



Shetland Islands Council
Civic Government (Scotland) Act 1982 Section 119
The Public Charitable Collection (Scotland) Regulations 1984

PUBLIC CHARITABLE COLLECTION
NOTES FOR GUIDANCE

A copy of the Regulations to which these conditions relates may be obtained from bookshops or by writing to Office of Public Sector Information (www.opsi.gov.uk). If you need any more help please contact Environmental Health on 01595 745250 or ehadmin@shetland.gov.uk or come along The Gutters Hut, 7 North Ness, Lerwick, Shetland.

Why do I need permission?

The Civic Government (Scotland) Act 1982 ("the Act") introduced compulsory licensing of certain activities and also the option to licence other activities. This is primarily to limit the potential to cause nuisance and to prevent fraud.

Definition

The type of collection which requires a permit is defined as a collection from the public of money for charitable purposes taken either in a public place or by means of visits from place to place (i.e. house to house) and whether given by the public for consideration or not. (Charitable purposes are defined in section 119 of the Act as meaning any charitable, benevolent or philanthropic purpose.)

Exemptions

There is no need to obtain a permit in respect of collections to be carried out in the course of a public meeting or to a collection by means of an unattended box, etc. which is kept in a fixed position in a public place.

The Secretary of State for Scotland if he is satisfied that a person engaged in charitable purposes throughout the whole or part of Scotland may exempt that person from the requirement to obtain a permit from Shetland Island's Council. (Unless stated by the Secretary of State such a person will however require to give three months notice of his intention to organise a collection with the area.)

What conditions will be applied to my licence?

The standard licence conditions are detailed in this guidance. The Council may also add specific conditions to your licence on matters such as the times you may conduct your collection and the places where you can collect.

Who will be consulted?

All applications will be submitted to the Police for an opinion as to whether the applicant is a fit person to receive permission.

When should I apply?

An application must be at least 1 month in advance of the proposed date of collection.
(3 months for notification from an exempt organisation.)

Please note an application will not be granted if a collection return has not been submitted for the last collection, if any. (This is not applicable for Exempted Organisations).

STANDARD LICENCE CONDITIONS

DUTIES OF THE ORGANISER

1. When permission to collect has been given, the organiser shall appoint an independent person or a qualified accountant to act as auditor of the collection.
2. The organiser, or the appointed agent, must issue each collector with a certificate of authority which should have:
 - the name and address of the organiser;
 - the name and address of the collector to whom the certificate is issued;
 - the name of the funds or organisations which will benefit from the collection;
 - the area in which the collector is authorised to collect;
 - the period during which the collector is authorised to collect;
 - the signature of the collector;
 - the signature of the organiser or his appointed agent; and
 - when the certificate has been signed by an agent the name and address of the agent.
3. Each collecting box shall be marked with a distinguishing number to each collector.
4. The organiser shall record the name and address of each collector and the number marked on the box given to him or the number of envelopes issued to him.
5. The organiser shall ensure that collectors who are issued with certificates of authority are:
 - over 14 years of age for street collections;
 - over 16 years of age for house to house collections;
 - fit and proper persons to act as collectors; and
 - aware of their obligations under the Public Charitable Collections (Scotland) Regulations 1984 and any local authority conditions relating to the collection.

DUTIES OF COLLECTORS

1. No person shall act as a collector unless they have been given a certificate of authority by the organiser and a badge bearing the name of the funds or organisations which are to benefit.
2. A collector shall produce his certificate of authority at any time when asked to do so by a police constable, a contributor or any interested person.
3. Envelope collections: Contributions shall not be accepted except in sealed envelope.
4. Box collections: Only donation which have been placed in the container provided shall be accepted.
5. Collectors shall not cause a public nuisance and shall leave premises or land at the request of the occupants or owners.
6. Collecting boxes or envelopes and certificates of authority shall be returned to the organiser, or his appointed agent on ceasing to act as a collector or at any other time when asked to do so by the organiser or his agent.

OPENING OF COLLECTING BOXES AND ENVELOPES

1. Collecting boxes and envelopes shall only be opened by:
 - The organiser or his appointed agent and in the presence of another responsible person; or
 - A bank official.
2. The person opening a collecting envelope shall note the number of envelopes returned by each collector and the total amount of money in them.
3. The person opening a collecting box shall note the number on each box and shall record the amount of money in it.
4. Banks are exempt from paragraph 3 above and need only record the total sum collected.
5. The information recorded at the opening of collecting envelopes and boxes shall be conveyed to the organiser.

ACCOUNTS

1. The organiser shall, within one month from the last date of collection, submit to the Council accounts relating to the collection. The time may be extended at the discretion of the Council.
2. The accounts shall disclose particulars of:
 - The amount collected in the collection;
 - Any other amount attributable to the collection;
 - All expenses incurred in connection with the collection; and
 - The name of the funds or organisations which have benefited from the collection and the amount paid to them from the net proceeds of the collection.
3. The accounts shall be accompanied by a statement from the organiser and a report by the auditor in the Public Charitable Collection Return Form.
4. The organiser shall retain all vouchers receipts and other papers relating to the collection for a period of 2 years from the date of which the accounts are submitted to the Council. During this period, the organiser shall exhibit these documents or provide further information or explanation to the Council when requested.
5. Within one month of submitting the accounts to the Council, the organiser shall either:
 - Publish a summary of them in the local newspaper; or
 - Make a summary of the accounts available for inspection by members of the public, for a reasonable period of time. The summary shall include;
 - Name of the organiser
 - The amount of the proceeds and expenses of the collection; and
 - The name of the funds or organisations which have benefited from the collection and the amount which each has been paid from the net proceeds of the collection.