

1984 No. 565

CHARITIES

The Public Charitable Collections (Scotland) Regulations 1984

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<i>Made</i>	<i>10th April 1984</i>
<i>Laid before Parliament</i>	<i>3rd May 1984</i>
<i>Coming into Operation</i>	<i>1st July 1984</i>

In exercise of the powers conferred on me by section 119 of the Civic Government (Scotland) Act 1982, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—

(1) These regulations may be cited as the Public Charitable Collections (Scotland) Regulations 1984 and shall come into operation on 1st July 1984.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Civic Government (Scotland) Act 1982;

“agent” means a person appointed by the organiser in accordance with regulation 3 of these regulations;

“collecting box” means a box or other similar receptacle which is securely closed and sealed so as to prevent it from being opened without the seal being broken and bears prominently displayed thereon, so as to be readily legible by any person from whom money is solicited, the name of the funds or organisations which are to benefit from the collection;

“collection” means a public charitable collection;

“collector” means any person who solicits contributions in the course of a collection;

[...] ¹

“envelope” means an envelope which has a gummed flap by means of which it can be securely closed and which bears the name of the funds or organisations which are to benefit from the collection;

“envelope collection” means a house to house collection made by going from house to house presenting envelopes in which money may be placed for immediate collection or which may be called for subsequently;

¹ Definiton repealed by Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996/739 Sch.1(II) para.9(2)(a) (April 1, 1996)

“exempted promoter” means a person whom the Secretary of State by virtue of his powers under section 119(11) of the Act has directed should be exempt from section 119(1) of the Act;

“house” includes a place of business;

“house to house collection” means a collection made by going from house to house and soliciting contributions from the occupants thereof;

[“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;]²

“organiser” means any person who either organises a collection in respect of which he has been given permission under section 119 of the Act or who is an exempted promoter;

“a qualified accountant” means a member of, or a firm all of the partners of which are members of, one of the following bodies:—

- (a) The Institute of Chartered Accountants of Scotland,
- (b) The Institute of Chartered Accountants in England and Wales,
- (c) The Institute of Chartered Accountants in Ireland, or
- (d) The Association of Certified Accountants;

“street collection” means a collection made by soliciting contributions from passers by in a public place.

Commencement

reg. 1(1)-(2) definition of "street collection": July 1, 1984

Duties of the organiser

2.—

(1) On receiving permission to organise a collection the organiser if he is not an exempted promoter shall appoint an independent responsible person or a qualified accountant to act as auditor of the collection.

(2) An exempted promoter shall appoint a qualified accountant to act as auditor for all collections which he organises while an exempted promoter.

Commencement

reg. 2(1)-(2): July 1, 1984

3.—

(1) The organiser may appoint an agent to carry out certain of his functions under these regulations.

(2) The organiser shall exercise all due diligence to ensure that—

- (a) any agent that he appoints to carry out any functions is a fit and proper person to carry out such functions; and

² Definition inserted by Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996/739 Sch.1(II) para.9(2)(b) (April 1, 1996)

- (b) any agent, collector or other person covered by these regulations complies with the obligations imposed by these regulations and with any conditions imposed under section 119 of the Act by the [local authority]³, the sheriff or the Secretary of State.

Commencement

reg. 3(1)-(2)(b): July 1, 1984

4.—

- (1) The organiser of a collection or his agent shall issue to each collector participating in the collection a certificate of authority which shall bear—
- (a) the name and address of the organiser;
 - (b) the name and address of the collector to whom the certificate is issued;
 - (c) the name of the funds or organisations which are to benefit from the collection;
 - (d) the area in which the collector is authorised to collect;
 - (e) the period during which the collector is authorised to collect;
 - (f) the signature of the collector;
 - (g) the signature of the organiser or his agent; and
 - (h) when the certificate has been signed by an agent the name and address of the agent.
- (2) The organiser or his agent shall—
- (a) if the collection is an envelope collection, issue a supply of envelopes to each collector;
 - (b) if the collection is not an envelope collection, issue a collecting box marked with a distinguishing number to each collector; and
 - (c) record the name and address of each collector, and the number marked on the box given to him or the number of envelopes issued to him.

Commencement

reg. 4(1)-(2)(c): July 1, 1984

5.

The organiser or his agent shall exercise all due diligence to ensure that the collectors to whom certificates of authority are issued are—

- (a) if the collection is a street collection, 14 years of age or over;
- (b) if the collection is a house to house collection, 16 years of age or over;
- (c) fit and proper persons to act as collectors; and
- (d) aware of their obligations under these regulations and under any conditions relating to the collection made under section 119 of the Act by the [local authority]⁴, the sheriff or the Secretary of State.

