cards between charities 1 and 2. Company A would not be a commercial participator in relation to the representations it makes about donations to charities 1 and 2. However, if company A represents on new packs of cards that it will split the profits made on those cards between charities 1, 2 and 3, company A may be a commercial participator in relation to representations it makes about donations to charity 3..
- 3.5.3 However, the need for good practice in fund-raising by charities, other charitable institutions and connected companies is just as strong as it is for professional fund-raisers and commercial participators, including the need to have full regard to professional codes and other recommended practice. Whilst regard has to be had to the different circumstances where a charitable institution or its connected company undertakes direct fund-raising compared with fund-raising undertaken by professional fund-raisers or commercial participators, the Office of the Third Sector and (in relation to charities) the Charity Commission strongly recommend, as a matter of good practice and in so far as they are applicable, that these bodies follow the requirements that apply in relation to professional fund-raisers and commercial participators. For example, in providing statements in connection with solicitations and representations or having written agreements in place between the institution and connected company. Note, also, the important advice above to charitable institutions about the written agreements that they are considering entering into with professional fund-raisers or commercial participators.

3.6 Do the rules cover fund-raising for general charitable purposes rather than specific charitable institutions?

3.6.1 A person (who is not a professional fund-raiser) **will not** be a commercial participator if that person represents that charitable contributions will be applied for charitable etc. purposes, rather than be given to or applied for the benefit of particular charitable institutions. However, such a person may still be required to comply with the requirements of regulation 7 of the 1994 Regulations.

3.6.2 Regulation 7 of the 1994 Regulations applies to a person ("A") if:

- (a) A carries on for a gain a business which is not a fund-raising business; and
- (b) in the course of that business engages in a promotional venture in the course of which it is represented that charitable contributions are to be applied for charitable etc. purposes of any description, rather than for the benefit of particular charitable institutions.

"Charitable contributions" has the meaning set out in section 3.1 above.

3.6.3 If regulation 7 applies, A must ensure that each relevant representation is accompanied by a statement which clearly indicates:

- that the charitable contributions are to be applied for the relevant purposes and not for the benefit of any particular charitable institution(s);
- in general terms, the method by which it is to be determined:
 - ❖ what proportion of the consideration given for goods or services sold or supplied by A, or of any other proceeds of the promotional venture, is to be applied for those purposes; or
 - ❖ what sums by way of donation are to be applied by A in connection with the sale or supply of any such goods or services are to be so applied; and
- the method by which it is to be determined how the charitable contributions referred to in the representation are to be distributed between different charitable institutions.

3.6.4 It is an offence for a person to fail, without reasonable excuse, to provide such a statement or to provide a statement which does not comply with the requirements set out above. A person found guilty of such an offence is liable to a fine of up to £500.

3.6.5 The Office of the Third Sector are proposing to amend regulation 7 of the 1994 Regulations to ensure it is consistent with section 60 of the 1992 Act, as amended by the 2006 Act. This would mean that, in future, persons to whom regulation 7 applies would be required to provide a "notifiable amount" of the charitable contributions to be applied for charitable etc. purposes, rather than a general method of calculation. We are currently consulting on the proposed changes to the 1994 Regulations and, subject to the outcome of that consultation, hope to bring the amendments into force in early 2009. We will make public announcements before the amendments come into force and will also revise the text in this guidance to reflect any changes that are made.

3.6.6 Whilst appeals for charitable etc. purposes are not prohibited, it is recommended that fund-raising is undertaken for specific charitable institutions rather than general charitable etc. purposes. The public are warned to be more cautious in responding to appeals for general charitable purposes. In addition, those holding money given in response to such appeals may have a duty in law as trustees of charitable funds, and may be subject to the supervision and control of the Charity Commission.

3.7 What is a solicitation statement for commercial participators?

- 3.7.1** The 1992 Act requires commercial participators to make solicitation statements when representing that charitable contributions will be applied for the benefit of or given to charitable institutions. This statement must include information about the institutions that are to benefit and also the amount to be “donated” by the commercial participator.
- 3.7.2** The 2006 Act amended the requirements relating to the content of these statements to ensure that they are sufficiently informative for the public to make informed decisions. From 1 April 2008, in addition to indicating the institution or institutions that are to benefit and, where relevant, the proportions in which those institutions are to benefit, commercial participators have had to include the **notifiable amount** of charitable contributions to be given to or applied for the benefit of those institutions (section 60(3) of the 1992 Act, as amended by the 2006 Act).
- 3.7.3** This means that commercial participators now have to clearly indicate the **notifiable amount** of whichever of the following is applicable in the circumstances:
- the sum representing so much of the consideration given for goods or services sold or supplied by them that is to be given to or applied for the benefit of the institution(s) concerned;
 - the sum representing as much of any other proceeds of a promotional venture undertaken by them as is to be so given or applied; or
 - the sum of the donations by them in connection with the sale or supply of any such goods or services which are to be so given or supplied.

3.8 What is a “notifiable amount”?

- 3.8.1** The notifiable amount of a relevant sum of charitable contributions is:
- if it is known at the time the solicitation statement is made, the actual amount of that sum; or
 - if the actual amount is not known at that time, an estimated amount of that sum. This estimate must be calculated as accurately as is reasonably possible in the circumstances (section 60(3A) of the Charities Act 1992).
- 3.8.2** In our view, the requirement to provide the notifiable amount means that in practice any representation made by any commercial participator will be accompanied by a statement setting out:
- the amount of the price paid for each product or service by consumers which will be given to or applied for the benefit of the charitable institution(s) concerned. This might be a percentage or a precise amount, such as 10 pence, depending on the particular promotional venture;
 - the actual amount, or an estimate of the amount, of any other proceeds from a promotional venture that will be given to or applied for the benefit of the charitable institution(s) concerned; **or**
 - the actual amount, or an estimate of the amount, of the donations to be given by the commercial participator to the charitable institution in connection with the sale or supply of the relevant goods or services. The amount required to be stated will be determined by the particular venture. For example, a commercial participator intends to donate 50p to charity 1 for every customer that spends £20 or more in his shop in a particular month, it would be sufficient for the commercial participator to state the donation to

be made per customer. However, if the commercial participator intended to donate 2% of his profits for a particular month, he should give an estimate of the amount that he will actually donate at the end of the month.

The amount actually stated will of course depend on the particular promotional venture being undertaken by the commercial participator.

3.9 How should a solicitation statement be made?

- 3.9.1** The solicitation statement must **accompany** each representation made by a commercial participator. That means it must be made prior, for example, to the relevant purchase being made. If, for example, the representation is made on a general notice by a cash till, that notice could also contain the required solicitation statement.
- 3.9.2** There is generally no statutory requirement as to the form the statement must take. For example, the statement does not have to be made in writing.
- 3.9.3** However, specific statutory requirements do apply to the statement that is required to be made under [section 60\(5\) of the 1992 Act](#). Such a statement must be made in writing. A statement is required under section 60(5) where the representation has been made orally but not made by speaking directly to the person to whom it is addressed and in that person's presence or not made in the course of a radio or television programme.

