

Merges log

Below is a log of rules that have been merged in the Code.

	Rule(s)	Current	Rationale for merge and notes	Merged Rule
1	1.2 f)	<p>f) Organisations MUST NOT engage in fundraising which:</p> <ul style="list-style-type: none"> - Is an unreasonable intrusion on a person's privacy; - Is unreasonably persistent; <p>Or</p> <ul style="list-style-type: none"> - Places undue pressure on a person to donate. 	Merged to 1 General rule where 3 previously existed within the code.	While reasonable persuasion is allowed, you must not engage in fundraising which is an unreasonable intrusion on a person's privacy, is unreasonably persistent, or places undue pressure on a person to donate.
	14.3.2 c)	Fundraising Organisations MUST ensure that sufficient safeguards exist and are followed throughout the solicitation process to avoid pressurising potential donors, though reasonable persuasion can be used.		
	16.10 m)	Collectors MUST NOT pressurise the public to give their support, but they can use reasonable persuasion.		
2	1.2 g)	<p>Fundraisers MUST NOT continue to ask an individual for support if:</p> <ul style="list-style-type: none"> • that person clearly indicates – by word or gesture – that they do not wish to continue to engage 	Both rules deal with request to terminate engagement. Merged.	You must not continue to ask a person for support if that person clearly indicates – by word or gesture – that they do not want to continue to speak to you. You must , when

	16.10 p)	Collectors MUST , when asked to do so, terminate their approach in a polite manner.		asked to do so, end the conversation in a polite way.
	Private Site FR9 Door to Door FR7 Street FR6	Fundraisers MUST NOT attempt to initiate a conversation or continue to engage a member of the public if that person clearly indicates – by word or gesture – that they do not wish to be engaged.		
3	1.2 e i)	If a fundraiser knows or has reasonable grounds for believing that an individual lacks capacity to make a decision to donate, a donation MUST NOT be taken.	Merged as both rules deal with vulnerability and capacity to make an informed decision.	If you know, or have good reason to believe, that a person lacks capacity to make a decision to donate, or is in vulnerable circumstances which mean they may not be able to make an informed decision, you must not take a donation. Factors to consider may include, but are not limited to: <ul style="list-style-type: none"> • physical or mental medical conditions; • disability; • learning difficulties; • times of stress or anxiety (for example, bereavement, redundancy); • financial vulnerability (where a gift from a donor may affect their ability to sufficiently care for themselves or leave them in financial hardship); • skills in English;
	Street Rulebook, Door-to-door fundraising Rulebooks: RULE Fr2 Private Site fundraising Rulebook: RULE Fr3	Fundraisers MUST NOT sign up any person at any time who they may have reasonable grounds for believing, in the course of their engagement with the individual, that they are in vulnerable circumstances which mean they are unable to make an informed decision to donate. These may include, but are not limited to: <ul style="list-style-type: none"> • physical and mental medical conditions • disability • learning difficulties • times of stress or anxiety (e.g. bereavement, redundancy) • financial vulnerability (where a gift from a donor may impact on their ability to sufficiently care for themselves or leave them in financial hardship) 	The final condition: “Fundraisers MUST NOT sign up any person under 18 years of age.” Has been deleted as a repetition elsewhere in the code.	

		<ul style="list-style-type: none"> • Proficiency in English • Influence of alcohol or drugs <p>Fundraisers MUST NOT sign up any person under 18 years of age.</p>		<ul style="list-style-type: none"> • influence of alcohol or drugs; and • age.
4	1.3.3 b)	b) Fundraisers MUST be aware of when benefits nullify potential tax relief such as Gift Aid or top-up payments available under the small donation rules. If benefits do prevent the donation qualifying under Gift Aid or the small donation rules, organisations MUST NOT* attempt to reclaim tax on the sum.	Merged tainted donations element from 11.4 a) with 1.3.3 b)	You must be aware of when benefits cancel out potential tax relief such as Gift Aid or top-up payments available under the small donation rules. If benefits do prevent the donation qualifying under Gift Aid or the small donation rules, you must not* try to reclaim tax on the amount. Some benefits may be governed by the tainted donations rules .
	11.4 a)	Note that some benefits may cause Gift Aid relief to be lost and others may be subject to the tainted donations rules.		

