

COLLECTIONS ACT

Principal Act

Act. No. 1948-21

Commencement

21.8.1948

Assent

30.6.1948

English source:

House to House Collections Act 1939 (2 & 3 Geo.6 c.44)

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Interpretation.
3. Licence for collection necessary.
4. Grant of licences.
5. Unauthorized use of badges, etc.
6. Collector to give name, etc., to police on demand.
7. Penalties.
8. Regulations.
9. Fiat of Attorney-General.
10. Exemptions.

AN ACT TO REGULATE COLLECTIONS FOR CHARITABLE AND OTHER PURPOSES.

Short title.

1. This Act may be cited as the Collections Act.

Interpretation.

- (1939c.44,s. 1) 2. (1) In this Act, unless the context otherwise requires—

“charitable purpose” means any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law;

“collection” means an appeal to the public, made by means of visits from house to house, or to any public place, to give, whether for consideration or not, money or other property; and “collector” means, in relation to a collection, a person who makes the appeal in the course of such visits;

“house” includes a place of business;

“licence” means a licence under this Act;

“proceeds” means, in relation to a collection, all money and all other property given, whether for consideration or not, in response to the appeal made;

“promoter” means, in relation to a collection, a person who causes others to act, whether for remuneration or otherwise, as collectors for the purposes of the collection; and “promote” and “promotion” have corresponding meanings.

- (2) For the purposes of this Act, a collection shall be deemed to be made for a particular purpose where the appeal is made in association with a representation that the money or other property appealed for, or part thereof, will be applied for that purpose.

Licence for collection necessary.

- (1939 c. 44, s.11) 3.(1) Subject to the provisions of this Act, no collection for any charitable or any other purpose whatsoever shall be made unless the requirements of this Act as to a licence for the promotion thereof are satisfied.

(2) A person who promotes a collection for a charitable or any other purpose is guilty of an offence if a collection for that purpose is made in any locality pursuant to his promotion, unless there is in force, throughout the period during which the collection is made, a licence authorizing him, or authorizing another under whose authority he acts to promote a collection for that purpose.

(3) A person who acts as a collector for the purposes of a collection for a charitable or any other purpose is guilty of an offence, unless there is in force, at all times when he so acts, a licence authorizing a promoter under whose authority he acts, or authorizing the collector himself, to promote a collection therein for that purpose.

Grant of licences.

4. (1) Where a person who is promoting, or proposes to promote, a collection for a charitable or any other purpose makes to the Commissioner of Police an application in the prescribed manner specifying the purpose of the collection and furnishes him with the prescribed information, the Commissioner of Police shall, subject to the following provisions of this section, grant to such person a licence authorizing him to promote a collection for that purpose. (s. 2)

(2) A licence shall be granted for such period, not being longer than twelve months, as may be specified in the application, and shall, unless it is previously revoked, remain in force for the period so specified:

Provided that, if it appears to the Commissioner of Police to be expedient to provide for the simultaneous expiration of licences to be granted by him in respect of collections which in his opinion are likely to be proposed to be made annually or continuously over a long period, he may, on the grant of such a licence, grant it for a period shorter or longer than that specified in the application therefor, or for a period longer than twelve months, but not exceeding eighteen months, as may be requisite for that purpose.

(3) The Commissioner of Police may refuse to grant a licence or, where a licence has been granted, may revoke it, if it appears to him—

- (a) that the total amount likely to be applied for the permitted purpose as the result of the collection, including any amount already so applied, is inadequate in proportion to the value of the proceeds likely to be received, including any proceeds already received;

- (b) that remuneration which is excessive in relation to that total amount is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
- (c) that the grant of a licence would be likely to facilitate the commission of an offence under sections 268 to 270 of the Criminal Offences Act¹, or that an offence under those sections has been committed in connection with the collection;
- (d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in Gibraltar of any offence against sections 94, 103, 138-142, 181, 182, 187, 188, 191 and 192 of the Criminal Offences Act or section 29 of the Post Office Act² or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a licence;
- (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorized by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorized with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorized; or
- (f) that the applicant or holder of the licence has refused or neglected to furnish to the Commissioner of Police such information as he may have reasonably required for the purpose of informing himself as to any of the matters specified in the foregoing paragraphs.