3.10 Additional information requirements - telephone fund-raising and broadcast appeals

- 3.10.1** Where a commercial participator represents that charitable contributions will be given to or applied for the benefit of a charitable institution or institutions otherwise than face to face with the potential donor, the commercial participator may have:

- to provide additional information in his solicitation statement; **and/or**
- to provide a written statement in addition to the solicitation statement he has made already.

This section of the guidance sets out when these additional requirements apply, what the requirements are and the consequences of failure to comply with them.

- 3.10.2 Broadcast appeals:** where a representation is made by a commercial participator:

- in the course of a radio or telephone programme; **and**
- in association with an announcement to the effect that payments, in response to that representation, can be made by debit or credit card,

the solicitation statement made by the commercial participator **must** include full details of the donor's **right to a refund under section 61(1) of the 1992 Act** of any payment of £50 or more (section 60 of the 1992 Act). Section 3.11 below provides guidance on rights of refund.

- 3.10.3** It is an offence for a commercial participator to fail to provide this additional information in his solicitation statement. A commercial participator found guilty of this offence is liable to a fine of up to £5,000. It is a defence for a commercial participator charged with this offence to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

3.10.4 Telephone fund-raising: if a commercial participator makes a representation:

- orally; **but**
- not either:
 - ❖ by speaking directly to the potential donor or donors to whom it is addressed and in his or their presence; or
 - ❖ in the course of a television or radio programme,

he **must** give a written statement to any person who makes any payment of £50 or more in response to that representation.

3.10.5 The written statement must:

- contain all the information required to be included in the solicitation statement;
- give the donor full details of his right to cancel, under section 61(2) of the 1992 Act, an agreement made in response to the representation;
- give the donor full details of his right to a refund under section 61(2) or (3) of the 1992 Act; and
- be given to the donor within seven days of his payment being made.

Section 3.11 gives guidance on the donor's rights to a refund or to cancel an agreement.

3.10.6 Specific rules apply for the purpose of determining when a payment has been made by a donor:

- if the payment is made by the donor in person, the payment is treated as made at the time it is made by the donor;
- if the donor sends the payment by post, the payment is treated as made at the time when it is posted; and
- if the donor makes the payment by giving, by phone or means of other electronic communication apparatus, authority for an account to be debited with the payment, it is regarded as being made at the time when that authority was given.

3.10.7 It is an offence for a commercial participator to fail to comply with the requirement to provide the written statement, to provide a statement which does not include all of the required information or to fail to provide the written statement within the relevant seven day period. A commercial participator found guilty of such an offence is liable to a fine of up to £5,000. It is a defence for a commercial participator charged with any such offence to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

3.10.8 Commercial participators will wish to be aware that the Office of the Third Sector are proposing to increase the payment thresholds mentioned above from £50 to £100. (See; http://www.cabinetoffice.gov.uk/third_sector/Consultations/completed_consultations/financial_thresholds_charities_act.aspx)

This will mean that in future a written statement will only need to be given to relevant donors making payments of £100 or more. In addition, the information given in connection with broadcast appeals will need to deal with the right to a refund of relevant payments of £100 or more. The amendments to the 1992 Act are expected to be made by 1 April 2009.

3.11 Donor's right to a refund or to cancel an agreement

3.11.1 A donor is in most cases entitled to a refund from a commercial participator if:

- he makes a **payment of £50 or more** in response to a representation made by that commercial participator **during a radio or television programme**;
- he **makes the payment by credit or debit card**; and
- he serves on that commercial participator, within seven days of the representation being made, **written notice of his intention to cancel** that payment (section 61(1) of the 1992 Act).

3.11.2 A donor who wishes to obtain a refund must return any goods received in return for the payment. **However**, if the donor has made the payment in respect of services that have already been supplied to him at the time when he serves his notice of intention, he is **not** entitled to a refund. The service of a notice of intention to cancel by the donor also does not affect any payment to be made for services already received by the donor at the time that notice is served.

3.11.3 Where a donor is entitled to a refund, the amount that must be refunded by the relevant professional fund-raiser is:

- the amount of the payment; **less**
- any administrative expenses reasonably incurred by the relevant fund-raiser in connection with the making of the refund.

3.11.4 An identical right of refund exists where a donor:

- makes **any payment of £50 or more** but does not enter into an agreement mentioned in paragraph 3.11.5 below;
- makes that payment in response to a **representation made by a commercial participator otherwise than: (i) face to face; or (ii) in the course of a radio or television programme**; and
- **serves** on that commercial participator, within seven days of being given a **written statement, written notice of his intention to cancel** that payment (section 61(3) of the 1992 Act).

3.11.5 If a donor:

- enters into an **agreement** with a commercial participator under which the donor is, or may be liable, to make **any payment of at least £50 or, as the case may be, payments totalling at least £50**; and
- the donor has entered into that agreement **in response to a representation made by a commercial participator otherwise than: (i) face to face; or (ii) during the course of a radio or television programme**,

the donor **may** be able to cancel that agreement **and** obtain a refund from the commercial participator.

3.11.6 To cancel the agreement, the donor must serve written notice of his intention to cancel on the relevant commercial participator within seven days of being given the **written statement** by that participator. If the donor does so, the agreement is cancelled on the date on which the notice is served on the professional fund-raiser. Service of the notice also cancels the liability of any person, other than the donor, in connection with the making of any payment or payments under the agreement (section 61(2) of the 1992 Act).

3.11.7 If a donor serves a notice as mentioned in paragraph 3.11.6, he is in most cases entitled to a refund in respect of any payment of £50 or more made by him under the agreement. A donor who wishes to obtain a refund must return any goods received in return for the payment.. **However**, if the donor has made the payment in respect of services that have already been supplied to him at the time when he serves his notice of intention, he is not entitled to a refund. The service of such a notice also does not affect any payment to be made for services already received by the donor at the time the notice is served.

3.11.8 The amount that must be refunded to the donor by the relevant commercial participator is:

(a) the amount of the payment made; **less**

(b) any administrative expenses reasonably incurred by the participator in dealing with the notice of cancellation served by the donor.

3.11.9 Office of the Third Sector are proposing, following the http://www.cabinetoffice.gov.uk/third_sector/Consultations/completed_consultations/financial_thresholds_charities_act.aspx to increase the payment thresholds mentioned above from £50 to £100. These amendments to the 1992 Act are expected to be made by 1 April 2009.

3.12 What is 'representation'?

3.12.1 An advertisement placed on a product that five percent of the retail price of the product will be given to a particular charity is an example of 'representation' for the purposes of [Part 2 of the 1992 Act](#).

3.12.2 The term **represent** is broadly defined (section 58(6)) for the purposes of the 1992 Act. It means to represent in any manner, whether expressly or impliedly, and however done. It covers, for example, not only representations which are made face to face, via telephone appeals or in a radio programme but also statements on packaging and websites. "Representation" is to be interpreted in accordance with the broad definition of represent.

3.12.3 Given the broad definition of "represent" and "representation" particular care should be taken where the logo of a charitable institution is affixed to products not produced by, or associated with services not provided by, that institution or a company connected to it **but** no express statement is made that the charitable institution is to benefit as a result of sales of the product or service. Such action may, dependent on the particular facts of the case, be sufficient to constitute an implicit representation that charitable contributions are to be given to or applied for the benefit of the relevant charitable institution. If this is in fact the case, that representation must be accompanied by a solicitation statement satisfying the requirements discussed above. Failure to do so could result in prosecution. Charitable institutions and their commercial partners will, therefore, need to give careful consideration to this issue when entering into agreements concerning the use of the institution's logo.

