



# Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

## PART 2

### FUNDRAISING FOR BENEVOLENT BODIES

#### *Control of fundraising*

#### **82 Prevention of unauthorised fundraising**

- (1) Where on the application of a benevolent body, the sheriff is satisfied—
- (a) that the body has complied with subsection (3),
  - (b) that any person is or has been—
    - (i) soliciting money or promises of money for the benefit of the body, or
    - (ii) representing that benevolent contributions are to be given to or applied for the benefit of the body,
  - (c) that the person is likely to continue to do so or do so again, and
  - (d) as to one or more of the matters specified in subsection (2),
- the sheriff may grant an interdict.
- (2) Those matters are—
- (a) that the person in question is using methods of fundraising to which the body objects,
  - (b) that that person is not a fit and proper person to raise funds for the body,
  - (c) where the conduct complained of is the making of such representations as are mentioned in subsection (1)(b)(ii), that the body does not wish to be associated with the particular promotional or other fundraising venture in which that person is engaged.
- (3) Not less than 28 days before making an application under subsection (1) the benevolent body must serve on the person in question a notice—
- (a) requesting the person immediately to cease—
    - (i) soliciting money or promises of money for the benefit of the body, or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) representing that benevolent contributions are to be given to or applied for the benefit of the body,  
as the case may be, and
  - (b) stating that, if the person does not comply with the notice, the body will apply for an interdict under this section.
- (4) Where a person to whom a benevolent body gives such a notice—
  - (a) complies with the notice, but
  - (b) subsequently begins to carry on activities which are the same, or substantially the same, as those in respect of which the notice was given,  
the body need not, for the purposes of an application under subsection (1) made by it, serve a further notice on the person in respect of any such activities carried on within 12 months of giving the notice.
- (5) No application may be made under subsection (1) by a benevolent body in respect of anything done by a professional fundraiser or commercial participator in relation to the body.