

EXTRACTS FROM THE HOUSE TO HOUSE COLLECTIONS ACT 1939

Section 1. Charitable collections, from house to house to be licensed.

- (1) Subject to the provisions of this Act no collection for a charitable purpose shall be made unless the requirements of this Act as to a licence for the promotion thereof are satisfied.
- (2) If a person promotes a collection for a charitable purpose, and a collection for that purpose is made in any locality pursuant to his promotion, then, unless there is in force throughout the period during which the collection is made in that locality, a licence authorising him, or authorising another under another whose authority he acts, to promote a collection therein for that purpose he shall be guilty of an offence.
- (3) If a person acts as a collector in any locality for the purposes of a collection for a charitable purpose then unless there is in force at all times when he so acts a licence authorising a promoter under whose authority he acts, or authorising the collector himself to promote a collection therein for that purpose, he shall be guilty of an offence.

Section 2. Licences.

- (1) Where a person who is promoting or proposes to promote a collection in any locality for a charitable purpose makes to the licensing authority for the area comprising that locality an application in the prescribed manner specifying the purpose of the collection and the locality (whether being the whole of the area of the authority or a part thereof) within which the collection is to be made, and furnishes them with the prescribed information, the authority shall, subject to the following provisions of this section grant to him a licence authorising him to promote a collection within that locality for that purpose.
- (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 specified.

Section 3. Exemption in the case of collections over wide areas.

- (1) Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole of England or a substantial part thereof and is desirous of promoting collections for that purpose, the Secretary of State may by orders direct that he shall be exempt from the provisions of subsection (2) of section one of this Act as respects all collections for that purpose in such localities as may be prescribed in the order, and whilst an order so made in the case of any person is in force as respects collections in any locality, the provisions of this Act shall have effect in relation to the person exempted, to a promoter of a collection in that locality for that purpose who acts under the authority of the person exempted and to a person who so acts as a collector for the purposes of any such collection, as if a licence authorising the person exempted to promote a collection in the that locality for that purpose had been in force.
- (2) Any order made under this section may be revoked or varied by a subsequent order made by the Secretary of State.

Section 5. Unauthorised use of badges, etc.

If any person in connection with any appeal made by him to take the public in association with a representation that the appeal is for a charitable purpose, displays or uses:-

- (a) a prescribed badge, or a prescribed certificate of authority, not being a badge or a certificate for the time being held by him for the purpose 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 to be calculated to deceive, he shall be guilty of an offence.

Section 6. Collector to give name, etc. to police on demand.

A police constable may require any person whom he believes to be acting as a collector for the purposes of a collection for a charitable purpose to declare to him immediately his name and address and to sign his name and if any person fails to comply with a requirement duly made to him under this section, he shall be guilty of an offence.

Section 11. Interpretation.

(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:-

“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, 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 as aforesaid;

“house” includes a place of business;

“licence” means a licence under this Act;

“prescribed” means prescribed by regulations made 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.

EXTRACTS FROM THE HOUSE TO HOUSE COLLECTION REGULATIONS 1947

2. Interpretation.

(1) In these regulations, unless the context otherwise require:-

“The Act” means the House to House Collections Act 1939;

“chief promoter” in relation to a collection, means a person, to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of sub-section (2) of section 1 of the Act as respects 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;

“order” means an order made by the Secretary of State under section 3 of the Act;

“prescribed badge” means a badge in the form set out in the Fourth Schedule of these regulations;

“prescribed certificate of authority” means a certificate in the form set out in the Third Schedule to these regulations.

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

“street collection” means a collection or sale to which regulations made under section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 apply.

(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.

4. Applications for licences and orders.

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

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

5. Responsibility of promoters as respects collectors.

Every promoter of a collection shall exercise all due diligence:-

(a) to secure that persons authorised 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 authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books.

(1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued so 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 to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collector and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained herein 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 contained from The Stationery Office, 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 chief officer of police for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges.

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 constable 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.

8. Age Limit

No person under the age of 16 years shall act or be authorised to act as a collector of money.

9. Importuning

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.

10. Collection of Money.

(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 the 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 of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books.

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.

12. Examination of boxes and books.

(1) Subject as provided in paragraph (2) of this regulation, 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 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.

14. Promoters to furnish accounts.

(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 authority by which the licence was granted within one month of the expiry of the licence;

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one police area, a combined account of the collections made in all or any of those police areas may by agreement between the chief promoter and the respective police authorities be made only to such of the respective police authorities as may be so agreed.

(2) The licensing authority may extend the period within which an account is required to be furnished to the authority if satisfied that there are special reasons for so doing.

(3) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a police authority by regulations made under section 5 of the Police (Miscellaneous Provisions) Act 1916 may, if the said police authority agrees, combine the accounts of the house to house collection, in so far as is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (1) of this regulation.

15. Form and certifications of accounts.

The account required by the preceding regulation:-

(a) where money has been collected, shall be furnished in the form set out and, where property has been collected and sold, shall be furnished in the form set out 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 and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

16. Vouching of accounts.

(1) Every account furnished under paragraph (a) of regulation 15 of these regulations 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 paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.

(2) Paragraph (1) of this regulation 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 authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (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 authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc.

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 authorised and to promote for the same purposes.