5	4.5 b) L8.4.1 b) L9.6. b)	<p>Fundraising agreements between Charities registered in England and Wales and professional fundraisers MUST* include:</p> <ul style="list-style-type: none"> • details of any voluntary regulatory fundraising scheme or standard that the professional fundraiser undertakes to be bound by; • how the commercial organisation will protect the public from unreasonable intrusion on a person's privacy, unreasonably persistent approaches or undue pressure to give; and • how compliance with the agreement will be monitored by the charity, as specified within section 13 of the Charities (Protection and Social Investment) Act 2016. <p>Further guidance can be found here</p>	Repetition unified by including both Professional Fundraisers and commercial participators in one rule	<p>Fundraising agreements between charitable organisations established in England and Wales and professional fundraisers must* additionally include:</p> <ul style="list-style-type: none"> • details of any voluntary regulatory fundraising scheme or standard that the professional fundraiser undertakes to be bound by; • how the commercial organisation will protect the public from unreasonable intrusion on a person's privacy, unreasonably persistent approaches or undue pressure to give; and • how compliance with the agreement will be monitored by the charity, as specified within section 13 of the Charities (Protection and Social Investment) Act 2016. <p>See our guidance on Section 13 of the Charities (Protection and Social Investment) Act 2016 for more details.</p>
	12.4 b)	<p>Fundraising agreements between Charities registered in England and Wales and commercial participators MUST* include:</p> <ul style="list-style-type: none"> • details of any voluntary regulatory fundraising scheme or standard that the commercial participator undertakes to be bound by; • how the commercial organisation will protect the public from unreasonable intrusion on a person's privacy, 		

		<p>unreasonably persistent approaches or undue pressure to give; and</p> <ul style="list-style-type: none"> • how compliance with the agreement will be monitored by the charity, as specified within section 13 of the Charities (Protection and Social Investment) Act 2016. <p>Further guidance can be found here.</p>		
6	5.2.3	Organisations MUST* comply with any duties of confidentiality they have.	They 2 nd half of rule 5.4.1 is a more general rule regarding legal obligations on confidentiality, it has been removed from the case studies section and added to the general data protection rule that was at 5.2.3	You must* comply with any duties of confidentiality you have. You must not* disclose information received in circumstances where you have a legal duty to keep the information confidential, unless there is an overriding legal reason to do so (for example, a police investigation).
	5.4.1	If an organisation intends to use a real life example of an individual in a case study, the organisation MUST* only process that individual's personal data in accordance with the law (see sections 5.1-5.2 above regarding processing personal data lawfully) and MUST NOT* disclose information received in circumstances where a legal duty to keep the information confidential arises, unless there is an overriding legal imperative to do so (for example, a police investigation).		If you plan to use a real-life example of an individual in a case study, you must* only process that individual's personal data in accordance with the law (<i>please see section 1.c.1 Processing personal data, above about processing personal data lawfully</i>).
7	9.4 c)	Organisations MUST undertake due diligence on both the financial and reputational dealings of potential partners before agreements are put in place. This is especially important when working	Both rules dealing with Due diligence on partners before engaging with them	You must carry out proportionate due diligence on the financial and reputational dealings of potential partners, before agreements are put in place. This is

		with non-UK based third parties who are not bound by UK law.		especially important when working with non-UK based organisations who are not bound by UK law.
	12.3 a)	Organisations MUST carry out a process of due diligence, proportionate to the scale of the relationship, before engaging in a partnership.		
8	12.4 f)	In other situations, if goods or services are being sold during the course of the partnership, there MUST be a written agreement governing the relationship between the company and the fundraising organisation/trading subsidiary concerned (even where this is not strictly required by the relevant Acts). This MUST be approved and understood by all parties.	Created sub clause of rule rather than separate.	If goods or services are to be sold by the third party fundraiser, there must be a written agreement governing the relationship between the charitable organisation and the third party fundraiser (even if this is not strictly required by the relevant acts). <ul style="list-style-type: none"> The agreement must be considered, negotiated and agreed by authorised representatives of both parties before it begins. This must be approved and understood by both parties.
	12.4 g)	The agreement MUST be considered, negotiated and agreed by authorised representatives of both parties before its commencement.		
9	L13.1 a)	Organisations MUST* observe the legal requirements of the relevant jurisdiction	Separate rules dealing with legal requirements on Lotteries, brought together.	Where applicable, you must* keep to the relevant national legal requirements for lotteries. You must* make sure you are not running an illegal lottery.
	L13.3 a)	Organisations MUST* follow certain criteria to ensure they are not running an illegal raffle.		
10	15.2.1 a)	Venue/Location When identifying a suitable venue/ location for an event, fundraising organisations: <ul style="list-style-type: none"> MUST* consider issues of equal access for all, even if an event is 	Reduce the number of bullet points to two, those with legal requirements and those without.	When identifying a suitable venue or location for an event, you: <ul style="list-style-type: none"> must* consider issues of equal access for all, even if an event is being targeted at a specific group of people, and make sure the venue