³ Word substituted by Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996/739 Sch.1(II) para.9(3) (April 1, 1996)

⁴ Word substituted by Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996/739 Sch.1(II) para.9(3) (April 1, 1996)

Commencement

reg. 5(a)-(d): July 1, 1984

Duties of collectors**6.—**

(1) No person shall act as a collector unless he possesses a certificate of authority and displays a badge bearing the name of the funds or organisations which are to benefit from the collection.

(2) A collector shall produce his certificate of authority, on demand, to a police constable, to any person from whom he has solicited a contribution or to any other interested person.

Commencement

reg. 6(1)-(2): July 1, 1984

7.—

(1) A collector in an envelope collection shall not accept any contribution except in a sealed envelope.

(2) A collector in a collection which is not an envelope collection shall not accept any contribution except by permitting the donor to place it in a collecting box.

Commencement

reg. 7(1)-(2): July 1, 1984

8.

No collector shall importune any person to the annoyance of that person or remain in or at the door of any house if requested to leave by any occupants thereof.

Commencement

reg. 8: July 1, 1984

9.

A collector shall return his certificate of authority and his collecting box or envelopes, unopened, to the organiser or his agent on ceasing to act as a collector or at any other time on demand by the organiser or his agent.

Commencement

reg. 9: July 1, 1984

Opening of collecting boxes and envelopes

10.—

(1) Except as provided in paragraph (2) below, no person shall open a collecting box or sealed envelope.

(2)

(a) A collecting box or sealed envelope shall be opened by the organiser or his agent in the presence of another responsible person or, if they are delivered unopened to a bank, they shall be opened by an official of the bank; and

(b) in the case of an envelope collection the person opening the envelopes shall note the number of envelopes returned by each collector and the total amount of money in them and convey this information to the organiser; or

[(c) if the collection is not an envelope collection the person opening the collecting boxes shall note the number on each collecting box and, in the case of a collection not opened by an employee of a bank, shall record the amount of money in it and convey this information to the organiser.]⁵

Commencement

reg. 10(1)-(2)(c): July 1, 1984

Accounts

11.—

(1) The organiser, other than an exempted promoter, of a collection within the area of a [local authority]⁶ shall, within one month of the last date for which he possessed permission to organise a collection, submit to that [local authority]⁶ accounts relating to the collection unless the [local authority]⁶ are satisfied that there are special reasons for granting an extension in which case the one month period may be extended at their discretion.

(2) Where the organiser has received permission to collect for the same beneficiaries on the same dates in more than one area, the accounts may relate to the combined collection in all the relevant areas.

(3) The accounts shall disclose particulars of—

(a) the amount collected in the collection;

(b) any other amount attributable to the collection;

(c) all expenses incurred in connection with the collection; and

(d) the name of the funds or organisations which have benefited from the collection and the amount which each has been paid from the net proceeds of the collection.

⁵ Substituted by Public Charitable Collections (Scotland) Amendment Regulations 1988/1323 reg.2 (September 1, 1988)

⁶ Word substituted by Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996/739 Sch.1(II) para.9(3) (April 1, 1996)

(4) The accounts shall be accompanied by a statement by the organiser and a report by the auditor in the form set out in the Schedule to these regulations.

(5) If required by a condition imposed by a [local authority]⁶ under section 119(5) of the Act the accounts shall be accompanied—

(a) in relation to an envelope collection, by a list showing the number of envelopes issued to and returned by each collector and the total amount in the envelopes; or

[(b) in relation to a collection which is not an envelope collection, by a list showing the distinguishing numbers of all collection boxes issued and, in the case of a collection not opened by an employee of a bank, by a list of the amounts collected in each collection box issued.]⁷

(6) The organiser shall retain all vouchers receipts and other papers relating to the collection for a period of 2 years from the date on which the accounts are submitted to the [local authority]⁶. The organiser shall be obliged to exhibit such vouchers receipts or other papers which may be required by the [local authority]⁶ during that period and shall supply any further information or explanation required by the [local authority]⁶ in relation to any of the particulars required by regulation 11(3) or in relation to any of the vouchers receipts or other papers retained in accordance with this regulation.

Commencement

reg. 11(1)-(6): July 1, 1984

12.—

(1) Subject to paragraph (2) below, an exempted promoter shall submit accounts at least once during every period of twelve months to the Secretary of State, and a person ceasing to be an exempted promoter shall submit accounts to the Secretary of State within 3 months of such cessation.

