

CHARITIES ACT 2006

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Section 68: Statements indicating benefits for charitable institutions and collectors

235. This section inserts new sections 60A and 60B into the 1992 Act. They provide that where paid employees, officers, or trustees of a charity or connected company are acting as collectors, they must make a statement when making appeals.
236. New section 60A makes provision for collectors who are paid employees, officers, or trustees of a charity or connected company and who are soliciting a donation for a charitable institution or charitable, philanthropic or benevolent purpose.
237. *Subsection (4)* of new section 60A specifies the information that must be given in a statement where the collector is soliciting a donation for one or more specific charitable institutions. *Subsection (5)* specifies the information that must be given where the collector is soliciting for a charitable, philanthropic, or benevolent purpose, rather than for a specific institution. Cabinet Office guidance will set out forms of statements that could be used.
238. *Subsections (6) and (7)* define which persons are covered by this section. *Subsection (8)* provides an offence for failure to comply with these provisions, conviction for which carries a maximum penalty of a level 5 fine (currently £5,000). *Subsection (9)* applies the defence in s.60(8) of the 1992 Act, which refers to the taking of reasonable precautions and the exercising of due diligence.
239. New section 60B provides an exclusion for lower-paid collectors from the requirements in section 60A. It is based on section 58(3) of the 1992 Act, which provides the same exclusion for lower-paid professional fundraisers. *Subsections (2) and (5)* specify the earnings limits. *Subsection (6)* provides an order-making power for the Minister for the Cabinet Office to vary the earnings limits in this section.