		<p>being targeted at a specific group of people.</p> <ul style="list-style-type: none"> • MUST* ensure the venue complies with legal requirements about health and safety. • MUST ensure the venue/location is fit for purpose, taking note of any restrictions. • MUST be able to justify any environmental impact the event may have. 		<p>meets legal requirements about health and safety; and</p> <ul style="list-style-type: none"> • must make sure the venue or location is fit for purpose, taking note of any restrictions, and be able to justify any environmental impact the event may have.
11	15.2.1 b)	If any specialist equipment is required or recommended, a list MUST be given to each participant/team far enough in advance for them to borrow/purchase any necessary items, making clear who is responsible for the kit and its suitability.	2 rules where condition could be added to make one.	If any specialist equipment is required or recommended, a list must be given to each participant/team far enough beforehand for them to borrow or buy any necessary items, making clear who is responsible for the kit and its suitability. People taking part must not be able to proceed if the equipment mentioned above is not adequate.
	15.2.1 c)	Participants MUST NOT be able to proceed if the equipment mentioned above is not adequate.		
12	15.2.2 c)	Any compulsory insurance policies (for example, covering employees and use of cars) MUST* be in place.	2 rules where condition could be added to make one.	Any compulsory insurance policies (for example, covering employees and use of cars) must* be in place. You must make sure there is sufficient third-party public liability cover in place and must consider if you should take out other insurance cover.
	15.2.2 d)	Fundraising Organisations MUST ensure there is sufficient third party public liability cover in place and MUST consider if other insurance cover should be taken out.		

13	16.3 a)	a) Fundraising Organisations carrying out any collection MUST* comply with the relevant licensing/permission procedures.	1 rule that covers all three.	You must* get a licence or permit to collect from the relevant authority in the area, unless the relevant authority does not require you to hold a licence for your activity or have exempted your collection from this requirement
	Private Site Rulebook - RULE Op2:	Where required the correct permission or license MUST be held to conduct any face to face fundraising on the street, door to door or on a private site		
	L6.2.3 a)	A collection MUST NOT* be made until the promoter has obtained a licence from the relevant licensing authority.		
14	16.10 h)	Fundraising Organisations MUST be able to provide full details of all those collecting on their behalf within a given area, including name, address, telephone number, the area to be covered and the exact period during which the collector is authorised to collect.	General and Scottish variants brought together as part of a wider rule.	<p>All collections must* be carried out in line with the terms of the relevant permit or licence. This includes:</p> <ul style="list-style-type: none"> • That you ensure that collectors are fit and proper persons to collect, are at least the minimum age required by that jurisdiction and comply with their legal obligations. • That you provide collectors with any official materials or forms of authorisation that a licence or permit may require, such as written authorisation, a certificate of authority, an identity badge and / or collecting boxes or receipt books. • That you comply with any other legal requirements relating to official materials or forms of authorisation. • That where required, you are able to provide full details of all collectors within a given area, including name, address, telephone number, the precise area to be covered and the
	16.10 e)	In Scotland, fundraising organisations MUST* also be able to provide full details of all collectors within a given area, including name, address, telephone number, the precise area to be covered and the exact period during which the collector is authorised to collect.		