(4) When the Commissioner of Police refuses to grant a licence or revokes a licence which has been granted, he shall forthwith give written notice to the applicant or holder of the licence stating upon which one or more of the grounds set out in subsection (3) the licence has been refused or revoked and informing him of the right of appeal given by this section, and the applicant or holder of the licence may thereupon appeal to the Governor against the refusal or revocation of the licence, as the case may be, and the decision of the Governor shall be final.

¹ 1960-17

² 1961-10

(5) The time within which any such appeal may be brought shall be fourteen days from the date on which notice is given under subsection (4).

(6) If the Governor decides that the appeal shall be allowed, the Commissioner of Police shall forthwith issue a licence or cancel the revocation, as the case may be, in accordance with the decision of the Governor.

Unauthorized use of badges, etc.

5. A person who, in connection with any appeal made by him to the public in association with a representation that the appeal is for a charitable or any other purpose, displays or uses— *(1939c.44, s.5)*

- (a) a prescribed badge or a prescribed certificate of authority, not being a badge or certificate for the time being held by him for purposes of the appeal pursuant to regulations made under this Act; or
- (b) any badge or device, or any certificate or other document, so nearly resembling a prescribed badge or, as the case may be, a prescribed certificate of authority as to be calculated to deceive,

is guilty of an offence.

Collector to give name, etc., to police on demand.

6. A police officer may require any person whom he believes to be acting as a collector for the purposes of a collection for a charitable or any other purpose to declare to him immediately his name and address and to sign his name, and any person who fails to comply with a requirement duly made to him under this section, is guilty of an offence. *(s.6)*

Penalties.

7.(1) A promoter guilty of an offence against section 3(2) is liable on summary conviction to imprisonment for six months and to a fine of £100. *(s.8)*

(2) A collector guilty of an offence against section 3(3) is liable on summary conviction, in the case of a first conviction, to a fine of £5, or in the case of a second or subsequent conviction, to imprisonment for three months and to a fine of £25.

(3) A person guilty of an offence against section 5 is liable on summary conviction to imprisonment for six months and to a fine of £100.

(4) A person guilty of an offence against section 6 is liable on summary conviction to a fine of £5.

(5) A person who in furnishing any information for the purposes of this Act knowingly or recklessly makes a statement false in a material particular, is guilty of an offence and is liable on summary conviction to imprisonment for six months and to a fine of £100.

(6) Where an offence under this Act committed by a corporation is proved to have been committed with the consent or connivance of, or to be attributable to any culpable neglect of duty on the part of any director, manager, secretary, or other officer of the corporation, he, as well as the corporation, is guilty of that offence and is liable to be proceeded against and punished accordingly.

Regulations.

(s.4) 8.(1) The Governor may make regulations for prescribing anything which by this Act is required to be prescribed, and for regulating the manner in which collections, in respect of which licences have been granted, may be carried out and the conduct of promoters and collectors in relation to such collections.

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations made thereunder may make provision for all or any of the following matters, that is to say;

- (a) for requiring and regulating the use by collectors of prescribed badges and prescribed certificates of authority, and the issue, custody, production and return thereof, and, in particular, for requiring collectors on demand by a police officer or by any occupant of a house visited or by any other person asked for a contribution to produce their certificates of authority;
- (b) in the case of collections in respect of which licences have been granted, for requiring that the prescribed certificates of authority of the collectors shall be authenticated in a manner approved by the Commissioner of Police, and that their prescribed badges shall have inserted therein or annexed thereto in a manner and form so approved a general indication of the purpose of the collection;
- (c) for prohibiting persons below a prescribed age from acting, and others from causing them to act, as collectors;
- (d) for preventing annoyance to persons in public places or to the occupants of houses visited by collectors;

- (e) for requiring the prescribed information with respect to the expenses, proceeds and application of the proceeds of collections to be furnished, in the case of collections in respect of which licences have been granted, by the person to whom the licence was granted, to the Commissioner of Police, and, in the case of collections in respect of which an order has been made, by the person thereby exempted from the provisions of section 3(2) by the Governor, and for requiring the information furnished to be vouched and authenticated in such manner as may be prescribed.

(3) A person who contravenes the provisions of a regulation made under this Act is guilty of an offence and is liable on summary conviction to a fine of £5.

Fiat of Attorney General.

9. No proceedings under this Act may be commenced except with the consent of the Attorney-General.

Exemptions.

10. The Governor may, by notice in the Gazette, exempt any collection from all or any of the provisions of this Act.