

1974 No. 140

LOCAL GOVERNMENT, ENGLAND AND WALES

The Charitable Collections (Transitional Provisions) Order 1974

<i>Made - - - -</i>	<i>30th January 1974</i>
<i>Laid before Parliament</i>	<i>7th February 1974</i>
<i>Coming into Operation</i>	<i>15th February 1974</i>

In exercise of the powers conferred upon me by section 254 of the Local Government Act 1972(a), I hereby make the following Order:—

1.—(1) This Order may be cited as the Charitable Collections (Transitional Provisions) Order 1974 and shall come into operation on 15th February 1974.

(2) This Order shall not apply to the Metropolitan Police District or the City of London.

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires—

“area” means the area of a licensing authority;

“chief promoter” without more, means a person to whom a licence has been granted or the person, society, committee or other body of persons responsible for a street collection, as the case may be;

“collection” without more, includes both a street collection and a collection within the meaning of the 1939 Act;

“existing” means—

(a) in relation to an area or a licensing authority, an area or a licensing authority that is in existence on the date of coming into operation of this Order;

(b) in relation to regulations, regulations made by an existing licensing authority or the House to House Collections Regulations 1947(c), as amended(d), as the case may be;

(a) 1972 c. 70.

(b) 1889 c. 63.

(c) S.R. & O. 1947/2662 (Rev. III, p. 679: 1947, p. 1022).

(d) The relevant amending instrument is S.I. 1963/684 (1963 I, p. 848).

(c) in relation to licences and permits, licences and permits in force at any time between the date of coming into operation of this Order and 1st April 1974;

“licensing authority” means the authority having power to make regulations under the 1916 Act or to grant licences under the 1939 Act, as the case may be;

“licence” means a licence granted under section 2 of the 1939 Act;

“new” means—

(a) in relation to an area or a licensing authority, a district or the council of a district within the meaning of the 1972 Act;

(b) in relation to licences and permits, licences and permits coming into operation not earlier than 1st April 1974;

“the 1916 Act” means the Police, Factories, etc. (Miscellaneous Provisions) Act 1916(a);

“the 1939 Act” means the House to House Collections Act 1939(b);

“the 1972 Act” means the Local Government Act 1972(c);

“permit” means a permit granted under street collection regulations;

“regulations”, without more, means regulations made under section 5 of the 1916 Act or section 4 of the 1939 Act, as the case may be;

“street collection” means a collection or sale to which street collection regulations apply;

“street collection regulations” means regulations made or deemed, by virtue of Article 5 below, to have been made under section 5 of the 1916 Act.

3. (a) Existing street collection regulations, and

(b) existing permits, and

(c) notwithstanding anything contained in section 2(2) of the 1939 Act, existing licences,

shall cease to have effect or expire, as the case may be, immediately before 1st April 1974, if then still in force.

4. Street collection regulations made by a new licensing authority shall come into operation—

(a) for the purpose of granting new permits under Article 6 below, on the date on which they are confirmed by the Secretary of State;

(b) for all other purposes on 1st April 1974 or one month after the date on which they are so confirmed whichever is the later.

5.—(1) Notwithstanding anything contained in section 5 of the 1916 Act, a new licensing authority may, by a resolution passed and taking effect before 1st October 1974, adopt the model street collection regulations set out in the Schedule to this Order and the model street collection regulations so adopted

(a) 1916 c. 31.

(b) 1939 c. 44.

(c) 1972 c. 70.

shall be deemed to be street collection regulations made under section 5 of the 1916 Act.

(2) A resolution passed under this Article shall not take effect unless—

- (a) a copy of the resolution has been lodged with, and receipt of such copy has been acknowledged by, the Secretary of State; and
- (b) there has been inserted in two newspapers circulating within the area of the new licensing authority by whom the resolution has been passed an advertisement containing a copy of the resolution and stating that a copy of the regulations will be furnished free of charge by the new licensing authority to any person on application to that authority.

(3) A resolution passed under this Article shall, for the purpose of granting new permits under Article 6 below, take effect as soon as the requirements of paragraph (2) above have been complied with but for all other purposes shall take effect on a date to be specified in the resolution being a date not earlier than 1st April 1974 or one month after the date of the resolution being passed, whichever is the later.

(4) Street collection regulations adopted under this Article shall not require confirmation by the Secretary of State.

6.—(1) Any new licence or new permit granted before 1st April 1974 shall be granted—

- (a) by the existing licensing authority specified in paragraph (2) below, and
- (b) in respect of the whole of a new area.

(2) A new licence or new permit granted under paragraph (1) above shall be granted by the existing licensing authority whose area includes the whole or the greatest part of the new area in respect of which such licence or permit is granted except where the committee of existing councils nominate another existing licensing authority for the purpose.

(3) New permits granted under this Article shall, without prejudice to any power of revocation, expire on a date not later than 31st March 1975.

