

# New fundraising requirements introduced in final amends to Charities Bill

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**CATEGORY:**  
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The Charities (Protection and Social Investment) Bill (the 'Charities Bill'), which has finished its passage through Parliament and is expected to receive Royal Assent very shortly, has not avoided the focus on charity fundraising.

The Government introduced provisions into the Charities Bill requiring additional requirements to be included in agreements with professional fundraisers and commercial participators, in particular to set out how vulnerable people and others will be protected from unreasonable behaviour. It also requires large charities to include information about their fundraising standards in their annual reports.

In anticipation of such a requirement, charities should consider whether they need to take steps, for example, in relation to regular elderly donors who appear to be confused.

On 7 January 2016, a further amendment to the Charities Bill was made which extends the reserve power of the Minister for Civil Society to regulate charity fundraising by enabling him to make regulations to:

1. require charities to be registered with the new Fundraising Regulator and to have regard to that regulator's guidance; and
2. conferring additional powers on the Charity Commission to regulate fundraising – this would mean that the Government could introduce statutory regulation if the recommendations in the Etherington Report are not acted upon.

The Labour party had proposed further amendments to the Charities Bill but these were defeated at its third reading.

The Bill gives the Charity Commission the power to issue public official warnings to charities. Proposals put forward would have made official warnings anonymous and given charities a right of appeal against official warnings. This first proposal was rejected, whilst the second was withdrawn. A further amendment was proposed which would require the Commission to give charities a minimum of 14 days' notice before issuing an official warning. This was not put to vote, although Rob Wilson stated that this would happen anyway. He commented that 'following debate in Committee, the Charity Commission has recognised the concerns raised and it has reassured me that it will normally apply a minimum notice period of 14 days.'

The text of the Charities Bill has been agreed by both Houses of Parliament. The Bill now awaits Royal Assent before it becomes law which is expected to happen very shortly.

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