



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

PART 2

FUNDRAISING FOR BENEVOLENT BODIES

Public benevolent collections

86 Local authority consents

- (1) An application for the consent of a local authority to the holding of a public benevolent collection must be made to the authority, in such form as the authority may determine, by the organiser of the collection—
 - (a) no earlier than 18 months, and
 - (b) no later than 2 months (or such shorter period as the organiser and the authority may agree),before the proposed date of the collection.
- (2) Before determining such an application, the local authority must consult the chief constable of the police force for the area and may make other inquiries.
- (3) On such an application the local authority may—
 - (a) grant its consent (whether or not subject to conditions), or
 - (b) refuse its consent on any of the grounds set out in subsection (6).
- (4) Where the application has been made not later than 2 months before the proposed date of the collection, the local authority must give the organiser notice of its decision on the application not later than 14 days before that date.
- (5) The conditions which may be imposed in pursuance of subsection (3)(a) are such conditions as the local authority thinks fit having regard to the local circumstances in which the collection is to be held, including conditions—
 - (a) specifying the date, time or frequency of the collection,
 - (b) specifying where it may take place,
 - (c) regulating its conduct,

Status: This is the original version (as it was originally enacted).

- (d) as to the use by collectors of any badges or certificates of authority which regulations made under section 83(1) require to be provided,
 - (e) specifying the form of collection boxes, other containers and any other articles which may be used for the purposes of the collection,
 - (f) as to any other matter relating to the local circumstances of the collection.
- (6) The grounds of refusal referred to in subsection (3)(b) are—
- (a) that the date, time or frequency of the collection, or that holding it at the proposed place, would cause undue public inconvenience,
 - (b) that another collection in respect of which consent under this section has been given by the authority or which is organised by a designated national collector is due to take place in the area of the authority on the same day or the day before or after that day,
 - (c) that it appears to the local authority that the amount likely to be applied for the benefit of benevolent bodies or for charitable, benevolent or philanthropic purposes in consequence of the collection is inadequate having regard to the likely amount of the proceeds of the collection,
 - (d) where the local authority has requested the organiser of the collection to provide it with any supplementary information which it considers necessary for the purposes of determining the application, that the organiser has failed to comply with the request, and
 - (e) that the organiser of the collection has been convicted of—
 - (i) an offence under section 85(1), 90(3) or 91(3) of this Act, or
 - (ii) any other offence which involves dishonesty or the commission of which would be likely to be facilitated by the grant of consent under this section.
- (7) Where a local authority has reason to believe that, since its consent was granted under this section, there has been a change in circumstances such that one or more of the grounds of refusal set out in subsection (6) applies in relation to the public benevolent collection, the authority may, not later than the day before the date of the collection—
- (a) withdraw the consent, or
 - (b) vary the consent by making it subject to conditions or further conditions or varying any condition to which it is subject.
- (8) Where a local authority has reason to believe that there has been, or is likely to be, a breach of any condition imposed on a consent under this section, it may, not later than the day before the date of the collection, withdraw the consent.
- (9) A local authority must give the organiser of a public benevolent collection notice of a decision under this section—
- (a) to grant consent subject to conditions,
 - (b) to refuse consent,
 - (c) to withdraw or vary a consent,
- including the reasons for the authority's decision and information about the organiser's right of appeal under section 88.
- (10) The Scottish Ministers may, by regulations, disapply the duty to consult under subsection (2) in relation to applications of such type as they may describe in the regulations.