

Charities (Protection and Social Investment) Bill [HL]

AMENDMENTS TO BE MOVED ON REPORT

After Clause 12

LORD BRIDGES OF HEADLEY

Insert the following new Clause –

“Fund-raising

- (1) Section 59 of the Charities Act 1992 (prohibition on certain fund-raising without agreement in prescribed form), is amended as follows.
- (2) In subsection (6) for “such requirements” substitute “the requirement in subsection (7) and such other requirements (including any requirements supplementing subsections (7) and (8))”.
- (3) After that subsection insert –
 - “(7) The requirement in this subsection is that the agreement must specify all of the following –
 - (a) any voluntary scheme for regulating fund-raising, or any voluntary standard of fund-raising, that the professional fund-raiser or commercial participator undertakes to be bound by for the purposes of the agreement;
 - (b) how the professional fund-raiser or commercial participator is to protect vulnerable people and other members of the public from behaviour within subsection (8) in the course of, or in connection with, the activities to which the agreement relates;
 - (c) arrangements enabling the charitable institution to monitor compliance with subsection (1) or (2) by reference to the agreement.
 - (8) The behaviour mentioned in subsection (7)(b) is –
 - (a) unreasonable intrusion on a person’s privacy;
 - (b) unreasonably persistent approaches for the purpose of soliciting or otherwise procuring money or other property;
 - (c) placing undue pressure on a person to give money or other property.”

After Clause 12—continued

- (4) In the Charities Act 2011, after section 162 insert—

“162A Annual reports: fund-raising standards information

- (1) If section 144(2) applies to a financial year of a charity, the annual report in respect of that year must include a statement of each of the following for that year—
- (a) the approach taken by the charity to activities by the charity or by any person on behalf of the charity for the purpose of fund-raising, and in particular whether a professional fund-raiser or commercial participator carried on any of those activities;
 - (b) whether the charity or any person acting on behalf of the charity was subject to an undertaking to be bound by any voluntary scheme for regulating fund-raising, or any voluntary standard of fund-raising, in respect of activities on behalf of the charity, and, if so, what scheme or standard;
 - (c) any failure to comply with a scheme or standard mentioned under paragraph (b);
 - (d) whether the charity monitored activities carried on by any person on behalf of the charity for the purpose of fund-raising, and, if so, how it did so;
 - (e) the number of complaints received by the charity or a person acting on its behalf about activities by the charity or by a person on behalf of the charity for the purpose of fund-raising;
 - (f) what the charity has done to protect vulnerable people and other members of the public from behaviour within subsection (2) in the course of, or in connection with, such activities.
- (2) The behaviour within this subsection is—
- (a) unreasonable intrusion on a person’s privacy;
 - (b) unreasonably persistent approaches for the purpose of soliciting or otherwise procuring money or other property on behalf of the charity;
 - (c) placing undue pressure on a person to give money or other property.
- (3) In this section—
- (a) “commercial participator” and “professional fund-raiser” have the meaning given by section 58 of the Charities Act 1992 (control of fund-raising: interpretation);
 - (b) “fund-raising” means soliciting or otherwise procuring money or other property for charitable purposes.
- (4) Section 58(6) and (7) of the Charities Act 1992 (references to soliciting money etc) apply for the purposes of this section as they apply for the purposes of Part 2 of that Act.””

Clause 13

LORD BRIDGES OF HEADLEY

Page 16, line 36, at end insert –

“() The fact that a relevant act may also have results other than those mentioned in subsection (2)(a) and (b) does not prevent the carrying out of that act being regarded as the making of a social investment.”

Page 16, line 37, after “that” insert “carrying out”

Page 17, leave out lines 17 to 21 and insert –

- “(4) This section and section 292C do not apply in relation to –
- (a) charities established by, or whose purposes and functions are set out in, legislation;
 - (b) charities established by Royal Charter;
- but they apply in relation to all other charities, whether established before or after this section comes into force.
- (5) In subsection (4) “legislation” means –
- (a) an Act of Parliament or an Act or Measure of the National Assembly for Wales; or
 - (b) subordinate legislation (within the meaning of the Interpretation Act 1978) made under such an Act or Measure.”

Page 17, line 24, leave out “this Part” and insert “section 292B”

Page 17, line 33, at end insert “, having regard to the benefit they expect it to achieve for the charity (by directly furthering the charity’s purposes and achieving a financial return)”

In the Title

LORD BRIDGES OF HEADLEY

Line 1, after “Amend” insert “the Charities Act 1992 and”

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