(2) The Secretary of State may accept accounts from an exempted promoter which include details of income and expenditure arising from collections organised by another exempted promoter; and in such circumstances the Secretary of State may waive the requirement for a submission of accounts by the other exempted promoter.

(3) The accounts shall, in respect of either the period since the previous accounts were submitted by the exempted promoter, or the period since the exempted promoter became an exempted promoter, disclose particulars of—

(a) the amounts collected in collections organised by the exempted promoter;

(b) any other amounts attributable to the collections;

(c) all expenses incurred in connection with the collections; and

(d) the name of the funds or organisations which have benefited from the collections and the amount which each has been paid from the net proceeds of the collections.

(4) The accounts shall be accompanied by a statement by the exempted promoter and a report by the auditor in the terms set out in the Schedule to these regulations.

⁷ Substituted by Public Charitable Collections (Scotland) Amendment Regulations 1988/1323 reg.3 (September 1, 1988)

(5) The exempted promoter shall give the Secretary of State any further information or explanation which the Secretary of State may require in relation to any of the particulars required by regulation 12(3).

Commencement

reg. 12(1)-(5): July 1, 1984

13.

The organiser shall within one month of submitting accounts publish a summary of them in one or more newspapers circulating in the area or areas for which permission had been granted to collect, or, if the organiser is an exempted promoter, in one or more newspapers circulating throughout Scotland. Where a collection has been undertaken within the area of a single [...] ⁸ [local authority] ⁹, that [local authority] ⁹ may waive this requirement subject to their making a summary of the accounts available for inspection by members of the public for a reasonable period of time. The summary shall include the name of the organiser, the amount of the proceeds and expenses of the collection to which the summary relates, and the name of the funds or organisations which have benefited from the collection and the amount which each has been paid from the net proceeds of the collection.

Commencement

reg. 13: July 1, 1984

Offences

14.—

(1) Any person who acts in contravention of regulations 6, 7, 8 or 9 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [level 1 on the standard scale] ¹⁰ in respect of each offence.

(2) Any person who acts in contravention of regulations 2, 3, 4, 5, 10, 11, 12 or 13 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [level 2 on the standard scale] ¹⁰ in respect of each offence.

Commencement

reg. 14(1)-(2): July 1, 1984

George Younger,

⁸ Words repealed by Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996/739 Sch.1(II) para.9(4) (April 1, 1996)

⁹ Word substituted by Local Government (Transitional and Consequential Provisions and Revocations) (Scotland) Order 1996/739 Sch.1(II) para.9(3) (April 1, 1996)

¹⁰ Words substituted by Criminal Procedure (Scotland) Act 1975 c. 21 Pt II c.005 s.289GD (October 12, 1988: represents law in force as at date shown)

One of Her Majesty's Principal Secretaries of State.
New St Andrew's House,
Edinburgh.

10th April 1984.

SCHEDULE

Statement by the Organiser

Regulations 11(4) and 12(4)

[Form not available in online format. Please see original printed copy.]

Commencement

Sch. 1 para. 1: July 1, 1984

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations apply to charitable collections which may be either street collections or house to house collections. Such collections may be organised by persons who have been granted permission to do so by a district or islands council or who have been exempted from the need to seek such permission by the Secretary of State.

Regulations 2, 3, 4 and 5 make provision for ensuring that public charitable collections are properly supervised and do not cause a nuisance and that collecting is carried out only by fit and proper persons aged 14 or over for a street collection and 16 or over for a house to house collection. Regulation 6 provides that collectors must carry a badge and a certificate signed by the organiser of the collection or his agent and regulation 7 provides that collectors must make use only of collecting boxes or envelopes marked with the name of the charity for which they are collecting.

Regulation 8 provides that collectors shall not cause a nuisance and regulations 9 and 10 provide for the return and opening of collection boxes and envelopes and for the keeping of records.

Regulations 11 and 12 set out the requirements for submission of accounts by organisers of individual collections and exempted promoters respectively. Regulation 13 makes provision for the publication of a summary of accounts.

Regulation 14 details the penalties exigible in respect of offences under the regulations.

These regulations are required because existing bye-laws relating to street collections and house to house collections will cease to have effect with the repeal of section 5(3) of the Police, Factories etc (Miscellaneous Provisions) Act 1916 (1916 c.31) and the House to House Collections Act 1939 (1939 c.44) respectively by section 119(15) of the Civic Government (Scotland) Act 1982.