4. CHARITY OFFICERS

4.1 Do charity officers have to make a solicitation statement?

4.1.1 The 2006 Act amended Part 2 of the Charities Act 1992 so that charity officers are, in certain circumstances, required to make statements when fund-raising ("fund-raising statements").

4.1.2 Since 1 April 2008 charity officers who:

(a) are working as collectors **in their capacity as charity officers**; and

(b) subject to the exception mentioned in paragraph 4.1.3, receive remuneration either in their capacity as a charity officer **or** for acting as a collector,

have been required to make a fund-raising statement when soliciting money or other property for the benefit of particular charitable institutions or for charitable etc. purposes.

4.1.3 The requirements mentioned in paragraph 4.1.2 **do not** apply to charity officers whose remuneration either as a charity officer **or** as a collector is below the earnings limit (sections 60A(7) and 60B(4) of the 1992 Act). The earnings limit is:

■ £5 per day; or £500 per annum; or

■ if paid in a lump sum, a lump sum of not more than £500.

The earnings limit has been reviewed by the Office of the Third Sector as part of http://www.cabinetoffice.gov.uk/third_sector/Consultations/completed_consultations/financial_thresholds_charities_act.aspx. It is intended to raise the limit to £10 per day and, for the annual amount and lump sum £1,000. These amendments are expected to come into force on 1 April 2009.

4.1.4 This exception means, for example, that a charity officer who is not paid either in that capacity or as a collector is **not** required to make a fund-raising statement.

4.1.5 The exact content of the fund-raising statements will vary slightly, depending on whether the collection is for named charitable institutions or for particular charitable etc purposes. Section 60A (4) and (5) of the 1992 Act set out the content of statements where collections are for named institutions and for charitable etc purposes respectively.

4.1.6 Some sample fund-raising statements have been included in Annex C.

5. OTHER RELEVANT MATTERS

5.1 What do the 1994 Regulations say about availability of books, documents or other records?

- 5.1.1 Professional fund-raisers or commercial participators who are parties to agreements made for the purposes of [section 59 of the 1992 Act](#) with charitable institutions are required to keep and to make available to the institution(s) concerned, on request and at all reasonable times, any books, documents or other records (however kept) which relate to that institution **and** kept for the purposes of the agreement (regulation 5 of the [1994 regulations](#)). Making available may include giving the charitable institution the ability to copy documents if desired, though not necessarily to remove them from the premises if this option is available. The right of access does not necessarily end when the agreement itself expires - provided the material is relevant to the agreement it may be requested within a reasonable period after the end of the agreement. Institutions should consider who should be authorised to make such a request, e.g. trustees only, or certain officers employed by the institution.

5.2 How should the money or other property be given to the charitable institution?

- 5.2.1 Any money (including cheques and other negotiable instruments) acquired by the professional fund-raiser or commercial participator for the benefit of the charitable institution is to be paid gross (without deduction of fees or expenses). It must be paid either to the person managing the institution, or into a bank or building society account under the control of that person and in the name or held on behalf of the institution, as soon as reasonably practicable after its receipt and in any event within 28 days or such other period as may be agreed. Property other than money must be dealt with in accordance with the institution's instructions and meanwhile must be kept securely. The proceeds of sale of property are treated as money received on behalf of the institution (regulation 6 of the 1994 Regulations). Any other property acquired by a professional fund-raiser or commercial participator for the benefit of the charitable institution must be dealt with in accordance with any instructions given for that purpose by the charitable institution. Any such property held pending those instructions, or held in accordance with such instructions, must be held securely by the fund-raiser or commercial participator.
- 5.2.2 These provisions apply not only to money or other property acquired in pursuance of an agreement with the charitable institution but also, by virtue of section 64(3) of the 1992 Act, to property acquired otherwise than in accordance with such an agreement and which is held on trust as a result of the solicitation or representation made by the professional fund-raiser or commercial participator.

5.3 Does the status of registered charity need to appear on documents?

- 5.3.1 Section 5 of the Charities Act 1993 states that it will be necessary for the status of a registered charity (other than a charity whose gross income in its last financial year did not exceed £10,000) to appear in all notices, advertisements and other documents issued by or on behalf of the charity and soliciting money or other property for the benefit of the charity. Failure to do so may be an offence.

5.4 What are the offences and penalties for non compliance?

- 5.4.1 Failure to comply with any of the provisions of the 1994 Regulations specified below is an offence punishable on summary conviction by a fine not exceeding level 2 on the standard scale (the present sum at this level is £500) (regulation 8):

- Regulation 5(1): making available at all reasonable times any books or records which relate to the

charitable institution.

- Regulation 6(2): the transmission of money or other property.
- Regulation 7(2): the statement required to be made by those who are not professional fund-raisers or commercial participators but who are nevertheless fund-raising for charitable, benevolent or philanthropic purposes.

5.4.2 Other offences are contained in Part 2 itself, which are punishable on summary conviction by a fine not exceeding level 5 on the standard scale (the present sum at this level is £5,000):

- Section 60: failure to comply with solicitation or written statement requirements;
- Section 63: soliciting funds or other property for an institution with a representation that it is a registered charity when it is not, unless the person can prove that he or she believed, on reasonable grounds, that the institution was a registered charity.

5.5 Can injunctions be taken out to prevent unauthorised fund-raising?

5.5.1 Part 2 of the 1992 Act contains provisions enabling charitable institutions to seek injunctions preventing unauthorised fund-raising on their behalf:

- where, on the application of a charitable institution, the court is satisfied that a commercial participator or professional fund-raiser is soliciting money or other property for that institution or making representations otherwise than in accordance with a prescribed agreement (i.e. an agreement which satisfies the requirements of regulation 2 or 3 of the [1994 Regulations](#), as the case may be) and that such a contravention is likely to continue, or be repeated, unless the person is restrained, the court may grant an injunction to restrain the contravention. A charitable institution does not have to give notice of its intention to apply for such an injunction (section 59); and
- similar provision is made in relation to any other person who is raising money etc. for the benefit of a charitable institution. Section 62 of the 1992 Act enables the institution to seek an injunction where:
 - (a) the person is using methods of fund-raising to which the charitable institution objects;
 - (b) the person is not a fit and proper person to raise funds for the institution; or
 - (c) representations are made that charitable contributions will be applied for the benefit of the institution and the charitable institution does not wish to be associated with the promotional or other fund-raising venture.

At least 28 days before seeking an injunction the charitable institution must give notice in writing to the person who is raising funds. The notice must:

- (a) request the person to cease soliciting money or other property for the benefit of the institution, or representing that charitable contributions will be applied for the benefit of the institution, as the case may be, forthwith;
- (b) state that they object to their raising funds on the institution's behalf, giving details of their objection and the grounds on which an application for an injunction will be made to the court; and

- (c) advise them that an injunction will be sought to prevent them undertaking further fund-raising activities for the benefit of the institution if they do not comply with the notice ([section 62\(3\) of the 1992 Act](#) and regulation 4 of the [1994 Regulations](#)). If such a person initially complies with a notice served by a charitable institution but subsequently begins to carry on fund-raising activities for the institution, the institution may be able to seek an injunction without serving a further notice.

