

## THE PUBLIC CHARITABLE COLLECTIONS (SCOTLAND) REGULATIONS 1984

### Citation, commencement and interpretation.

1. In these regulations, unless the context otherwise requires -

"the Act" means the Civic Government (Scotland) Act 1982;

"agent" means a person appointed by the organiser in accord with regulation 3 of these regulations;

"collecting box" means a box or other similar receptacle which is securely closed and sealed so as to prevent it from being opened without the seal being broken and bears prominently displayed thereon, so as to be readily legible by any person from whom money is solicited, the name of the funds or organisations which are to benefit from the collection;

"collection" means a public charitable collection;

"collector" means any person who solicits contributions in the course of a collection;

"envelope" means an envelope which has a gummed flap by means of which it can be securely closed and which bears the name of the funds or organisations which are to benefit from the collection;

"envelope collection" means a house to house collection made by going from house to house presenting envelopes in which money may be placed for immediate collection or which may be called for subsequently;

"exempted promoter" means a person whom the Secretary of State by virtue of his powers under section 119(11) of the Act has directed should be exempt from section 119(1) of the Act;

"house" includes a place of business;

"house to house collection" means a collection made by going from house to house and soliciting contributions from the occupants thereof;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

"organiser" means any person who either organises a collection in respect of which he has been given permission under section 119 of the Act or who is an exempted promoter;

"a qualified accountant" means a member of, or a firm all of the partners of which are members of, one of the following bodies -

- (a) The Institute of Chartered Accounts of Scotland;
- (b) The Institute of Chartered Accounts in England and Wales;
- (c) The Institute of Chartered Accountants in Ireland; or
- (d) The Association of Certified Accountants.

"street collection" means a collection made by soliciting contributions from passers by in a public place.

#### Duties of the Organiser

- 2. (1) On receiving permission to organise a collection the organiser if he is not an exempted promoter shall appoint an independent responsible person or a qualified accountant to act as auditor of the collection.
- (2) An exempted promoter, shall appoint a qualified accountant to act as auditor for all collections which he organises while an exempted promoter.
- 3. (1) The organiser may appoint an agent to carry out certain of his functions under these regulations.
- (2) The organiser shall exercise all due diligence to ensure that -
  - (a) any agent that he appoints to carry out any functions is a fit and proper person to carry out such functions; and
  - (b) any agent, collector or other person covered by these regulations complies with the obligations imposed by these regulations and with any conditions imposed under section 119 of the Act by the local authority, the sheriff or the Secretary of State.
- 4. (1) The organiser of a collection or his agent shall issue to each collector participating in the collection a certificate of authority which shall bear -
  - (a) the name and address of the organiser;
  - (b) the name and address of the collector to whom the certificate is issued;
  - (c) the name of the funds or organisations which are to benefit from the collection;
  - (d) the area in which the collection is authorised to collect;
  - (e) the period during which the collection is authorised to collect;
  - (f) the signature of the collector;

- (g) the signature of the organiser or his agent; and
  - (h) when the certificate has been signed by an agent the name and address of the agent.
- (2) The Organiser or his agent shall -
- (a) if the collection is an envelope collection, issue a supply of envelopes to each collector;
  - (b) if the collection is not an envelope collection issue a collecting box marked with a distinguishing number to each collector; and
  - (c) record the name and address of each collector, and the number marked on the box given to him or the number of envelopes issued to him.
5. The organiser or his agent shall exercise all due diligence to ensure that the collectors to whom certificates of authority are issued are -
- (a) if the collection is a street collection, 14 years of age or over;
  - (b) if the collection is a house to house collection, 16 years of age or over;
  - (c) fit and proper persons to act as collectors; and
  - (d) aware of their obligations under these regulations and under any conditions relating to the collection made under section 119 of the Act by the local authority, the sheriff or the Secretary of State.

#### Duties of Collectors

6. (1) No person shall act as a collector unless he possesses a certificate of authority and displays a badge bearing the name of the funds or organisations which are to benefit from the collection.
- (2) A collector shall produce his certificate of authority, on demand, to police constables, to any person from whom he has solicited a contribution or to any other interested person.
7. (1) A collector in an envelope collection shall not accept any contribution except in a sealed envelope.
- (2) A collector in a collection which is not an envelope collection shall not accept any contribution except by permitting the donor to place it in a collecting box.
8. No collector shall importune any person to the annoyance of that person or remain in or at the door of any house if requested to leave by any occupants thereof.

9. A collector shall return his certificate of authority and his collecting box or envelopes, unopened, to the organiser or his agent on ceasing to act as a collector or at any other time on demand by the organiser or his agent.

