



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

Status: This is the original version (as it was originally enacted).

- (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 such requirements as are prescribed by regulations made by virtue of section 64(2)(a).