

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**  
**PUBLIC CHARITABLE COLLECTIONS**  
**Notes for the Guidance of Organisers of Public Charitable Collections**

N.B. These notes are not exhaustive and reference should be made to the Civic Government (Scotland) Act, 1982, (Section 119) and to the Statutory Instrument No. 565, 1984, The Public Charitable Collections (Scotland) Regulations, 1984. The Local Authority accepts no responsibility for any statements in or omissions from these notes in the event of a prosecution under the Act or Regulations against an organiser.

1. A “Public Charitable Collection” means a collection from the public of money, whether or not the money is given by the public for a consideration, for charitable purposes taken either in a street or any public place or by attending from house to house (and “house” includes a place of business). Where the collection will benefit a charitable benevolent or philanthropic purpose this qualifies as a “charitable” purpose whether or not the charity is otherwise so classed within the definition of any other law i.e. the purpose may qualify although the charity is not registered as such for tax purposes.
2. The organiser must apply to the Local Authority for permission to hold a public charitable collection at least one month before the time for which permission is sought and an application form may be obtained from the Civic Government Licensing Section.
3. On obtaining permission, the organiser must appoint an independent responsible person or a qualified accountant to act as an auditor of the collection.
4. The organiser can appoint an agent to carry out parts of his duties but must ensure that the agent is a fit and proper person and that any other person involved in the collection as an agent, collector or in any other capacity complies with all the requirements of the Act, the Regulations and any conditions imposed by the Local Authority, the Sheriff or the Secretary of State.
5. Each collector must carry a certificate of authority issued by the organiser or agent stating:
  - (a) The name and address of the organiser;
  - (b) The name and address of the collector to whom the certificate is issued;
  - (c) The name of the funds or organisers which are to benefit from the collection;
  - (d) The area in which the collector is authorised to collect;
  - (e) The period during which the collector is authorised to collect;
  - (f) The signature of the collector;
  - (g) The signature of the organiser or his agent (if the agent signs then the name and address of the agent should also be given).

In addition, each collector must display a badge bearing the name of the funds or organisations which will benefit from the collection.

6. If the organiser is organising a collection by the use of envelopes:-
  - (a) A supply of envelopes must be issued to each collector;
  - (b) Each envelope must have a gummed flap by which it can be sealed and must have the name of the funds or organisations which are to benefit from the collection clearly printed on the envelope.
  - (c) The name and address of each collector, and the number of envelopes issued to him, must be recorded.
7. If an envelope collection is not being used then a collecting box must be used:-
  - (a) The tin or receptacle must be securely closed and sealed so as to prevent it from being opened without the seal being broken and have on it a label clearly showing in easily legible words, the name of the funds or organisations which are to benefit from the collection.
  - (b) Each box must also have a distinguishing number and the organiser or collector, on opening the box, shall record the amount of money in it.
8. The organiser or the agent must take care to grant certificates of authority only to:
  - (a) Persons aged 14 and over where organising a street collection.
  - (b) Persons aged 16 and over where organising a house to house collection.
  - (c) That they are fit and proper persons to act as collectors.
  - (d) That they are aware of their obligations under the Act, the Regulations and any conditions imposed on the collector under the permission granted.
9. Collectors are obliged to:
  - (a) Carry their certificate of authority and to display the badge issued. The Certificate of Authority must be produced on request to a police constable, a member of the public who is being asked to contribute or any other interested person.
  - (b) The badge and certificate and collecting box or envelopes, unopened, must be returned to the organiser or his agent when the collection is terminated or when asked to do so by the organiser or agent.
  - (c) Contributions can only be accepted but the collector if they are within sealed envelopes or by the donor placing it in the collecting box.
  - (d) No collector shall remain at the door of any house if the occupant requests the collector to leave nor shall the collector importune any person for a contribution to the annoyance of that person.

10. **Accounts**

- (a) No person shall open a collecting box or a sealed envelope except in accordance with paragraph (b) below.
- (b) Collecting boxes or sealed envelopes may be opened by the organiser or his agent, in the presence of another responsible person, or, if they are delivered unopened to a bank, by an official of the bank; and
  - (i) If the collection is an envelope collection the person opening the envelopes shall note the number of envelopes returned by each collector and the total amount of money in them and convey this information to the organiser; or
  - (ii) If the collection is not an envelope collection the person opening the collecting boxes shall note the number on each collecting box and in the case of a collection not opened by an employee of a bank, shall record the amount of money in it and convey this information to the organiser

11. Within one month of the last date for which permission was granted to organise a collection the organiser other than an exempted promoter shall submit to the Council in respect of that collection.

