Environmental Protection Department

Licensing and Pollution

Police, Factories, etc (miscellaneous provisions) Act, 1916

Wealden District Council adopted the Model regulations set out in the Schedule to the Charitable Collections (Transitional Provisions Order 1974) on 17th April 1974, a copy of which is set out below. These Regulations are made in accordance with Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act, 1972, Section 251, and Schedule 29, Wealden District Council hereby makes the following Regulations with respect to the places where, and the conditions under which persons may be permitted in any street or public place within the District of Wealden to collect money or sell articles for the benefit of charitable or other purposes.

Street Collections Regulations

1. In these Regulations, unless the context otherwise requires:-

(1) 'collection' means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word 'collector' shall be construed accordingly;

(2) 'promoter' means a person who causes others to act as collectors;

(3) 'permit' means a permit for a collection;

(4) 'contributor' means a person who contributes to a collection and includes a purchaser of articles for the sale for the benefit of a charitable or other purposes; and

(5) 'collection box' means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made on any street or public place within the District of Wealden unless a promoter shall have obtained a permit from Wealden District Council.

3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection. Provided that Wealden District Council may reduce the period of one month if satisfied that there are special reasons for doing so.

4. No collection shall be made except upon the day and between the hours stated in the permit.

5. Wealden District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as they think fit.

6. (1) No persons may assist or take part in any collection without the written authority of the promoter.

(2) Any persons authorised under paragraph 6 (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of Wealden District Council, or any constable.

7. No collection shall be made in any part of the carriageway of any street which has a footway. Provided that Wealden District Council, if they think fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.

9. No collector shall importune any person to the annoyance of such person.

10. While collecting:-

(1) a collector shall remain stationary; and

(2) a collector or two collectors together shall not be nearer to another collector than 25 metres.

Provided that Wealden District Council, if they think fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.

12. (1) Every collector shall carry a collection box.

(2) All collection boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

(3) All money received by a collector from contributors shall immediately be placed in the collection box.

(4) Every collector shall deliver, unopened, all collection boxes in his possession to a promoter.

13. A collector shall not carry or use any collection box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collection box which is not duly numbered.

14. (1) Subject to paragraph (2) below a collection box shall be opened in the presence of a promoter and another responsible person.

(2) Where a collection box is delivered, unopened, to a bank, it may be opened by an official of the bank.

(3) As soon as a collection box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collection box on a list which shall be certified by that person.

15. (1) No payment shall be made to any collector.

(2) No payment shall be made out of the proceeds of the collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, in respect of, services connected therewith, except such payments as may have been approved by Wealden District Council.

16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to Wealden District Council:-

(a) a Statement in the form set out in the Schedule to these Regulations, or in a form to the effect, showing the amount received and the expenses and payments incurred in connection with such collection and certified by that person and either a qualified accountant or an independent responsible person acceptable to Wealden District Council;

(b) a list of the collectors;

(c) a list of the amounts contained in each collection box;

and shall, if required by Wealden District Council, satisfy them as to the proper application of the proceeds of the collection.

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant or independent responsible person has given his certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as Wealden District Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

(3) Wealden District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of this Regulation "a qualified accountant" means a member of one or more of the following bodies:-

the Institute of Chartered Accountants in England and Wales
the Institute of Chartered Accountants of Scotland
the Association of Certified Accountants
the Institute of Chartered Accountants in Ireland

17. These Regulations shall not apply:-

(1) in respect of a collection taken at a meeting in the open air; or
(2) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. These Regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Secretary of State. They shall have effect in substitution for those contained in the Schedule to the Charitable Collections (Transitional Provisions) Order 1974 and adopted by Wealden District Council on 17th April 1974, which, as having effect by virtue of that adoption, are hereby revoked.

Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding (FIFTY POUNDS*) for the first or subsequent offence.

***NOTE: The amount shown in brackets has now been increased to £200 (i.e. a Level One Fine on the Standard Scale) by virtue of S.17 (1) of the Criminal Justice Act 1991.**