



2008 CHAPTER 12

PART 13

FUNDING OF CHARITABLE INSTITUTIONS

CHAPTER 2

CONTROL OF FUND-RAISING FOR CHARITABLE INSTITUTIONS

Control of fund-raising

Right of charitable institution to prevent unauthorised fund-raising

155.—(1) Where on the application of any charitable institution—

- (a) the Court is satisfied that any person has done or is doing either of the following, namely—
 - (i) soliciting money or other property for the benefit of the institution, or
 - (ii) representing that charitable contributions are to be given to or applied for the benefit of the institution,

and that, unless restrained, that person is likely to do further acts of that nature, and

- (b) the Court is also satisfied as to one or more of the matters specified in subsection (2),

then (subject to subsection (3)) the Court may grant an injunction restraining the doing of any such acts.

(2) The matters referred to in subsection (1)(b) are—

- (a) that the person in question is using methods of fund-raising to which the institution objects;

- (b) that that person is not a fit and proper person to raise funds for the institution; and
- (c) where the conduct complained of is the making of such representations as are mentioned in subsection (1)(a)(ii), that the institution does not wish to be associated with the particular promotional or other fund-raising venture in which that person is engaged.

(3) The power to grant an injunction under subsection (1) shall not be exercisable on the application of a charitable institution unless the institution has, not less than 28 days before making the application, served on the person in question a notice in writing—

- (a) requesting that person to cease forthwith—
 - (i) soliciting money or other property for the benefit of the institution, or
 - (ii) representing that charitable contributions are to be given to or applied for the benefit of the institution,as the case may be; and
- (b) stating that, if that person does not comply with the notice, the institution will make an application under this section for an injunction.

(4) Where—

- (a) a charitable institution has served on any person a notice under subsection (3) (“the relevant notice”) and that person has complied with the notice, but
- (b) that person has subsequently begun to carry on activities which are the same, or substantially the same, as those in respect of which the relevant notice was served,

the institution shall not, in connection with an application made by it under this section in respect of the activities carried on by that person, be required by virtue of that subsection to serve a further notice on that person, if the application is made not more than 12 months after the date of service of the relevant notice.

(5) This section shall not have the effect of authorising a charitable institution to make an application under this section in respect of anything done by a professional fund-raiser or commercial participator in relation to the institution.