



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

PART 2

FUNDRAISING FOR BENEVOLENT BODIES

Control of fundraising

83 Regulations about fundraising

- (1) The Scottish Ministers may, after consulting such persons as they think fit, make regulations—
- (a) about the solicitation by professional fundraisers of money or promises of money for the benefit of benevolent bodies or for charitable, benevolent or philanthropic purposes,
 - (b) about representations made by commercial participators in relation to benevolent contributions,
 - (c) generally for or in connection with regulating benevolent fundraising by benevolent fundraisers.
- (2) Such regulations may, in particular, make provision—
- (a) specifying sums for the purposes of section 79(3)(e),
 - (b) about the form and content of—
 - (i) agreements for the purposes of section 81,
 - (ii) notices under section 82(3),
 - (c) about the information and identification to be provided by professional fundraisers or commercial participators in soliciting money or promises of money or making representations in relation to benevolent contributions,
 - (d) about the information and identification to be provided by benevolent fundraisers in carrying on benevolent fundraising,
 - (e) about circumstances in which payments or agreements made in response to—
 - (i) solicitations or representations of the type described in paragraph (c),
 - or

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- (ii) benevolent fundraising,
 - may be refunded or, as the case may be, cancelled,
 - (f) requiring professional fundraisers or commercial participators to make available to benevolent bodies with whom they have agreements for the purposes of section 81 books, documents or other records (however kept) which relate to the bodies,
 - (g) about the manner in which money or promises of money acquired by professional fundraisers or commercial participators for the benefit of, or otherwise falling to be given to or applied by them for the benefit of, benevolent bodies is or are to be transmitted to the bodies,
 - (h) requiring benevolent fundraisers, in carrying on benevolent fundraising, to take all reasonable steps to ensure that it is carried on in such a way that it does not—
 - (i) unreasonably intrude on the privacy of those from whom funds are being solicited or procured,
 - (ii) involve the making of unreasonably persistent approaches to persons to donate funds,
 - (iii) result in undue pressure being placed on persons to donate funds,
 - (iv) involve the making of any false or misleading representation about any of the matters mentioned in subsection (3).
- (3) Those matters are—
- (a) the extent or urgency of any need for funds on the part of any benevolent body or company connected with such a body,
 - (b) any use to which funds donated in response to the fundraising are to be put by such a body or company, and
 - (c) the activities, achievements or finances of such a body or company.
- (4) In subsection (2)(g) the reference to money or promises of money includes a reference to money or promises of money which, in the case of a professional fundraiser or commercial participator—
- (a) has or have been acquired by the fundraiser or commercial participator otherwise than in accordance with an agreement with a benevolent body, but
 - (b) by reason of any solicitation or representation in consequence of which it has or they have been acquired, is or are held by the fundraiser or commercial participator on trust for such a body.
- (5) Regulations under this section may provide that a person who, without reasonable excuse, fails to comply with a specified requirement of the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) In this section—
- “benevolent fundraising” means soliciting or otherwise procuring money or promises of money for—
- (a) the benefit of benevolent bodies or companies connected with them, or
 - (b) charitable, benevolent or philanthropic purposes,
- “benevolent fundraisers” are—
- (a) benevolent bodies and companies connected with them,
 - (b) persons concerned in the management or control of such bodies or companies,

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- (c) employees or agents of—
 - (i) such bodies or companies,
 - (ii) persons concerned in the management or control of such bodies or companies, and
- (d) volunteers acting for or on behalf of such bodies or companies.