5.6 What about arrangements in Scotland and Northern Ireland?

The 1992 Act and the 1994 Regulations extend only to England and Wales. Please see information below about arrangements in Scotland and Northern Ireland.

5.7 Arrangements in Scotland

- 5.7.1 The Charities and Trustee Investment (Scotland) Act 2005 came into force in April 2006. The 2005 Act aims to provide a modern, proportionate regulatory framework designed to support and encourage charitable activity in Scotland, while reassuring the public that their money is being well used.
- 5.7.2 There are various provisions relating to fundraising although the regulations under them have yet to be implemented. Sections 79-83 of the 2005 Act contain provisions about fundraising for benevolent bodies, including fundraising by professional fundraisers and commercial participators. Benevolent bodies are defined as any bodies “established for charitable, benevolent or philanthropic purposes”. This is a wider concept than charity, and means that it can regulate any fundraising for a good cause, whether or not the body raising funds is a registered charity. This means that many bodies which may have charitable purposes, but do not provide a sufficient level of public benefit or may have chosen not to be restricted by the added regulation which falls upon charities, will be regulated in order to maximise public confidence in donating.
- 5.7.3 The 2005 Act regulates benevolent fundraising in a number of ways. The Office of the Scottish Charity Regulator (OSCR) will have powers to investigate individuals purporting to be a charity or to be collecting on behalf of one when they are not, and to protect any funds raised in this way. OSCR will have a general power to protect charity assets or money raised, even if they are not held by a charity.
- 5.7.4 Section 81 of the 2005 Act requires professional fundraisers and commercial participators (a normal business which undertakes a promotion from which a good cause will benefit) who solicit money or other goods on behalf of a named charity or benevolent body to have an agreement with that body to do so. Charities, benevolent bodies and OSCR (on behalf of charities only) will have the right to seek an interdict to stop professional fundraisers and commercial participators who are fundraising in a body's name without an agreement or out with an agreement in the required form.
- 5.7.5 Section 82 of the 2005 Act gives benevolent bodies (and hence also charities) the right to seek an interdict preventing unauthorised fundraising by anyone who uses fundraising methods in their name which the body objects to, who is not a fit and proper person to fundraise or if the body does not wish to be associated with that venture.
- 5.7.6 In the interests of openness and transparency, the Scottish Government intend to make Regulations containing a requirement for fundraisers to make a statement advising whether or not they are receiving remuneration. Members of the public should be aware, when they are being solicited for donations, whether the person asking them to donate is being paid to do so. These Regulations under Sections 79 - 83 of the 2005 Act are expected to be laid before the Scottish Parliament by the end of 2008.

5.7.7 Sections 84-92 of the 2005 Act, covering fundraising by means of public benevolent collections are not yet in force, however a scheme relating to the licensing of public charitable collections is still in operation under the existing regime set out in section 119 of the Civic Government (Scotland) Act 1982. Public benevolent collections are collections from the public of money or promises of money (whether or not given by them for a consideration by way of goods or services) for the benefit of benevolent bodies or for charitable, benevolent or philanthropic purposes taken in a public place or by means of visits to two or more houses or business premises. There is widespread support in the charity sector for the new regime but also recognition of its complexity, and we will therefore be working through these new Regulations carefully.

5.7.8 You can obtain more information about arrangements in Scotland from the Office of the Scottish Charity Regulator at the address below.

2nd Floor
Quadrant House
9 Riverside Drive
Dundee
DD1 4NY
Tele: 01382 220446
E-mail: info@oscr.org.uk
www.oscr.org.uk

5.8 Arrangements in Northern Ireland

5.8.1 In line with charity legislation in the other UK administrations, the recently enacted Charities Act (Northern Ireland) 2008 ("the 2008 Act") provides for a modern regulatory framework for charities and will establish a new independent regulatory authority to be known as the Charity Commission for Northern Ireland ("CCNI"). The first provisions of the Act to be implemented will be those relating to the establishment of the CCNI and it is expected that Northern Ireland will have its first charity regulator in place by March 2009.

5.8.2 Part 13, Chapter 2, sections 150 to 159 of the Act, replicate the provisions contained in sections 58 to 64A of Part II of the Charities Act 1992 ("the 1992 Act"), as amended by the Charities Act 2006 ("the 2006 Act"). With the exception of any references to the effect of the Charitable Institutions (Fund-Raising) Regulations 1994, the guidance contained in paragraphs 1 to 5.5 above, reflects the provisions of the 2008 Act in relation to the control of fund-raising. Sections 154(8), 157 and 158 of that Act empower the Department for Social Development (the current charity authority for Northern Ireland) to make subordinate legislation corresponding to that provided for in sections 61(8), 64 and 64A of the 1992 Act, as amended by the 2006 Act. It is unlikely, however, that these provisions will be implemented before early January 2011.

5.8.3 Meanwhile, the Department for Social Development continues to carry out its functions as laid down in the Charities Act (Northern Ireland) 1964 and the Charities (Northern Ireland) Order 1987. These do not include responsibility for decisions covering fund-raising which, in the case of street and house-to-house collections, is a matter for determination by the Police Service of Northern Ireland under the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (and regulations made under that Act) and the House-to-House Charitable Collections Act (Northern Ireland) 1952 (and regulations made under that Act), respectively. The legislation governing fund-raising by way of a lottery is the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

Anyone with questions or problems relating to charity matters is welcome to contact the Department at the address below.

Charities Implementation Team

Voluntary and Community Unit

Department for Social Development

3rd Floor

Lighthouse Building

1 Cromac Place

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Ormeau Road

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Tel: 028 90 829427

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e-mail: kieran.doyle@dsdni.gov.uk

Annex A – Examples of how Part II may apply to fund-raising practice

This Annex offers some general remarks on how Part 2 of the 1992 Act might apply to more common forms of fund-raising. In all cases it is important to consider the requirements of the 1992 Act and the 1994 Regulations and how they apply to what is actually to take place in any given case, rather than to rely on general descriptions (such as ‘fund-raising consultant’), to decide how the law will apply. **Independent legal advice should be sought in cases of doubt.**

Example 1: Grant applications

Professional fundraisers would have to comply with the requirements of [Part 2 of the 1992 Act \(as amended by the 2006 Act\)](#) when submitting a grant application on behalf of a charitable institution. They will need to accompany the application for the grant with a solicitation statement complying with the requirements of section 60(1), as amended. This is because the fund-raiser is soliciting money for the benefit of the institution. Dependent on how the grant application is made, the professional fund-raiser may also be required to provide the additional information specified in chapter 2.10.

However, when the professional fund-raiser has helped with the preparation of the application but does not actually make the application on behalf of the charitable institution the fund-raiser may not be required to comply with the requirements of Part 2 of the 1992 Act. The actual facts of the case will need to be considered carefully.

Example 2: Fund-raising Consultancy

In many cases, fund-raising consultants undertake work which may not fall within the definition of soliciting. This may include providing strategic advice to a charity, drafting fundraising plans and promotional materials, preparing submissions to grant making organisations which are to be signed and submitted by representative of a charity and briefing trustees, staff and volunteers on the implementation of an appeal, rather than approaching potential donors directly.