- (a) Accounts showing
  - (i) The amount collected;
  - (ii) Any other amount attributable to the collection;
  - (iii) Expenses incurred in respect of the collection;
  - (iv) The amount of the net proceeds of the collection which has been paid to the named funds or organisations which were to benefit from the collections.
- (b) Statements from the organiser and the auditor in accordance with the styles attached; and
- (c) A summary of the account showing
  - (i) Organisers name;
  - (ii) Amount of proceeds and expenses of the collection;
  - (iii) Name of funds or organisations which have benefited from the Collection;
  - (iv) Amount paid to each fund or organisation from the proceeds of the Collection.
- (d) Where the organiser has received permission to collect for the same beneficiaries on the same dates in more than one area, the accounts may relate to the combined collection in all the relevant areas.
- (e) Accounts relating to an envelope collection shall be accompanied by a list showing the number of envelopes issued to each collector, the number of envelopes returned by each collector, and the total amount in them.

Accounts relating to a collection that is not an envelope collection shall be accompanied by a list showing the distinguishing number of all collecting boxes issued and, in the case of a collection not opened by an employee of a bank, by a list of the amounts collected in each collection box issued.

- (f) The accounts shall be certified by the organiser and by an independent responsible person as auditor in the terms set out in the Schedule to these Regulations.
- (g) The organiser must retain all receipts, vouchers and other papers relating to the collection for a period of two years from the date of submission of the accounts and shall exhibit these to the Council when so asked.
- (h) The organiser and the auditor shall, if required, satisfy any Council to which the accounts were submitted as to the due and proper application of the net proceeds of the collection, or as to any other matter arising from the accounts or the other papers relating to the collection.
- (i) A District or Islands Council, may, if satisfied that there are special reasons for so doing, extend the period of one month referred to in paragraph (a) above.

12.

- (a) Subject to paragraph (b) below, an exempted promoter shall submit accounts at least once during every period of 12 months to the Secretary of State, not later than 3 months after the end of the period to which the accounts relate. A person ceasing to be an exempted promoter shall submit accounts to the Secretary of State within 3 months of such cessation. An exempted promoter shall in addition submit extraordinary accounts to the Secretary of State within 3 months of any demand by the Secretary of State to do so.
- (b) The Secretary of State may, if it appears to him desirable to do so, accept accounts from an exempted promoter which include details of income and expenditure arising from collections organised by another exempted promoter; and in such circumstances the Secretary of State may waive the requirement for a submission of accounts by the other exempted promoter.
- (c) Extraordinary accounts submitted to the Secretary of State shall include such information as the Secretary of State may require. Any other accounts shall, in respect of either the period since the previous accounts were submitted by an exempted promoter, disclose particulars of:-
  - (i) The amounts collected in collections organised by the exempted promoter;
  - (ii) Any other amounts attributable to the collections;
  - (iii) All expenses incurred in connection with the collections; and
  - (iv) The application of the net proceeds of the collections.
- (d) The accounts shall be certified by the exempted promoter and a qualified accountant as auditor in the terms set out in the Schedule to these Regulations.

- (e) The exempted promoter and the auditor shall, if required, satisfy the Secretary of State as to the due and proper application of the net proceeds of the collection, or as to any other matter arising from the accounts.
13. The organiser, within one month of submitting accounts other than extraordinary accounts, shall publish a summary of them in one or more newspapers circulating in the area or areas for which permission has been granted to collect or, if the organiser is an exempted promoter, in one or more newspapers circulating throughout Scotland. The summary shall include the name of the organiser, the amount of the proceeds and expenses of the collections to which the summary relates, and the application of the net proceeds of the collections.
  14. Contravention of the Regulations or the Act referred to in these notes is an offence which can make the organiser, collector, agent or any other person concerned, liable on summary conviction to penalties, the maximum fine being £200 (level 1 on the standard scale) and £500 (level 2 on the standard scale) depending upon the offence committed.