



Charities Act 2006

2006 CHAPTER 50

PART 3

FUNDING FOR CHARITABLE, BENEVOLENT OR PHILANTHROPIC INSTITUTIONS

CHAPTER 1

PUBLIC CHARITABLE COLLECTIONS

PROSPECTIVE

Restrictions on conducting collections

48 Restrictions on conducting collections in a public place

- (1) A collection in a public place must not be conducted unless—
 - (a) the promoters of the collection hold a public collections certificate in force under section 52 in respect of the collection, and
 - (b) the collection is conducted in accordance with a permit issued under section 59 by the local authority in whose area it is conducted.
- (2) Subsection (1) does not apply to a public charitable collection which is an exempt collection by virtue of section 50 (local, short-term collections).
- (3) Where—
 - (a) a collection in a public place is conducted in contravention of subsection (1), and
 - (b) the circumstances of the case do not fall within section 50(6),every promoter of the collection is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Restrictions on conducting collections. (See end of Document for details)

49 Restrictions on conducting door to door collections

- (1) A door to door collection must not be conducted unless the promoters of the collection—
- (a) hold a public collections certificate in force under section 52 in respect of the collection, and
 - (b) have within the prescribed period falling before the day (or the first of the days) on which the collection takes place—
 - (i) notified the local authority in whose area the collection is to be conducted of the matters mentioned in subsection (3), and
 - (ii) provided that authority with a copy of the certificate mentioned in paragraph (a).
- (2) Subsection (1) does not apply to a door to door collection which is an exempt collection by virtue of section 50 (local, short-term collections).
- (3) The matters referred to in subsection (1)(b)(i) are—
- (a) the purpose for which the proceeds of the appeal are to be applied;
 - (b) the prescribed particulars of when the collection is to be conducted;
 - (c) the locality within which the collection is to be conducted; and
 - (d) such other matters as may be prescribed.
- (4) Where—
- (a) a door to door collection is conducted in contravention of subsection (1), and
 - (b) the circumstances of the case do not fall within section 50(6),
- every promoter of the collection is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- This is subject to subsection (5).
- (5) Where—
- (a) a door to door collection is conducted in contravention of subsection (1),
 - (b) the appeal is for goods only, and
 - (c) the circumstances of the case do not fall within section 50(6),
- every promoter of the collection is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In subsection (5) “goods” includes all personal chattels other than things in action and money.

50 Exemption for local, short-term collections

- (1) A public charitable collection is an exempt collection if—
- (a) it is a local, short-term collection (see subsection (2)), and
 - (b) the promoters notify the local authority in whose area it is to be conducted of the matters mentioned in subsection (3) within the prescribed period falling before the day (or the first of the days) on which the collection takes place,
- unless, within the prescribed period beginning with the date when they are so notified, the local authority serve a notice under subsection (4) on the promoters.
- (2) A public charitable collection is a local, short term collection if—
- (a) the appeal is local in character; and

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- (b) the duration of the appeal does not exceed the prescribed period of time.
- (3) The matters referred to in subsection (1)(b) are—
- (a) the purpose for which the proceeds of the appeal are to be applied;
 - (b) the date or dates on which the collection is to be conducted;
 - (c) the place at which, or the locality within which, the collection is to be conducted; and
 - (d) such other matters as may be prescribed.
- (4) Where it appears to the local authority—
- (a) that the collection is not a local, short-term collection, or
 - (b) that the promoters or any of them have or has on any occasion—
 - (i) breached any provision of regulations made under section 63, or
 - (ii) been convicted of an offence within section 53(2)(a)(i) to (v),
- they must serve on the promoters written notice of their decision to that effect and the reasons for their decision.
- (5) That notice must also state the right of appeal conferred by section 62(1) and the time within which such an appeal must be brought.
- (6) Where—
- (a) a collection in a public place is conducted otherwise than in accordance with section 48(1) or a door to door collection is conducted otherwise than in accordance with section 49(1), and
 - (b) the collection is a local, short term collection but the promoters do not notify the local authority as mentioned in subsection (1)(b),
- every promoter of the collection is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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