Key questions here are:

(a) whether the activity to be carried on by the consultant is advising the charitable institution **only**, or whether it includes soliciting money or other property within the broad definition in the 1992 Act (see particularly section 58(6) to (8), and the earlier section on the meaning of ‘solicitation’ in this guidance) or representing that charitable contributions are to be applied for the benefit of charitable institutions or for charitable etc. purposes. Fund-raising advice on its own may well not come within the controls in Part 2.

(b) Whether the consultant falls within the definition of “professional fund-raiser” or “commercial participator” or falls within regulation 7 of the [1994 Regulations](#)

Example 3: Direct Mail

Particular attention should be paid to the definition of soliciting. A direct mail company or promotional agent, for example, may be within that definition if writing in its **own** name in support of an appeal. However, if it is doing no more than printing, photocopying, filling envelopes and posting letters **as from the charitable institution**, it might not be within the relevant provisions. Check the details relevant to the particular case.

Example 4: Fulfilment House

The term 'fulfilment house' is often used for a company employed specifically to handle responses to a promotion, e.g. to send information packs, or process catalogue sales, donations or membership applications.

Even if the fulfilment house does not send out an appeal for funds, it may come within the definition of professional fund-raiser because of the wide definition of soliciting in section 58(7) of the 1992 Act. See in particular those sections of Chapter 2 on the definition of "professional fund-raiser" and the meaning of "solicit".

Similarly, where products are sold as if by a charity itself or its connected company (e.g. through a catalogue entirely in the charity's name, with cheques being made payable to the charity or its connected company), but with orders in fact being fulfilled by a separate commercial company under some arrangement to pay a proportion of sales or profits to the charity, that company might, depending on the exact circumstances, be a commercial participator as defined in Part 2 of the 1992 Act, if a representation is made by that company.

It is good practice when contracting with another party to process incoming payments to a charitable institution, for the institution to ensure such monies are paid into a separate account specific to the institution so that they can be properly accounted for (or, better still, direct to an account fully under the institution's control).

Example 5: Telephone Fund-raising

Much depends on the nature of each telephone call, but where employees of a fund-raising business are telephoning members of the public to encourage them to give - or pledge - donations to a charitable institution, the business may well be a professional fund-raiser for the purposes of Part 2 of the 1992 Act.

If Part 2 of the 1992 Act does apply, each solicitation should be accompanied by the necessary solicitation statement - in other words, the statement should be made during the telephone call. Written statements may also need to be sent to donors responding to the appeal. Further guidance can be found in sections 2.10 and 2.11 of Chapter 2.

Incoming telephone services: if a company answers telephone calls, simply to record credit card details for people who have decided to make a donation, e.g. in response to an appeal by direct mail or newspaper or television advertisement, **and** the donations are credited direct to the charitable institution's (not the company's) bank account, the company may not be a professional fund-raiser. However, the distinction is a narrow one and care is needed. If, for example, the operator repeats or explains details about the appeal, even in response to a request for clarification from the caller, this may well amount to a solicitation and mean the company is a professional fund-raiser. Operators must therefore be able to recognise this distinction and respond appropriately in each case.

Where incoming telephone services are provided by automated (e.g. computer-based) answering equipment owned by a service provider and rented to an institution, then even when a solicitation is made by the person whose voice is recorded, provided that person is from the institution, the service provider may not be regarded as a professional fund-raiser.

Example 6: Company Connected to a Charitable Institution (e.g. A Trading Subsidiary)

Companies which are connected to charitable institutions do not come within the controls in Part 2 of the 1992 if they:

- solicit money or other property **only** for the benefit of the charitable institutions with which they are connected; or
- represent that charitable contributions will **only** be given to or applied for the benefit of those institutions.

Particular regard should be had to the definition of "connected company" in Part 2 of the 1992 Act.

Connected companies may be commercial participators or professional fund-raisers if they are fund-raising for a charitable institution to which they are not connected. In such cases, they will need to ensure they comply with the relevant requirements of Part 2 of the 1992 Act and the 1994 Regulations.

Nevertheless, even if the company is not required to comply with the requirements of Part 2, we would as a matter of good practice and of setting a good example, strongly recommend connected companies wherever possible to operate on a similar basis. For example, by formalising arrangements through a written agreement with the controlling institution(s) and by make appropriate “solicitation” statements.

Compliance with such arrangements may be straightforward in many cases: for example, in a charity shop it may be possible to make the appropriate statement by a notice displayed prominently by the till saying that all profits are covenanted to the charity.

Example 7: Retail Promotions

The clearest example may perhaps be when a retailer enters directly into an agreement with a charitable institution that a product will be sold with a representation that part of the proceeds will go to the institution. As in other examples this depends on the circumstances of the case, but the retailer may well be a commercial participator in relation to that institution under section 58(1), and when selling the product will be subject to the requirements of Part 2 of the 1992 Act.

The situation may be more complex, and more likely to vary with individual circumstances where a *manufacturer or producer* initiates the principal agreement with the charitable institution and then supplies the product to many different retailers. In this case it may be helpful to ensure that any statement included on the product clearly identifies the producer (as opposed to the retailer) as the person having the arrangement with the institution, to avoid drawing the retailer in, unnecessarily, as an additional commercial participator.

It may also be helpful for such a producer, as commercial participator, to provide straightforward advice to retailers pointing out the need to avoid making additional representations of their own. However, statements *declaring* retailers not to be commercial participators should be approached with caution: the producer is unable to prevent the retailer making himself a commercial participator by making a relevant representation, and such a declaration may give unjustified reassurance.

As is clear from the above, this type of situation requires particularly careful consideration in relation to the facts of the case, and the provisions of the 1992 Act and the 1994 Regulations.

Example 8: Charity Christmas Cards

This description encompasses many possible types of activity, including some already described above - see examples 5 and 6 (connected companies and retail promotions).

Where Christmas cards (or other products) are sold directly to the public by a charitable institution or its connected company, the provisions relating to professional fund-raising and commercial participation may not apply. Even so, it is recommended that a similar statement to that required under Part II is made, for reasons of consistency, clarity and transparency.

Example 9: Prize Competitions

Again, this can encompass more than one type of activity.

A prize competition may be subject to control under Part 2 of the 1992 Act if representations are made, for example, that part of the proceeds will benefit a charitable institution or charitable etc purposes.

Where a particular charitable institution is named, provisions on commercial participation may apply - see, for example, sections 59(2) and 60(3), regulation 3, and Chapter 3 of this guidance.

Where general charitable purposes (as opposed to specific institutions) are referred to in any representation, the controls in regulation 7 of the 1994 Regulations may apply. See Chapter 3 of this guidance.

Persons proposing to run a prize competition may also be subject to the controls in the Gambling Act 2005. Appropriate legal advice should be sought prior to running any such competition to ensure that any necessary licences or other authorisations have been obtained.

Example 10: Involvement in Spontaneous Appeals

Care is needed if a commercial organisation such as a high street shop decides, possibly at the last minute, to take part in a high-profile charitable appeal, e.g. one being promoted on national television. A handling fee should not be charged against donations received for the charity, nor should a link be advertised between sales and donations the company will make, at least without a prior written agreement with the charitable institution, and with an appropriate statement to accompany each solicitation or representation, as such activity is likely to amount to professional fund-raising or commercial participation and would therefore be subject to Part 2 and the 1994 Regulations.

