

Subsidiary Legislation made under s.8.

Collections Regulations

1948.08.21

Commencement **21.8.1948**

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Title.

1. These Regulations may be cited as the Collections Regulations.

Interpretation.

- 2.(1) In these Regulations, unless the context otherwise requires –

“chief promoter,” in relation to a collection, means a person to whom a licence has been granted authorizing him to promote that collection;

“collecting box” means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;

“licence” means a licence granted by the Commissioner of Police, under section 4 of the Act;

“prescribed badge” means a badge in the form set out in Schedule 3;

“prescribed certificate of authority” means a certificate in the form set out in Schedule 2;

“receipt book” means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered.

- (2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.

Applications for licences and orders.

- 3.(1) An application for a licence shall be in the form set out in Schedule 1 and shall give the particulars therein specified.

- (2) An application for a licence shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection:

Provided that the Commissioner of Police may grant the application notwithstanding that it was not made within the time required by this sub-regulation if satisfied that there are special reasons for so doing.

Responsibility of promoters as respects collectors.

4. Every promoter of a collection shall exercise all due diligence-

- (a) to secure that persons authorized to act as collectors for the purposes of the collection are fit and proper persons; and
- (b) to secure compliance on the part of persons so authorized with the provisions of these regulations.

Certificate of authority, badges, collecting boxes and receipt books.

5.(1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person—

- (a) a prescribed certificate of authority duly completed, except as regards the signature of the collector, and signed by or on behalf of the chief promoter of the collection;
- (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
- (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.

(2) Every promoter of a collection shall exercise all due diligence to secure—

- (a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
- (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.

(3) In the case of a collection in respect of which a licence has been granted—

- (a) every prescribed certificate of authority shall be given on a form obtained from the Commissioner of Police, and every prescribed badge shall be so obtained; and
- (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by the Commissioner of Police.

Duties of collectors in relation to certificates and badges.

6. Every collector shall—

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police officer or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- (c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

Age limit.

7. No person under the age of eighteen years shall act or be authorized to act as a collector of money.

Importuning.

8. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

Collection of money.

9.(1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.

(2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form or receipt to the person from whom he received the contribution.

Duty of collectors to return boxes and books.

10. Every collector, to whom a collecting box or receipt book has been issued, shall—

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions, if any, entered therein.

Examination of boxes and books.

11.(1) Subject as provided in sub-regulation (2), a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.

(2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.

(3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.

(4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

Promoters to furnish accounts.

12.(1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the Commissioner of Police.

(2) The Commissioner of Police may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.

Form and certification of accounts.

13. The account required by the preceding regulation—

- (a) where money has been collected, shall be furnished in the form set out in Schedule 4 and, where property has been collected and sold, shall be furnished in the form set out in Schedule 5, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
- (b) where property , other than money, has been collected and given away or used, shall be furnished in the form set out in Schedule 6 and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

Vouching of accounts.

14.(1) Every account furnished under paragraph (a) of regulation 13 shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in regulation 5(2) and the list referred to in regulation 11.

(2) Sub-regulation (1) shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the Commissioner of Police, but where in such a case the vouchers, receipt books and lists mentioned in sub-regulation (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the Commissioner of Police so requires at any time within that period, submit them to him.

Disposal of disused certificates of authority, etc.

15. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorized to promote for the same purpose.

SCHEDULE 1.

Regulation 3

FORM OF APPLICATION FOR LICENCE.

To the Commissioner of Police.

In pursuance of section 4 of the Collections Act, I hereby apply for a licence authorizing me to promote the collection, of which particulars are given below.

Date

(Signed)

PARTICULARS OF COLLECTION.

1. Surname of applicant (*in block letters*).
Other names
2. Address of applicant.
3. Particulars of charitable purposes to which proceeds of collection are to be applied.
(Full particulars should be given and, where possible, the most recent account of any charity which is to benefit should be enclosed).
4. Over what parts of Gibraltar is it proposed that the collection should extend?
5. During what period of the year is it proposed that the collection should be made?
6. Is it proposed to collect money?
7. Is it proposed to collect other property? If so, of what nature? and is it proposed to sell such property or to give it away or to use it?
8. Approximately how many persons is it proposed to authorize to act as collectors?
9. Is it proposed that remuneration should be paid out of the proceeds of the collection—
(a) to collectors?
(b) to other persons?

If so, at what rates and to what classes of persons?

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10. Has the applicant, or to the knowledge of the applicant, anyone associated with the promotion of the collection, been refused a licence under the Act, or had a licence revoked?

If so, give particulars.

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SCHEDULE 2.

Regulations 2 and 5

FORM OF PRESCRIBED CERTIFICATE OF AUTHORITY.

<p style="text-align: center;">COLLECTIONS ACT.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">COLLECTOR'S CERTIFICATE OF AUTHORITY.</p> <p>(Here insert name of collector in block letters) of (here insert address of collector) is hereby authorized to collect for (here insert the purpose of the collection) in (here insert the area within which the collector is authorized to collect, being an area within which the collection has been authorized). during the period (here insert the period during which the collector is authorized to collect, being a period during which the collection has been authorized)</p> <p>Signature of collector—</p> <p style="text-align: right;">Signed—</p> <p style="text-align: right;">See over</p>

Regulation 6 is to be set forth on the back of the certificate.

