



Department for Digital, Culture, Media & Sport

Ministerial Support Team
4th Floor
100 Parliament Street
London SW1A 2BQ

E: enquiries@dcms.gov.uk

www.gov.uk/dcms

9 June 2021

Stuart Davies
stuart.davies@rightmarket.com

Our Ref: TO2021/01072

Dear Mr Davies,

Thank you for your correspondence of 15 January to the Department for Digital, Culture, Media and Sport (DCMS), regarding Fundraising Code and fundraising compliance. I am replying as a member of the Ministerial Support Team and I apologise for the delay in my response.

Part 4 of the Charities Act 2011 makes clear that charities who had a gross income exceeding £10,000 in the last financial year must disclose their registered charity status in official publications. Section 39 states:

Statement required to be made in official publications etc.

1. This section applies to a registered charity if its gross income in its last financial year exceeded £10,000.
2. If this section applies to a registered charity, the fact that it is a registered charity must be stated in legible character
 - a. in all notices, advertisements and other documents issued by or on behalf of the charity and soliciting money or other property for the benefit of the charity,
 - b. in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed on behalf of the charity, and
 - c. in all bills rendered by it and in all its invoices, receipts and letters of credit.
3. The statement required by subsection (2) must be in English, except that, in the case of a document which is otherwise wholly in Welsh, the statement may be in Welsh if it consists of or includes “elusen cofrestredig” (the Welsh equivalent of “registered charity”).
4. Subsection (2)(a) has effect—
 - a. whether the solicitation is express or implied, and
 - b. whether or not the money or other property is to be given for any consideration.

Section 41 of the Charities Act 2011 states:

Offences

1. It is an offence for a person, in the case of a registered charity to which section 39 applies, to issue or authorise the issue of any document falling within section 39(2)(a) or (c) which does not contain the statement required by section 39(2).
2. It is an offence for a person, in the case of a registered charity to which section 39 applies, to sign any document falling within section 39(2)(b) which does not contain the statement required by section 39(2).
3. A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

If a person were to be arrested, prosecuted and convicted of an offence under section 41 then they could be subject to a fine of up to £1,000. However, we do not know of a recent example of such a prosecution, and in practice it is more likely that the Charity Commission would take regulatory action against a charity that failed to meet the legal requirements.



The Fundraising Regulator is best placed to respond to your second question regarding Section 5.3.1 of the Fundraising Code. They can be contacted [here](#).

I hope this information is helpful.

Yours sincerely,

Charlotte Greenway
Ministerial Support Team