Example 11: Charity Challenge Events

Where individuals take part in charity challenge events, particularly overseas events, there is a likelihood that the individual may be regarded as a professional fundraiser for the purpose of Part 2 of the 1992 Act because they seek to fund-raise from supporters and often receive benefits which has a monetary value attached (worth more than the earnings limit in section 58(3)). It is advisable therefore that individuals discuss this with the charity before taking part in a charity challenge event and for the charities to seek appropriate legal advice. Participants may also wish to seek legal advice before seeking to raise any sponsorship in relation to their participation in such an event.

Example 13: House to House Collections

Some charitable institutions use self-employed van drivers or persons other than charity officers to drop bags/leaflets door to door **and/or** to collect the property given in response to the solicitation. Some or all of these self employed van drivers or other persons may be professional fundraisers for the purposes of Part 2 of the 1992 Act. This is because of the broad definition of "solicit" used in Part 2 of the 1992 Act (section 58(6) and (7) of the 1992 Act - see in particular the section in Chapter 2 of this guidance dealing with the definition of "solicit"). Whether Part 2 of the 1992 Act does in fact apply will depend on the particular facts of the case and careful consideration should be given to the 1992 Act and the 1994 Regulations before any relevant appeal is started. Charitable institutions may wish to seek appropriate legal advice.

Charitable institutions should also be aware that the requirements of the House to House Collections Act 1939 and the House to House Collections Regulations 1947 may also apply to such appeals.

Annex B – Examples of solicitation statements for professional fund-raisers and commercial participators

This Annex sets out examples of the types of solicitation statement that, in our view, professional fund-raisers and commercial participators could use to comply with the requirements of **section 60(1), (2) or (3)**, as the case may be, of the Charities Act 1992. As the 1992 Act does not require these statements to be in a particular form, we have provided examples of both oral and written statements. The list of examples is, however, not exhaustive and fund-raisers and commercial participators may in any event choose their own form of words to comply with the relevant requirements of the 1992 Act.

This Annex **does not** provide examples of the more detailed statement required to be provided by professional fund-raisers or commercial participators who fund-raise during a radio or television programme (see Chapters 2 and 3 of the Guidance). **Nor** does it include examples of the written statements required to be provided by professional fund-raisers or commercial participators who fund-raise otherwise than in the course of a radio or television programme or than face to face (see Chapters 2 and 3 of the Guidance).

In all cases, before making any solicitation or representation, professional fund-raisers and commercial participators should satisfy themselves:

- (a) that their solicitation statements are appropriate for their particular circumstances bearing in mind that the statement **must accompany** the relevant solicitation or representation; and
- (b) will comply with the requirements of the 1992 Act.

Independent legal advice should be sought in appropriate cases.

Example statements for professional fund-raisers

Oral statements

Professional fund-raisers who are fund-raising on behalf of a single charitable institution

1. **Where the professional fund-raiser (an individual) is remunerated on the basis of a fixed rate for each donor recruited during a particular campaign:** *"I am fund-raising for the benefit of <<charitable institution>>. I will be paid <<£xx>> by <<charitable institution>> for every donor that I recruit during the course of this campaign. It is estimated that I will be paid <<£zzz>> for my work on this campaign."*
2. **Where the professional fund-raiser (an individual) is remunerated on the basis of an hourly rate for work on a year long campaign:** *I am seeking donations on behalf of <<charitable institution >>. I am being paid an hourly rate of <<£xxx>>. In all, I expect to be paid approximately <<£ XXX>> for carrying out this programme of conversations with supporters like yourself in England and Wales during this year.*
3. **Where the professional fund-raiser (a company carrying on a fund-raising business)'s remuneration is fixed in advance and the company's employees approach potential donors:** *I work for <<fund-raising company>> and we are working for the benefit of <<charitable institution>>. My organisation is being paid <<£XXX>> to recruit supporters like yourself to make regular donations to <<charitable institution>>. This fee was determined in the following way <<method>>.*
4. **Where the professional fund-raiser (a company carrying on a fund-raising business)'s remuneration is not fixed in advance and the company's employees approach potential donors:** *I work for <<fund-raising company>> which is working on behalf of <<charitable institution>>. The company expects to be paid <<£XXX>> in connection with this particular appeal, and the method used to determine our payment is <<method>>.*

5. Another example, where the professional fund-raiser (a company carrying on a fund-raising business)'s remuneration is fixed in advance and the company's employees approach potential donors: *I am raising money for the benefit of <<charitable institution>>. My organisation is being paid <<£XXX>> to recruit supporters like yourself to make regular donations to <<charitable institution>>. This fee was determined in the following way <<method>>.*

Professional fund-raisers who are fund-raising on behalf of more than one charitable institution

6. Where the professional fund-raiser (an individual) is remunerated on the basis of a fixed rate for each donor recruited during a campaign and funds are being raised for two institutions: *"I am raising funds for the benefit of <<charitable institution X>> and << charitable institution Y>>. The proceeds of this campaign will be shared equally by <<charitable institution X>> and <<charitable institution Y>>. It has been agreed that I will be paid <<£xx>> for every donor that I recruit during the course of this campaign. It is estimated that I will be paid <<£zzz>> for my work on this campaign."*
7. Where the professional fund-raiser (a company carrying on a fund-raising business)'s remuneration is fixed in advance, funds are being raised for three institutions and potential donors are being approached by employees of the company: *I work for <<fund-raising company>> and we are working for the benefit of <<charitable institution X>>, <<charitable institution Y>> and << charitable institution Z>>. My organisation is being paid <<£XXX>> to recruit supporters like yourself to make regular donations to these charitable institutions. This fee was determined by <<method>>. Money raised as a part of this campaign will be shared between the three charities. <<Charitable institution X>> will receive 50% of the proceeds and the remaining 50% will be shared equally between <<charitable institution Y>> and <<charitable institution Z>>.*

Professional fund-raisers who are fund-raising for charitable etc. purposes

8. Where a professional fundraising business is fundraising for a charitable etc. purpose: *"I work for <<fund-raising business>> and we are seeking donations for <<charitable etc. purpose>>. Our remuneration for this appeal will be calculated by <<method>>. We expect the total amount of our remuneration to be <<£yyy>>. The remaining proceeds of the appeal will be distributed to charitable institutions which work to further this purpose. We will determine how to distribute those proceeds of this appeal by <<method>>.*

Written statements

Professional fund-raiser soliciting money or other property for a single charitable institution

9. Where the professional fund-raiser (an individual) is remunerated on the basis of a fixed rate for each donor recruited during the campaign to make regular donations by direct debit:

"Before I ask you to sign, may I just draw your attention to this important legal statement?" →

I am seeking donations for the benefit of <<charitable institution>> and am being paid <<£x>> for each donor I recruit to make regular donations during this campaign. In all, I expect to be paid <<£XXX>> for my involvement in this campaign.

10. Where the professional fund-raiser (a company carrying on a fund-raising business)'s remuneration is not fixed in advance and the company's employees approach potential donors to make regular donations via direct debit:

"Before I ask you to sign, may I just draw your attention to this important legal statement?"

