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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 121**

**The Charities and Benevolent  
Fundraising (Scotland) Regulations 2009**

**Agreement between fundraisers and benevolent bodies**

2.—(1) For the purposes of section 81(1) of the 2005 Act, an agreement between a professional fundraiser or a commercial participator and a benevolent body must be in writing and signed by or on behalf of the professional fundraiser or commercial participator and the benevolent body.

(2) Such an agreement must include—

- (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;
- (e) any terms relating to the variation of the agreement during that period;
- (f) a statement of the principal objectives of the agreement and the methods to be used in pursuit of those objectives;
- (g) if there is more than one benevolent body party to the agreement, provision as to the manner of determining the proportion in which each benevolent body is to benefit;
- (h) if the professional fundraiser or commercial participator is to be entitled to receive remuneration or expenses, provision as to the amount which they are entitled to receive and the manner of determining that amount; and
- (i) if the agreement is between a commercial participator and a benevolent body, provision as to the manner of determining, in respect of either or both of—
  - (i) 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 them, which is to be given to or applied for the benefit of the benevolent body;
  - (ii) 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 the commercial participator which are to be so given or applied.