



Charities Act 2006

2006 CHAPTER 50

PART 3

FUNDING FOR CHARITABLE, BENEVOLENT OR PHILANTHROPIC INSTITUTIONS

CHAPTER 1

PUBLIC CHARITABLE COLLECTIONS

Public collections certificates

53 Grounds for refusing to issue a certificate

- (1) The grounds on which the Commission may refuse an application for a public collections certificate are—
 - (a) that the applicant has been convicted of a relevant offence;
 - (b) where the applicant is a person other than a charitable, benevolent or philanthropic institution for whose benefit the collections are proposed to be conducted, that the Commission is not satisfied that the applicant is authorised (whether by any such institution or by any person acting on behalf of any such institution) to promote the collections;
 - (c) that it appears to the Commission that the applicant, in promoting any other collection authorised under this Chapter or under section 119 of the 1982 Act, failed to exercise the required due diligence;
 - (d) that the Commission is not satisfied that the applicant will exercise the required due diligence in promoting the proposed collections;
 - (e) that it appears to the Commission that the amount likely to be applied for charitable, benevolent or philanthropic purposes in consequence of the proposed collections would be inadequate, having regard to the likely amount of the proceeds of the collections;

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- (f) that it appears to the Commission that the applicant or any other person would be likely to receive an amount by way of remuneration in connection with the collections that would be excessive, having regard to all the circumstances;
 - (g) that the applicant has failed to provide information—
 - (i) required for the purposes of the application for the certificate or a previous application, or
 - (ii) in response to a request under section 54(1);
 - (h) that it appears to the Commission that information so provided to it by the applicant is false or misleading in a material particular;
 - (i) that it appears to the Commission that the applicant or any person authorised by him—
 - (i) has breached any conditions attached to a previous public collections certificate, or
 - (ii) has persistently breached any conditions attached to a permit issued under section 59;
 - (j) that it appears to the Commission that the applicant or any person authorised by him has on any occasion breached any provision of regulations made under section 63(1)(b).
- (2) For the purposes of subsection (1)—
- (a) a “relevant offence” is—
 - (i) an offence under section 5 of the 1916 Act;
 - (ii) an offence under the 1939 Act;
 - (iii) an offence under section 119 of the 1982 Act or regulations made under it;
 - (iv) an offence under this Chapter;
 - (v) an offence involving dishonesty; or
 - (vi) an offence of a kind the commission of which would, in the opinion of the Commission, be likely to be facilitated by the issuing to the applicant of a public collections certificate; and
 - (b) the “required due diligence” is due diligence—
 - (i) to secure that persons authorised by the applicant to act as collectors for the purposes of the collection were (or will be) fit and proper persons;
 - (ii) to secure that such persons complied (or will comply) with the provisions of regulations under section 63(1)(b) of this Act or (as the case may be) section 119 of the 1982 Act; or
 - (iii) to prevent badges or certificates of authority being obtained by persons other than those the applicant had so authorised.
- (3) Where an application for a certificate is made by more than one person, any reference to the applicant in subsection (1) or (2) is to be construed as a reference to any of the applicants.
- (4) Subject to subsections (5) and (6), the reference in subsection (2)(b)(iii) to badges or certificates of authority is a reference to badges or certificates of authority in a form prescribed by regulations under section 63(1)(b) of this Act or (as the case may be) under section 119 of the 1982 Act.
- (5) Subsection (2)(b) applies to the conduct of the applicant (or any of the applicants) in relation to any public charitable collection authorised—

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- (a) under regulations made under section 5 of the 1916 Act (collection of money or sale of articles in a street or other public place), or
- (b) under the 1939 Act (collection of money or other property by means of visits from house to house),

as it applies to his conduct in relation to a collection authorised under this Chapter, but subject to the modifications set out in subsection (6).

(6) The modifications are—

- (a) in the case of a collection authorised under regulations made under the 1916 Act—
 - (i) the reference in subsection (2)(b)(ii) to regulations under section 63(1)(b) of this Act is to be construed as a reference to the regulations under which the collection in question was authorised, and
 - (ii) the reference in subsection (2)(b)(iii) to badges or certificates of authority is to be construed as a reference to any written authority provided to a collector pursuant to those regulations; and
- (b) in the case of a collection authorised under the 1939 Act—
 - (i) the reference in subsection (2)(b)(ii) to regulations under section 63(1)(b) of this Act is to be construed as a reference to regulations under section 4 of that Act, and
 - (ii) the reference in subsection (2)(b)(iii) to badges or certificates of authority is to be construed as a reference to badges or certificates of authority in a form prescribed by such regulations.

(7) In subsections (1)(c) and (5) a reference to a collection authorised under this Chapter is a reference to a public charitable collection that—

- (a) is conducted in accordance with section 48 or section 49 (as the case may be), or
- (b) is an exempt collection by virtue of section 50.

(8) In this section—

“the 1916 Act” means the Police, Factories, &c. (Miscellaneous Provisions) Act [1916 \(c. 31\)](#);

“the 1939 Act” means the House to House Collections Act [1939 \(c. 44\)](#); and

“the 1982 Act” means the Civic Government (Scotland) Act [1982 \(c. 45\)](#).