The person you are speaking to today works for <<fund-raising business>> and <<fund-raising business>> is working on behalf of <<charitable institution>> as part of an ongoing campaign to recruit regular and committed donors to the institution. <<Fundraising business>> is paid <<£XXX>> for each donor it recruits during this

campaign. <<Charitable institution>> expects to pay <<£XXX >> to <<fund-raising business>> for this particular fund-raising campaign.

11. Where the professional fund-raiser (a company carrying on a fund-raising business)'s remuneration is not fixed in advance and employees of the company approach potential donors:

"Before I ask you to sign, may I just draw your attention to this important legal statement?"

The person you are speaking to today works for <<fund-raising business>> which is working on behalf of <<charitable institution>> to seek donations to that institution. <<Fund-raising business>> expects to receive approximately <<£XXX>> for carrying out this programme of conversations with supporters like yourself in England and Wales during this year. <<Fund-raising business>>'s remuneration was calculated in the following way <<method of calculation>>.

Professional fund-raiser soliciting money or other property for more than one charitable institution

12. Where the professional fundraiser (a company carrying on a fund-raising business)'s remuneration is not fixed in advance and funds are being raised for two institutions by asking donors to agree to make regular payments by direct debit:

"Before I ask you to sign, may I just draw your attention to this important legal statement?"

The person you are speaking to today works for <<fund-raising business>> which is fund-raising for the benefit of <<charitable institution X>> and <<charitable institution Y>>. <<Fund-raising business>> expects to receive approximately <<£ XXX >> for carrying out this programme of conversations with supporters like yourself across the England and Wales throughout the whole of the year. This is based on <<method of calculation>>. The proceeds of this campaign will be shared equally between the two institutions.

13. Where the professional fund-raiser (an individual) is remunerated on the basis of a fixed rate for this fundraising campaign under which he is recruiting donors to make donations via direct debit and funds are being raised for three charitable institutions:

"Before I ask you to sign, may I just draw your attention to this important legal statement?" →

I am seeking donations for the benefit of <<charitable institution X>>, <<charitable institution Y>> and <<charitable institution Z>> and am being paid <<£x>> per hour for doing so. In all I expect to be paid <<£XXX>> for my involvement in this campaign. The proceeds of this campaign will be shared equally between the three charitable institutions.

Combining oral and written statement

Professional fund-raiser soliciting money or other property for more than one charitable institution

8. Professional fundraiser's (a company carrying on a fund-raising business) promoting Payroll Giving receiving payment from a number of charities:

I work for <<professional fund-raiser>> and that company is being paid to recruit supporters like yourself to make regular donations to charities via Payroll Giving. <<Pprofessional fund-raiser>> is paid by the charities who have asked it to promote Payroll Giving. Here are the names of the charities that have asked us to promote Payroll Giving <<potential donor to be given list of names>>.

If we recruit you to make regular donations via Payroll Giving to a charity on the list, we are paid by that charity. The amount of the payment is worked out by <<method>>. We estimate that <<professional fund-raiser>> will be paid £y in total by the charities who contract us to promote Payroll Giving in the course of this year.

If you choose to give to a charity with whom <professional fundraiser> has not contracted to promote Payroll Giving, we will not receive any payment in relation to your donations but we will process the donation

Professional fund-raiser raising funds for charitable etc. purposes

9. Where there is a clear criteria for determining the professional fund-raiser (a company carrying on a fund-raising business)'s remuneration and funds are being raised for a charitable etc. purpose:

"Before I ask you to sign, may I just draw your attention to this important legal statement?"

I work for <<fund-raising business>> and we are working to raise money for <<charitable etc. purpose>>. <<Fund-raising business>> expects to receive approximately <<£XXX>> as remuneration for carrying out this programme of conversations with supporters like yourself throughout the UK. This remuneration is based on <<method of calculation>>. We will distribute the proceeds of this appeal between charitable institutions as follows <<method>>.

Additional information

The example statements above are examples of the types of statement which in our view could be used to comply with the requirements of sections 60(1) or (2) of the 1992 Act. However, we recognise that professional fund-raisers may choose to provide additional information, such as:

- <<Charitable institution>> expects this campaign to raise <<£YYY>> over <<Z>> years.
- It is anticipated that << Charitable institution X >> will raise <<£xxx>> this year as a result of this campaign.
- A similar campaign we ran for <<charitable institution X>> last year recruited <<yyy>> supporters and generated <£xxx> income for the <<charitable institution>>.
- We (the fund-raising company) calculate that for every £1 the charitable institution invests in recruiting supporters such as yourself through this campaign, the charitable institution can expect to get back at least <<£XXX>> over the course of <<XX years>>.
- <<Charity X>> has asked us to give you the following additional information: "It's important to remember that our charity trustees are obliged by law to ensure that our funds are used in the best way possible [to meet our strategic aims / deliver services to our beneficiaries / benefit <<the cause area>>] and all forms of fund-raising are carefully monitored **by our trustees** to ensure cost-effectiveness and value for money. If you require further information please visit our website <<www.charitywebsite.org>> or call (0XX) XXXX XXXX".
- This represents **an investment of** less than <<Xp>> in the pound from all the donations <<charity>> expects to receive as a result of this campaign.

In our view, professional fund-raisers are not prevented from providing this additional information provided that the requirements of the 1992 Act are complied with.

Commercial participators

Example statements for commercial participators who represent charitable contributions are to be applied for the benefit of a single charitable institution

1. <<X %>> of the purchase price will be donated to <<charity>>.
2. For each item sold, <<£X>> will be donated to <<charity>>.
3. <<Company>> will donate <<X %>> of profits from this promotional venture to <<charity>>. This is expected to be at least <<£YYY>>.
4. <<Company>> will donate <<£XXX>> to <<charity>> as a result of this promotion for the first <<YYY>> items sold, and a further <<£YYY>> for each additional item sold.

Commercial participator who represents that charitable contributions are to be applied for the benefit of more than one institution

5. <<Company>> will donate <<X %>> of the profit from this promotional venture to Charity <<Xx>> and Charity <<YY>>> in equal proportion. The total donation to both of these charities is expected to be >>£yyy>>.

Additional information

The example statements above are examples of the types of statement that could, in our view, be used to comply with the requirements of section 60(3) of the 1992 Act. However, we recognise that commercial participators may wish to include more information in the statement. Provided that the requirements of the legislation are complied with, we do not think commercial participators are prevented from including any additional information.

Annex C - Example solicitation statements for Charity officers

This Annex sets out examples of the types of statement that could in our view be used by charity officers to comply with the requirements of section 60A(4) or (5) of the 1992 Act. Such statements are only required where a charity officer:

- is acting as a collector in respect of a public charitable collection
- is being paid as a charity officer or acting as a collector; and
- his or her remuneration is above the earnings limit.

As the Act does not require these statements to be in a particular form, we have provided examples of both oral and written statements. The list of examples is, however, not exhaustive and charity officers may choose their own form of words to comply with the relevant requirements of the 1992 Act.

In all cases, charity officers should satisfy themselves that their solicitation statements are appropriate for their particular circumstances bearing in mind that the statement **must accompany** the relevant solicitation and comply with the requirements of the 1992 Act **before** making any solicitations. Independent legal advice should be sought in appropriate cases.