#### Opening of Collecting Boxes and Envelopes

10. (1) Except as provided in paragraph (2) below no person shall open a collecting box or sealed envelope.
- (2) (a) A collecting box or sealed envelope shall be opened by the organiser or his agent in the presence of another responsible person or, if they are delivered unopened to a bank, they shall be opened by an official of the bank; and
- (b) in the case of an envelope collection, the person opening the envelopes shall note the number of envelopes returned by each collector and the total amount of money in them and convey this information to the organiser; or
- (c) if the collection is not an envelope collection the person opening the collecting boxes shall note the number on each collecting box and, in the case of a collection not opened by an employee of a bank, shall record the amount of money in it and convey this information to the organiser.

#### Accounts

11. (1) The organiser, other than an exempted promoter, of a collection within the area of a local authority shall, within one month of the last date for which he possessed permission to organise a collection, submit to that local authority accounts relating to the collection unless the local authority are satisfied that there are special reasons for granting an extension in which case the one month period may be extended at their discretion.
- (2) Where the organiser has received permission to collect for the same beneficiaries on the same dates in more than one area, the accounts may relate to the combined collection in all the relevant areas.
- (3) The accounts shall disclose particulars of -
- (a) the amount collected in the collection;
- (b) any other amount collected in the collection;
- (c) all expenses incurred in connection with the collection; and
- (d) the name of the funds or organisations which have benefited from the collection and the amount which each has been paid from the net proceeds of the collection.
- (4) The accounts shall be accompanied by a statement by the organiser and a report by the auditor in the form set out in the Schedule to these regulations.

- (5) If required by a condition imposed by a council under section 119(5) of the Act the accounts shall be accompanied -
    - (a) in relation to an envelope collection, by a list showing the number of envelopes issued to and returned by each collector and the total amount in the envelopes; or
    - (b) in relation to a collection which is not an envelope collection, by a list showing the distinguishing numbers of all collection boxes issued and, in the case of a collection not opened by an employee of a bank, by a list of the amounts collected in each collection box issued.
  - (6) The organiser shall retain all vouchers, receipts and other papers relating to the collection for a period of 2 years from the date on which the accounts are submitted to the council. The organiser shall be obliged to exhibit such vouchers, receipts, or other papers which may be required by the council during that period and shall supply any further information or explanation required by the council in relation to any of the particulars required by regulation 11(3) or in relation to any of the vouchers, receipts or other papers retained in accordance with this regulation.
- 12.
- (1) Subject to paragraph (2) below, an exempted promoter shall submit accounts at least once during every period to twelve months to the Secretary of State, and a person ceasing to be an exempted promoter shall submit accounts to the Secretary of State within 3 months of such cessation.
  - (2) The Secretary of State may accept accounts from an exempted promoter which include details of income and expenditure arising from collections organised by another exempted promoter; and in such circumstances the Secretary of State may waive the requirement for submission of accounts by the other exempted promoter.
  - (3) The accounts shall, in respect of either the period since the previous accounts were submitted by the exempted promoter, or the period since the exempted promoter became an exempted promoter, disclose particulars of -
    - (a) the amounts collected in collections organised by the exempted promoter;
    - (b) any other amounts attributable to the collections;
    - (c) all expenses incurred in connection with the collections; and
    - (d) the name of the funds or organisations which have benefited from the collections and the amount which each has been paid from the net proceeds of the collections.
  - (4) The Accounts shall be accompanied by a statement by the exempted promoter and a report by the auditor in the terms set out in the Schedule to these regulations.

- (5) The exempted promoter shall give the Secretary of State any further information or explanation which the Secretary of State may require in relation to any of the particulars required by regulation 12(3).
13. The organiser shall within one month of submitting accounts publish a summary of them in one or more newspapers circulating in the area or areas for which permission had been granted to collect, or, if the organiser is an exempted promoter, in one or more newspapers circulating throughout Scotland. Where a collection has been undertaken within the area of a single local authority, that local authority may waive this requirement subject to their making a summary of the accounts available for inspection by members of the public for a reasonable period of time. The summary shall include the name of the organiser, the amount of the proceeds and expenses of the collection to which the summary relates, and the name of the funds or organisations which have benefited from the collection and the amount which each has been paid from the net proceeds of the collection.

#### Offences

14. (1) Any person who acts in contravention of regulations 6, 7, 8 or 9 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale in respect of each offence.
- (2) Any person who acts in contravention of regulations 2, 3, 4, 5, 10, 11, 12 or 13 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in respect of each offence.