



Charities Act 1992

1992 CHAPTER 41

PART II

CONTROL OF FUND-RAISING FOR CHARITABLE INSTITUTIONS

Control of fund-raising

59 Prohibition on professional fund-raiser etc. raising funds for charitable institution without an agreement in prescribed form.

- (1) It shall be unlawful for a professional fund-raiser to solicit money or other property for the benefit of a charitable institution unless he does so in accordance with an agreement with the institution satisfying the prescribed requirements.
- (2) It shall be unlawful for a commercial participator to represent that charitable contributions are to be given to or applied for the benefit of a charitable institution unless he does so in accordance with an agreement with the institution satisfying the prescribed requirements.
- (3) Where on the application of a charitable institution the court is satisfied—
 - (a) that any person has contravened or is contravening subsection (1) or (2) in relation to the institution, and
 - (b) that, unless restrained, any such contravention is likely to continue or be repeated,

the court may grant an injunction restraining the contravention; and compliance with subsection (1) or (2) shall not be enforceable otherwise than in accordance with this subsection.

- (4) Where—
 - (a) a charitable institution makes any agreement with a professional fund-raiser or a commercial participator by virtue of which—
 - (i) the professional fund-raiser is authorised to solicit money or other property for the benefit of the institution, or

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1992, Section 59. (See end of Document for details)

- (ii) the commercial participator is authorised to represent that charitable contributions are to be given to or applied for the benefit of the institution,
 as the case may be, but
 - (b) the agreement does not satisfy the prescribed requirements in any respect, the agreement shall not be enforceable against the institution except to such extent (if any) as may be provided by an order of the court.
- (5) A professional fund-raiser or commercial participator who is a party to such an agreement as is mentioned in subsection (4)(a) shall not be entitled to receive any amount by way of remuneration or expenses in respect of anything done by him in pursuance of the agreement unless—
- (a) he is so entitled under any provision of the agreement, and
 - (b) either—
 - (i) the agreement satisfies the prescribed requirements, or
 - (ii) any such provision has effect by virtue of an order of the court under subsection (4).
- (6) In this section “the prescribed requirements” means [^{F1}the requirement in subsection (7) and such other requirements (including any requirements supplementing subsections (7) and (8))] as are prescribed by regulations made by virtue of section 64(2)(a).
- [^{F2}(7) The requirement in this subsection is that the agreement must specify all of the following—
- (a) any voluntary scheme for regulating fund-raising, or any voluntary standard of fund-raising, that the professional fund-raiser or commercial participator undertakes to be bound by for the purposes of the agreement;
 - (b) how the professional fund-raiser or commercial participator is to protect vulnerable people and other members of the public from behaviour within subsection (8) in the course of, or in connection with, the activities to which the agreement relates;
 - (c) arrangements enabling the charitable institution to monitor compliance with subsection (1) or (2) by reference to the agreement.
- (8) The behaviour mentioned in subsection (7)(b) is—
- (a) unreasonable intrusion on a person's privacy;
 - (b) unreasonably persistent approaches for the purpose of soliciting or otherwise procuring money or other property;
 - (c) placing undue pressure on a person to give money or other property.]

Textual Amendments

- F1** Words in s. 59(6) substituted (1.11.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\), ss. 13\(2\), 17\(4\); S.I. 2016/815, reg. 4\(c\)](#)
- F2** S. 59(7)(8) inserted (1.11.2016) by [Charities \(Protection and Social Investment\) Act 2016 \(c. 4\), ss. 13\(3\), 17\(4\); S.I. 2016/815, reg. 4\(c\)](#)

Commencement Information

- II** Pt. II (ss. 58-64) wholly in force at 1.3.1995; Pt. II not in force at Royal Assent see s. 79(2); Pt. II in force for certain purposes at 28.11.1994 and wholly in force at 1.3.1995 by [S.I. 1999/3023, art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Charities Act 1992, Section 59.