				exact period during which the collector is authorised to collect.
15	16.10 r)	If a “No Cold Calling Zone” has been created legitimately (i.e. within Trading Standards Institute guidelines), collectors MUST NOT cold call. Find out more about fundraising and Cold Calling Zones in the Institute of Fundraising’s Guidance	Near repetition of a rule, reconciled	If a “No Cold Calling Zone” has been created legitimately (in other words, within Trading Standards Institute guidelines), you must not cold call.
	Door to Door RULE Fr13	Fundraisers MUST NOT enter Cold Call Control Zones (CCCZs) that have been set up according to Chartered Trading Standards Institute guidelines.		
16	18.3.4 b)	Fundraisers MUST NOT take advantage of their employment by the organisation to solicit a personal legacy.	Sub clause of rule brought together into one rule.	Fundraisers must not take advantage of being employed by you to ask for a personal legacy. If you consider that a fundraiser has abused their position and has asked for a personal legacy, you must follow disciplinary procedures for dealing with these situations.
	18.3.4 c)	If an organisation considers that a fundraiser has abused his/her position and has solicited a personal legacy, the organisation MUST follow disciplinary procedures for dealing with such situations.		
17	L6.2.5 a)	If following the <u>model regulations</u> , collectors MUST NOT* be paid to carry out a street collection but may be paid to carry out a house to house collection.	Sub condition previously a separate rule. Brought into one rule	In some licensing authorities in England and Wales, the model regulations of the Charitable Collections (Transitional Provisions) Order 1974 apply. In these areas, collectors must not* be paid to carry out a street collection but may be paid to carry out a house-to-house collection. Any other payments from the collection must* be
	L6.2.5 b)	Any other payments from the collection MUST* be agreed in advance with the licensing authority.		

				agreed beforehand with the licensing authority.
18	L8.4.2 b)	A professional fundraiser with an agreement in place with a fundraising organisation MUST* on request make its books, documents and records relating to that organisation available for inspection and MUST* , subject to a reasonable excuse, pass on funds to the organisation as soon as reasonably practicable and within a maximum of 28 days.	Repetition unified by including both Professional Fundraisers and commercial participators in one rule. But the rule is also split to cover the two separate conditions that it deals with. <i>Note rule applies in England and Wales</i>	A professional fundraiser or commercial participator who has an agreement with you must* , when asked, make their books, documents and records relating to your organisation available for inspection.
	L9.7 a)	A commercial participator who has an agreement with a charity MUST* on request make its books, documents and records relating to that charity available for inspection and MUST* , subject to a reasonable excuse, pass on funds to the charity as soon as reasonably practicable and within a maximum of 28 days.		A professional fundraiser or commercial participator must* pass on funds to you as soon as reasonably possible and within 28 days, unless they have a reasonable excuse.
19	L8.4.3 a)	A professional fundraiser MUST* pass on funds to the charitable institution/benevolent body in accordance with the Regulations. In Scotland, the funds MUST be passed on as soon as reasonably practicable and in any event within a maximum of 28 days of receipt. Scots law does not permit the parties to agree otherwise, nor does it make an exemption where there is a reasonable excuse.	Repetition unified by including both Professional Fundraisers and commercial participators in one rule	A professional fundraiser or commercial participator must* pass on funds to you as soon as reasonably possible and within 28 days, unless they have a reasonable excuse.
	L9.8 a)	A professional fundraiser/commercial participator MUST* pass on funds to the		

		charitable institution/benevolent body in accordance with <u>the Regulations</u> . In Scotland, the funds MUST be passed on as soon as reasonably practicable and in any event within a maximum of 28 days of receipt. Scots law does not permit the parties to agree otherwise, nor does it make an exemption where there is a reasonable excuse		
20	L11.2 f)	Trustees MUST* act in the best interests of their charity. The interests of the charity are paramount. Trustees should not allow their personal interests or views to override this: they MUST* exercise independent judgment.	Trustee duties have a number of rules around the area of acting in best interests of the charity, responsible use of funds and managing conflicts. These rule appear within the code The specific merge here deals with conflicts of interest.	You must* be aware of possible conflicts between duties you owe to your organisation and the duties or loyalties you have to others; follow your organisations conflicts procedures and make decisions relating to the charitable organisation disregarding any other interests you have.
	L11.2 g)	Trustees MUST* avoid any conflict between their personal interests and those of the charity. The main implication of this is that the scope for trustees to benefit personally from their charity is very limited. Trustees MUST* deal appropriately with any conflicts between their own personal interests and those of the charity. They MUST* also be alert to possible conflicts between duties they may owe to other organisations and the duties they have to the charity.		