



## **EAST CAMBRIDGESHIRE DISTRICT COUNCIL**

### **CONDITIONS RELATING TO HOUSE-TO-HOUSE COLLECTIONS EXTRACTS FROM RELEVANT LEGISLATION**

#### **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 authorizing him, or authorizing another under 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 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 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 certificate for the time being held by him for the 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 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 meaning hereby respectively assigned to them, that is to say:

“charitable purposes” 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 or 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 respect of 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 COLLECTIONS REGULATIONS 1947

1. (1) In these regulations, unless the context otherwise requires:

'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 subsection (2) or section 1 of the Act as respects that collection;

'collection 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 East Cambridgeshire District Council under section 2 of the Act;

'licensing authority' means East Cambridgeshire District Council;

'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 to the 1947 Regulations;

'prescribed certificate of authority' means a certificate in the form set out in the Third Schedule to the 1947 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;

'the 1947 Regulations' means the House-to-House Collections Regulations 1947 (as summarised in these conditions.

- (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.
- (3) The Interpretation Act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.
2. (1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to the 1947 Regulations, and section 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- (2) Where such a certificate is granted as aforesaid, the provisions of the 1947 Regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom



the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

3. (1) An application for a licence shall be in the form attached;
- (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.

Provided that East Cambridgeshire District Council or, as the case may be, the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.

4. (1) 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 the 1947 regulations.
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 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 East Cambridgeshire District Council.
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 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.
7. No person under the age of 16 years shall act or be authorised to act as a collector of money.
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.
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) When 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.
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.
- 11.(1) Subject as provided in paragraph (2) of this condition, 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 presence 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.
- 12.(1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with the 1947 regulations:
    - (a) every envelope used shall have a gummed flap by means of which it can be securely closed;
    - (b) no collector shall receive a contribution except in an envelope which has been so closed; and
    - (c) these conditions shall have effect subject to the following modifications:
      - i. sub-paragraph (c) of paragraph (1) of condition 5 shall not apply;
      - ii. condition 9 shall not apply;
      - iii. conditions 10 and 11 shall have effect as if each envelope in which a contribution is received were a collecting box;
      - iv. in condition 10 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
      - v. in paragraph (3) of condition 11 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.

In this condition 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

- 13.(1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to East Cambridgeshire District Council 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 licensing area a combined account of the collections made in all or any of those licensing areas may, by agreement between the chief promoter and the respective licensing authorities be made only to such of the respective licensing authorities as may be so agreed.



- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
  - (3) East Cambridgeshire District Council or the Secretary of State 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.
  - (4) 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 licensing authority by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act, 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, in so far as it 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) or, as the case may be, paragraph (2) of this condition, so, however, that in the case of an account furnished under the said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.
14. The account required by the preceding condition:
- (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to the 1947 Regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to the 1947 Regulations, 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 the Seventh Schedule to the 1947 Regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.
- 15.(1) Every account furnished under paragraph (a) of Condition 14 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 Condition 5 and the list referred to in Condition 11.
- (2) Paragraph (1) of this condition 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.



16. 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 to promote for the same purpose.