FORM OF PRESCRIBED BADGE.
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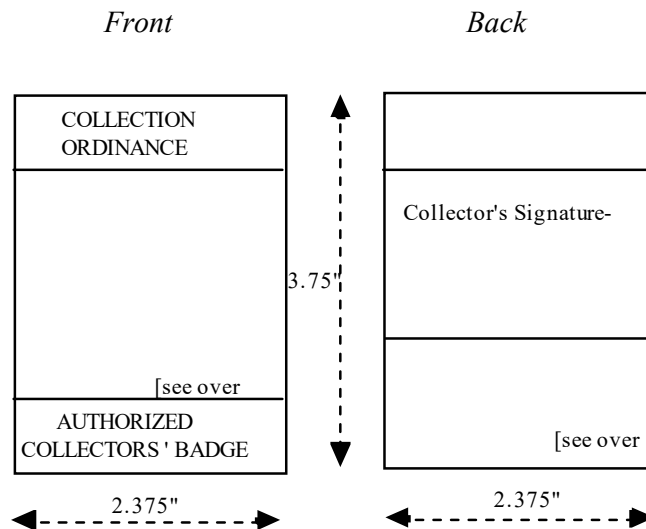
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SCHEDULE 3.

Regulations 2 and 5



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SCHEDULE 4.

Regulation 13

**FORM OF ACCOUNT OF EXPENSES, PROCEEDS AND APPLICATION OF
PROCEEDS OF COLLECTION OF MONEY.**

(a) Surname of chief promoter (*in block letters*).

(b) Other names (*in block letters*).

Address of chief promoter.

Purpose of collections.

Period to which account relates.

All amounts to be entered gross.

PROCEEDS OF COLLECTION		EXPENSES AND APPLICATION OF PROCEEDS	
	£ p		£ p
From collectors, as in lists of collectors and amounts attached hereto. Bank interest..... Other Items (if any):		Printing and stationery Postage Advertising Collecting boxes Other items (if any) : Disposal of balance (insert particulars)	
<i>Total</i>		<i>Total</i>	

CERTIFICATE OF CHIEF PROMOTER.

I certify that to the best of my knowledge and belief the above is a true account of the expenses, proceeds and application of the proceeds of the collection to which it relates.

Date

(Signed)

CERTIFICATE OF AUDITOR.

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I certify that I have obtained all the information and explanations required by me as auditor and that the above is in my opinion a true account of the expenses, proceeds and application of the proceeds of the collection to which it relates.

Date

(Signed)

Qualifications

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SCHEDULE 5.

Regulation 13

**FORM OF ACCOUNT OF EXPENSES, PROCEEDS AND APPLICATION OF
PROCEEDS OF COLLECTION OF PROPERTY SOLD OR COLLECTED FOR SALE.**

(a) Surname of chief promoter (*in block letters*).

(b) Other names (*in block letters*).

Address of chief promoter. .

Purpose of collection.

Period to which account relates.

CASH ACCOUNT.

All amounts to be entered *gross*.

MONETARY RECEIPTS		EXPENSES AND APPLICATION OF MONETARY RECEIPTS		
	£ p		£	£
Amount obtained during period of account by sales of property collected. Bank interest Other items (if any)		Items of expense incurred during period of account, other than expenses incurred for the purpose converting property collected into cash. viz--		
		Items of expense incurred during period of account for the purpose of con- verting property collected into cash, viz--		£
		Disposal of Balance (Insert Particulars):		£
Total		Total		

VALUATION OF PROPERTY COLLECTED.

Estimated value of property collected during period of account.

If the estimated value is not equal to the difference between the “amount obtained by sales of property collected” and the total of the “items of expense incurred during period of account for the purpose of converting property collected into cash,” as stated in the cash account, an explanation should be given.

CERTIFICATE OF CHIEF PROMOTER.

I certify that to the best of my knowledge and belief the above is a true account of the expenses and the value and application of the proceeds of the collection to which it relates, and that none of the property to which it relates has been disposed of otherwise than by sale, unless found useless and destroyed or otherwise disposed of as rubbish.

Date

(Signed)

CERTIFICATE OF AUDITOR.

I certify that I have obtained all the information and explanations required by me as auditor and that the above is in my opinion a true account of the monetary receipts and expenses and application of the monetary receipts of the collection to which it relates.

Date

(Signed)

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SCHEDULE 6.

Regulation 13

FORM OF ACCOUNT OF COLLECTION OF PROPERTY (OTHER THAN MONEY)
GIVEN AWAY, USED OR COLLECTED FOR GIVING AWAY.

(a) Surname of chief promoter *(in block letters)*.

(b) Other names *(in block letters)*.

Address of chief promoter.

Purpose of collection.

Period to which account relates.

I certify that to the best of my knowledge and belief all property collected in the collection of which particulars are given above (unless found useless and destroyed or otherwise disposed of as rubbish) has been given away or used for charitable purposes as follows—

(Here insert particulars of disposal of property collected.)

(Signed)

Chief promoter.

Date

I further certify that the above certificate has been signed by every person responsible for the disposal of the property collected.

Date

(Signed)

Chief promoter.
