
STATUTORY INSTRUMENTS

1994 No. 3024

The Charitable Institutions (Fund-Raising) Regulations 1994

Agreements between charitable institutions and commercial participators

3.—(1) The requirements as to form and content of an agreement made for the purposes of section 59(2) of the Charities Act 1992 are those set out in the following provisions of this regulation.

(2) Such an agreement (hereafter in this regulation referred to as “the agreement”) shall be in writing and shall be signed by or on behalf of the charitable institution and the commercial participator.

(3) The agreement shall specify—

- (a) the name and address of each of the parties to the agreement;
- (b) the date on which the agreement was signed by or on behalf of each of those parties;
- (c) the period for which the agreement is to subsist;
- (d) any terms relating to the termination of the agreement prior to the date on which that period expires; and
- (e) any terms relating to the variation of the agreement during that period.

(4) The agreement shall also contain—

- (a) a statement of its principal objectives and the methods to be used in pursuit of those objectives;
- (b) provision as to the manner in which are to be determined—
 - (i) if there is more than one charitable institution party to the agreement, the proportion in which the institutions which are so party are respectively to benefit under the agreement; and
 - (ii) the proportion of the consideration given for goods or services sold or supplied by the commercial participator, or of any other proceeds of a promotional venture undertaken by him, which is to be given to or applied for the benefit of the charitable institution, or
 - (iii) the sums by way of donations by the commercial participator in connection with the sale or supply of any goods or services sold or supplied by him which are to be so given or applied,

as the case may require; and

- (c) provision as to any amount by way of remuneration or expenses which the commercial participator is to be entitled to receive in respect of things done by him in pursuance of the agreement and the manner in which any such amount is to be determined.

(5) The statement of methods referred to in paragraph (4)(a) above shall include, in relation to each method specified, a description of the type of charitable contributions which are to be given to or applied for the benefit of the charitable institution and of the circumstances in which they are to be so given or applied.