



2008 CHAPTER 12

PART 13

FUNDING OF CHARITABLE INSTITUTIONS

CHAPTER 1

PUBLIC CHARITABLE COLLECTIONS

*Public collections certificates*

**Withdrawal or variation, etc. of certificates**

- 142.**—(1) Where subsection (2), (3) or (4) applies, the Commission may—
- (a) withdraw a public collections certificate,
  - (b) suspend such a certificate,
  - (c) attach any condition (or further condition) to such a certificate, or
  - (d) vary any existing condition of such a certificate.
- (2) This subsection applies where the Commission—
- (a) has reason to believe there has been a change in the circumstances which prevailed at the time when it issued the certificate, and
  - (b) is of the opinion that, if the application for the certificate had been made in the new circumstances, it would not have issued the certificate or would have issued it subject to different or additional conditions.
- (3) This subsection applies where—
- (a) the holder of a certificate has unreasonably refused to provide any information or document in response to a request under section 140(1), or

(b) the Commission has reason to believe that information provided to it by the holder of a certificate (or, where there is more than one holder, by any of them) for the purposes of the application for the certificate, or in response to such a request, was false or misleading in a material particular.

(4) This subsection applies where the Commission has reason to believe that there has been or is likely to be a breach of any condition of a certificate, or that a breach of such a condition is continuing.

(5) Any condition imposed at any time by the Commission under subsection (1) (whether by attaching a new condition to the certificate or by varying an existing condition) must be one that it would be appropriate for the Commission to attach to the certificate under section 138(4) if the holder was applying for it in the circumstances prevailing at that time.

(6) The exercise by the Commission of the power conferred by paragraph (b), (c) or (d) of subsection (1) on one occasion does not prevent it from exercising any of the powers conferred by that paragraph on a subsequent occasion; and on any subsequent occasion the reference in subsection (2)(a) to the time when the Commission issued the certificate is a reference to the time when it last exercised any of those powers.

(7) Where the Commission—

- (a) withdraws or suspends a certificate,
- (b) attaches a condition to a certificate, or
- (c) varies an existing condition of a certificate,

it shall serve on the holder written notice of its decision and the reasons for its decision.

(8) That notice shall also state the right of appeal conferred by Schedule 3 and the time within which such an appeal must be brought.

(9) If the Commission—

- (a) considers that the interests of the public require a decision by it under this section to have immediate effect, and
- (b) includes a statement to that effect and the reasons for it in the notice served under subsection (7),

the decision takes effect when that notice is served on the holder.

(10) In any other case the certificate shall continue to have effect as if it had not been withdrawn or suspended or (as the case may be) as if the condition had not been attached or varied—

- (a) until the time for bringing an appeal has expired, or
- (b) if such an appeal is duly brought, until the determination or abandonment of the appeal.

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

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(11) A certificate suspended under this section shall (subject to any appeal and any withdrawal of the certificate) remain suspended until—

- (a) such time as the Commission may by notice direct that the certificate is again in force, or
- (b) the end of the period of 6 months beginning with the date on which the suspension takes effect,

whichever is the sooner.