

Mergers log

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

	Rule number (code up to Oct 2019)	Rule (code up to Oct 2019)	Why are these rules being merged?	Merged Rule in new code from Oct 2019 (including Plain English changes)
1	1.2 c)	Organisations MUST NOT exaggerate facts relating to the potential beneficiary.	Both rules deal with exaggeration of the facts	1.3.1 You and the fundraising materials you use must not mislead anyone, or be likely to mislead anyone, either by leaving out information or by being inaccurate or ambiguous or by exaggerating details.
	6.8	Fundraising communications MUST NOT mislead, or be clearly likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.		
2	1.2 g)	Fundraisers MUST NOT continue to ask an individual for support if: <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.	1.2.2 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 end the conversation in a polite way.
	16.10 p)	Collectors MUST , when asked to do so, terminate their approach in a polite manner.		
3	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 requirements from 11.4 a) with 1.3.3 b)	2.7.8 You must be aware when benefits cancel out possible 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 Gift Aid Small Donations Scheme rules, you must not try to reclaim tax on the donation. The tainted-donations rules may apply to some benefits.

	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.		
	5.2.4	Organisations MUST* maintain good data hygiene practices (removing incorrect/incomplete information from your data) to ensure donor information is accurate, reflects donors' communication preferences and is retained only for as long as necessary.	Merged to reflect all data retention requirements in one rule	3.2.2 You must make sure that data you keep about donors is accurate and reflects their communication preferences, and only keep it for as long as is necessary for: <ul style="list-style-type: none"> • the purpose or purposes you are processing it for; • purposes compatible with these stated processing purposes; or • a purpose that is allowed by law and is in the public interest.
	5.2.6	Personal data MUST* only be kept as long as necessary to fulfil the purpose for which it was processed (<i>see rule 5.2.2 for further information on what information MUST be provided to the individual regarding processing</i>).		
4	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.	Merged to reflect all requirements for written agreements in one rule.	7.2.5 If the third-party fundraiser will be selling goods or services, there must be a written agreement governing the relationship between the charitable institution and the third-party fundraiser (even if this is not strictly needed under the relevant acts). <ul style="list-style-type: none"> • Before the agreement begins, it must be considered, negotiated and agreed by authorised representatives of both the charitable institution and the third-party fundraiser. • The charitable institution and the third-party fundraiser must approve and understand the agreement.
	12.4 g)	The agreement MUST be considered, negotiated and agreed by authorised representatives of both parties before its commencement.		

5	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.	Merged to reflect all requirements for specialist equipment in one rule.	11.1.2 If any specialist equipment is needed by (or recommended for) anyone taking part, you must give a list to each team or person taking part in enough time for them to borrow or buy any necessary items. The list should say who is responsible for the kit and who it is suitable for. People taking part must not go ahead if the equipment mentioned above is not suitable.
	15.2.1 c)	Participants MUST NOT be able to proceed if the equipment mentioned above is not adequate.		
6	15.2.2 c)	Any compulsory insurance policies (for example, covering employees and use of cars) MUST* be in place.	Merged to reflect all requirements for insurance cover in one rule.	11.2.3 You must make sure that any insurance policies you have to have by law are in place. You must make sure you have sufficient third-party public-liability cover in place and must consider whether you should take out any 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.		
7	16.3 a)	a) Fundraising Organisations carrying out any collection MUST* comply with the relevant licensing/permission procedures.	Merged to reflect both requirements for licensing of collections in one rule.	8.2.1 If you are a charitable institution collecting on public land, you must get a licence or permit from the relevant authority to collect in that area, unless the relevant authority does not require you to hold a licence for your activity.
	L6.2.3 a)	A collection MUST NOT* be made until the promoter has obtained a licence from the relevant licensing authority.		
10	16.3 f)	In Scotland, unless an exempt promoter , a written application MUST* be made at least one month in advance (or within such other period as the local authority may determine).	Merged to reflect all requirements for licensing application timescales in one rule, and reflect national differences.	8.2.2 If you are a charitable institution, you must apply for licences in good time before the collection is due to take place. <ul style="list-style-type: none"> In Scotland, unless the relevant authority does not require you to hold a licence, you must apply for a licence in writing at least one month before your collection (or within any other period the local authority decides).
	16.3 h)	Licences MUST* be applied for in good time before the collection is due to take place.		

				<ul style="list-style-type: none"> In Northern Ireland, for street collections you must apply for a licence in writing before the first day of the month before the month in which the collection will take place.
11	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.	Merged to emphasise that the terms of the relevant permit or licence (wherever it is issued) must be followed in law and to emphasise that full details of collectors may be required by licences issued in any country.	<p>8.2.3 You must carry out all collections in line with the terms of the relevant permit or licence. You must also make sure that:</p> <ul style="list-style-type: none"> you carry out due diligence to check that a collector is a fit and proper person to collect; collectors are at least the minimum age allowed to fundraise in the relevant country and that they meet the obligations they have by law; you provide collectors with any official materials or authorisation needed under a licence or permit, such as written authorisation, a certificate of authority, an identity badge, collecting boxes or receipt books; you meet any other legal requirements relating to official materials or authorisation; and if required (for example, by the person issuing the permit), you are able to provide full details of all collectors in a certain area, including their names, addresses and phone numbers, the precise area to be covered and the exact period during which the collector is authorised to collect.
	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.		
12	19.5 a)	Payments to fundraisers MUST NOT* be excessive. For the purposes of this code, an excessive payment should be regarded as one which is considerably more than an	Merged to reflect both requirements for excessive	<p>2.5.2 You must not pay fundraisers excessive amounts. Where appropriate, you must put a cap on how much you pay fundraisers or use a reducing sliding scale to avoid excessive pay.</p>

		ordinary, well-informed person would consider reasonable.	payment in one rule.	
	19.5 b)	Where appropriate, maximum caps or reducing sliding scales MUST be used to avoid excessive remuneration.		
13	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.	Merged latter part of Legal Appendix rules f with g regarding conflicts of interest.	2.1.4 You must be aware of possible conflicts between the duties you owe to your charitable institution and the duties or loyalties you have to others. You must follow your charitable institution's conflicts procedures and disregard any other interests you have when making decisions relating to the organisation.
	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.		