
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 121

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

Information to be provided by fundraisers

3.—(1) A professional fundraiser soliciting, a commercial participator making representations or a benevolent fundraiser benevolent fundraising, must accompany the solicitation, representation or benevolent fundraising with a statement in writing indicating—

- (a) where it is for the benefit of a benevolent body—
 - (i) the name of the benevolent body concerned;
 - (ii) if there is more than one body, the proportions in which each is to benefit; and
 - (iii) whether the professional fundraiser, commercial participator or benevolent fundraiser is to receive remuneration;
- (b) where it is for charitable, benevolent or philanthropic purposes, but not for the benefit of a benevolent body—
 - (i) that it is for those purposes and not for the benefit of a benevolent body;
 - (ii) the manner of determining how the fundraising proceeds are to be distributed or applied; and
 - (iii) whether the professional fundraiser, commercial participator or benevolent fundraiser is to receive remuneration.

(2) Where the solicitation, representation or benevolent fundraising is made orally, the information required by paragraph (1)(a) or (b) may be provided orally.

(3) Paragraph (1) does not apply to a benevolent fundraiser who is a volunteer.

(4) Paragraph (1)(a)(iii) and (b)(iii) does not apply to a benevolent fundraiser who is an employee or agent of a benevolent body or a company connected with a benevolent body, if the benevolent fundraiser is fundraising on behalf of that body in writing.

(5) If a solicitation by a professional fundraiser or a representation by a commercial participator is made in the course of a radio or television programme, the professional fundraiser or commercial participator must also state that any person making a payment of £100 or more by credit or debit card in response to the solicitation or representation has a right to have that payment refunded, provided they exercise that right within 7 days of the date of solicitation or representation.

(6) If a solicitation by a professional fundraiser or representation by a commercial participator is made orally but is not made—

- (a) by speaking directly to the particular person to whom it is addressed and in the presence of that person; or
- (b) in the course of a radio or television programme,

the professional fundraiser or commercial participator must also state that any person making a payment of £100 or more or entering into an agreement with the professional fundraiser or commercial participator where they agree to make a payment of £100 or more at a later date, in response to the solicitation or representation, has a right to have that payment refunded, or to

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cancel that agreement, provided they exercise that right within 7 days of the date of solicitation or representation.