Oral statements

Charity officers soliciting money or other property for the benefit of a single charitable institution

1. I am making this appeal for the benefit of <<charitable institution>>. I am a paid employee of that institution.
2. I am making this appeal for the benefit of <<charitable institution X>>. I am a paid employee of <<company>> which is connected with <<charitable institution X>>.

Charity officers soliciting money or other property on behalf of more than one charitable institution

3. I am making this appeal for the benefit of <<charity A>> and <<charitable institution B>>. I am a trustee of <<charity A>> and I am being paid by that charity to act as a collector. The proceeds from this appeal will be <<divided equally between charity A>> and <<charitable institution B>>.
4. I am making this appeal for the benefit of <<charitable institution A>>, <<charitable institution B>> and <<charitable institution C>>. I am a paid employee of <<charitable institution C>>. <<X %>> of the proceeds of this appeal will be applied for the benefit of <<charitable institution A>>, <<Y %>> of the proceeds of this appeal will be applied for the benefit of <<charitable institution B>> and <<Z %>> of the proceeds of the appeal will be applied for the benefit of <<charitable institution C>>.



Written statements

Charity officers soliciting money or other property for the benefit of a single charitable institution

5. This appeal is made on behalf of <<charity A>>. I am a paid employee of this institution.

Charity officers soliciting money or other property on behalf of more than one charitable institution

6. This appeal is made for the benefit of <<charitable institution A>>, <<charitable institution B>> and <<charitable institution C>>. I am a paid employee of <<charitable institution C>>. <<X %>> of the proceeds of this appeal will be applied for the benefit of <<charitable institution A>>, <<Y% of the proceeds of this appeal will be applied for the benefit of <<charitable institution B>> and <<Z %>> of the proceeds of the appeal will be applied for the benefit of <<charitable institution C>>.

Annex D - Sources of further information

Office of the Third Sector

The Charity Law and Regulation Team within the Office of the Third Sector deal with charity law and regulation affecting charities in England and Wales. We make sure that the legal framework helps charities to develop their activities and services and to play an increasing role for good in society, while giving confidence to the public about the integrity of charities.

Contact details:

Office of the Third Sector,
2nd Floor, Admiralty Arch, South Side, The Mall, London, SW1A 2WH

Tel: 0207 276 6037

http://www.cabinetoffice.gov.uk/third_sector/law_and_regulation/

Charity Commission

The Charity Commission for England and Wales is the statutory body that regulates charities in England and Wales and aims to give the public confidence in the integrity of charity.

Contact Details:

Charity Commission
Harmsworth House
13-15 Bouverie Street
London EC4Y 8DP

Tel: 0845 300 0218

Email: enquiries@charitycommission.gsi.gov.uk
www.charitycommission.gov.uk

Office of the Scottish Charity Regulator (OSCR)

The Office of the Scottish Charity Regulator is the independent regulator and register of Scottish charities.

Contact details:

Office of the Scottish Charity Regulator
2nd Floor
Quadrant House
9 Riverside Drive
Dundee
DD1 4NY

Tel: 01382 220446

E-mail: info@oscr.org.uk
www.oscr.org.uk

HMRC Charities

HMRC Charities deals with the tax affairs of charities and the tax relief to encourage people and companies to give to charities. They process the repayments of Gift Aid to charities and provide guidance to charities and donors on the various forms of tax-effective giving.

Contact details:

HMRC Charities
St John's House
Merton Road
Bootle
Merseyside
L69 9BB

Tel: 0845 302 0203

E-mail: charities@hmrc.gov.uk

www.hmrc.gov.uk/charities/

Institute of Fundraising

The Institute of Fundraising is the professional membership body for UK fundraisers. Its aim is to promote the highest standard of fundraising practice.

Contact details:

Institute of Fundraising
Park Place
12 Lawn Lane
London
SW8 1 UD

Tel: 0207 840 1000

E-mail: info@institute-of-fundraising.org.uk

www.institute-of-fundraising.org.uk

The Fundraising Standards Board (FRSB)

The Fundraising Standards Board (FRSB) is the new self-regulatory body for fundraising in the UK. The Fundraising Standards Board self-regulatory scheme was set up after wide consultation with key individuals from a range of charitable bodies and Government. They deal with public concerns and complaints about fundraising activity and ensure that their members adhere to the highest fundraising standards.

Contact details:

Hampton House
20 Albert Embankment
London
SE1 7TJ

Tel: 0845 402 5442

Email: info@frsb.org.uk

www.frsb.org.uk

Public Fundraising Regulatory Association (PFRA)

The Public Fundraising Regulatory Association (PFRA) regulates the use of face-to-face fundraising by charities and professional fundraising organisations and works with local authorities to ensure that fundraising sites are used appropriately. It enforces a code of practice, which aims to make certain that people's experience of face-to-face fundraising is positive, and uses an accreditation scheme, mystery shopping and feedback from stakeholders and members of the public to monitor its members' compliance with the code of practice.

Contact Details:

Unit 11, Europoint
5-11 Lavington Street
London
SE1 0NZ
Tel: 020 7401 8452
Fax: 020 7928 2925
info@pfra.org.uk
www.pfra.org.uk/

Charity Law Association

The Charity Law Association was established in 1992 with the aim of enabling those who advise on or use charity law to meet together, to exchange ideas and intelligence and to use their experience and expertise for the benefit of the Charity Sector.

Contact details:

Charity Law Association
2 Putney Hill
Putney
London SW1 7AD

Tel: 0208 394 6486
www.charitylawassociation.org.uk

National Council for Voluntary Organisation (NCVO)

NCVO provides free information, signposting and service for trustees, staff and volunteers in the voluntary sector through the Voluntary Sector helpdesk, NCVO website and the Sustainable Funding Project.

Contact details:

NCVO
Regent Wharf
8 All Saints St
London
N1 9RL

Tel: 0207 713 6161
E-mail: ncvo@ncvo-vol.org.uk
www.ncvo-vol.org.uk

Association of Fundraising Consultants

Established in 1990 by fundraising consultants who recognised the need to provide a European professional standard, AFC membership has become a hallmark for best practice within the not-for-profit sector.

Contact Details:

The Association of Fundraising Consultants
Suite 316, Linen Hall
162-168 Regent Street
London, W1B 4JN

Tel: 01582 762446

E-mail: enquiries@afc.org.uk

www.afc.org.uk

Charity Trustee Network (CTN)

CTN is a national charity that aims to support the trustees and management committee members of voluntary and community organisation.

CTN

3-4 Frensham Suite
Friary Court
13-21 High Street
Guildford
GU1 3DG

Tel: 01483 230280

E-mail: info@trusteenet.org.uk

www.trsteenet.org.uk

Association of Charity Shops

The Association of Charity Shops helps charities running charity shops to operate their shops as effectively as possible by pooling expertise, promoting common interests and working together. The Association provides its members with a national forum - and a national voice, protecting, supporting and representing charity shops locally and nationally on the European stage.

Central House
14 Upper Woburn Place
London
WC1H 0AE

Tel: 020 7255 4470

Fax: 020 7255 4475

Email: mail@charityshops.org.uk

Website: www.charityshops.org.uk