(4) In this Article “committee of existing councils” means the committee established under section 264(1)(b) of the 1972 Act by the councils of existing county boroughs and county districts.

7.—(1) Where, in an existing area, a collection in respect of which an existing licence or permit has been granted is made and a statement or account of that collection is required to be furnished to the existing licensing authority by existing regulations, but no such statement or account has been furnished before 1st April 1974, it shall be the duty of the chief promoter, on or before 30th April 1974, to furnish such statement or account to the clearing authority.

(2) The clearing authority may extend the period within which a statement or account is required to be furnished to it under paragraph (1) above if satisfied that there are special reasons for so doing.

(3) In this Article “the clearing authority” means such new licensing authority as is nominated by the existing licensing authority and different new licensing authorities may be nominated for the purpose of receiving different statements or accounts:

Provided that no new licensing authority shall be nominated without its consent previously obtained.

8. The chief promoter of a street collection in respect of which an account is required to be furnished under Article 7 above shall also, on or after 1st April 1974 and before 30th April 1974 publish in such newspaper or newspapers as the authority to which the account is furnished may direct a statement showing the name of the chief promoter, the name of the charity or fund which is to benefit, and the date, amount and expenses of the collection.

Robert Carr,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
30th January, 1974.

SCHEDULE

MODEL STREET COLLECTION REGULATIONS;

1. In these Regulations, unless the context otherwise requires—

“collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;

“promoter” means a person who causes others to act as collectors;

“the licensing authority” means(†)

“permit” means a permit for a collection;

“contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

“collecting box” means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within (*) unless a promoter shall have obtained from the licensing authority a permit.

3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection:

Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated in the permit.

5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6.—(1) No person may assist or take part in any collection without the written authority of a promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.

7. No collection shall be made in any part of the carriage way of any street which has a footway:

Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriage way where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.

9. No collector shall importune any person to the annoyance of such person.

† Insert the name of the licensing authority granting the permit.

* Insert the name of the new licensing area.

10. While collecting—

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.

12.—(1) Every collector shall carry a collecting box.

(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

(3) All money received by a collector from contributors shall immediately be placed in a collecting box.

(4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.

14.—(1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.

(2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.

(3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.

15.—(1) No payment shall be made to any collector.

(2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.

16.—(1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority—

- (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;
- (b) a list of the collectors;
- (c) a list of the amounts contained in each collecting box;

and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1) (a) above,

publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

(3) The licensing authority may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of this Regulation "a qualified accountant" means a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland.

17. These regulations shall not apply—

(a) in respect of a collection taken at a meeting in the open air; or

(b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding two pounds or in the case of a second or subsequent offence not exceeding five pounds.

SCHEDULE

FORM OF STATEMENT

Name of the person to whom the permit was granted.....

Address of the person to whom the permit was
granted.....

Name of the charity or fund which is to benefit.....

Date of Collection.....

Show nil entries

Proceeds of Collection	Amount	Total	Expenses and Application of Proceeds	Amount	Total
From collecting boxes			Printing & Stationery		
			Postage		
			Advertising		
Interest on proceeds			Collecting Boxes		
			Badges		
Other items:—			Emblems		
.....			Other items:—		
.....				
			Payments approved under Regulation 15(2)		
			Disposal of Balance (insert particulars)		
TOTAL	£		TOTAL	£	

Certificate of the person to whom the permit was granted

I certify that to the best of my knowledge and belief the above is a true account of the
proceeds, expenses and application of the proceeds of the collection.

Date..... (Signed).....

Certificate of Accountant

I certify that I have obtained all the information and explanations required by me
and that the above is in my opinion a true account of the proceeds, expenses and
application of the proceeds of the collection.

Date..... (Signed).....

Qualifications.....

EXPLANATORY NOTE

(This note is not part of the Order.)

At present, the functions of making regulations for the control of street collections under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, granting permits under such regulations and granting licences for house to house collections under section 2 of the House to House Collections Act 1939 are vested in various existing police and local authorities. On 1st April 1974 these functions will be transferred to district councils (the position in the Metropolitan Police District and the City of London is not affected).

This Order makes transitional provision for the exercise of these functions. Article 5 authorises a district council to adopt the model street collection regulations set out in the Schedule to the Order by resolution without the need for the regulations to be confirmed by the Secretary of State.

By virtue of Articles 4 and 5 street collection regulations may come into operation before 1st April 1974 to enable permits for street collections to be granted before that date in respect of collections taking place on or after that date. Article 6 provides that permits for such collections and licences for house to house collections which are granted before 1st April 1974 are to be granted by the existing authorities. Where existing street collection regulations or the House to House Collections Regulations 1947 require a statement or account of a collection to be furnished to an existing authority but no such statement or account is furnished before 1st April 1974 in respect of a collection taking place before that date, Article 7 requires such statement or account to be furnished to a new district council.

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