



Charities Act 1992

1992 CHAPTER 41

PART II

CONTROL OF FUND-RAISING FOR CHARITABLE INSTITUTIONS

Control of fund-raising

61 Cancellation of payments and agreements made in response to appeals.

(1) Where—

- (a) a person (“the donor”), in response to any such solicitation or representation as is mentioned in any of subsections (1) to (3) of section 60 which is made in the course of a radio or television programme, makes any payment of [^{F1}£100] or more to the relevant fund-raiser by means of a credit card or a debit card, but
- (b) before the end of the period of seven days beginning with the date of the solicitation or representation, the donor serves on the relevant fund-raiser a notice in writing which, however expressed, indicates the donor’s intention to cancel the payment,

the donor shall (subject to subsection (4) below) be entitled to have the payment refunded to him forthwith by the relevant fund-raiser.

(2) Where—

- (a) a person (“the donor”), in response to any solicitation or representation falling within subsection (5) of section 60, enters into an agreement with the relevant fund-raiser under which the donor is, or may be, liable to make any payment or payments to the relevant fund-raiser, and the amount or aggregate amount which the donor is, or may be, liable to pay to him under the agreement is [^{F2}£100] or more, but
- (b) before the end of the period of seven days beginning with the date when he is given any such written statement as is referred to in that subsection, the donor serves on the relevant fund-raiser a notice in writing which, however expressed, indicates the donor’s intention to cancel the agreement,

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1992, Section 61. (See end of Document for details)

the notice shall operate, as from the time when it is so served, to cancel the agreement and any liability of any person other than the donor in connection with the making of any such payment or payments, and the donor shall (subject to subsection (4) below) be entitled to have any payment of [^{F2}£100] or more made by him under the agreement refunded to him forthwith by the relevant fund-raiser.

(3) Where, in response to any solicitation or representation falling within subsection (5) of section 60, a person (“the donor”)—

- (a) makes any payment of [^{F3}£100] or more to the relevant fund-raiser, but
- (b) does not enter into any such agreement as is mentioned in subsection (2) above,

then, if before the end of the period of seven days beginning with the date when the donor is given any such written statement as is referred to in subsection (5) of that section, the donor serves on the relevant fund-raiser a notice in writing which, however expressed, indicates the donor’s intention to cancel the payment, the donor shall (subject to subsection (4) below) be entitled to have the payment refunded to him forthwith by the relevant fund-raiser.

(4) The right of any person to have a payment refunded to him under any of subsections (1) to (3) above—

- (a) is a right to have refunded to him the amount of the payment less any administrative expenses reasonably incurred by the relevant fund-raiser in connection with—
 - (i) the making of the refund, or
 - (ii) (in the case of a refund under subsection (2)) dealing with the notice of cancellation served by that person; and
- (b) shall, in the case of a payment for goods already received, be conditional upon restitution being made by him of the goods in question.

(5) Nothing in subsections (1) to (3) above has effect in relation to any payment made or to be made in respect of services which have been supplied at the time when the relevant notice is served.

(6) In this section any reference to the making of a payment is a reference to the making of a payment of whatever nature and (in the case of subsection (2) or (3)) a payment made by whatever means, including a payment made by means of a credit card or a debit card; and subsection (6) of section 60 shall have effect for determining when a payment is made for the purposes of this section as it has effect for determining when a payment is made for the purposes of subsection (5) of that section.

(7) In this section “the relevant fund-raiser”, in relation to any solicitation or representation, means the professional fund-raiser or commercial participator by whom it is made.

(8) The [^{F4}Secretary of State] may by order—

- (a) amend any provision of this section by substituting a different sum for the sum for the time being specified there; and
- (b) make such consequential amendments in section 60 as he considers appropriate.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 1992, Section 61. (See end of Document for details)

Textual Amendments

- F1** Sum in s. 61(1)(a) substituted (1.4.2009) by Charities Acts 1992 and 1993 (Substitution of Sums) Order 2009 (S.I. 2009/508), arts. 1(1), **6(a)** (with art. 14)
- F2** Sum in s. 61(2) substituted (1.4.2009) by Charities Acts 1992 and 1993 (Substitution of Sums) Order 2009 (S.I. 2009/508), arts. 1(1), **6(b)** (with art. 14)
- F3** Sum in s. 61(3)(a) substituted (1.4.2009) by Charities Acts 1992 and 1993 (Substitution of Sums) Order 2009 (S.I. 2009/508), arts. 1(1), **6(c)** (with art. 14)
- F4** Words in s. 61(8) substituted (9.11.2016) by The Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997), art. 1(2), **Sch. 2 para. 8(3)(c)** (with art. 12)

Commencement Information

- I1** 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 61.