



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *Regulation of charitable collections*

#### **119 Regulation of charitable collections.**

- (1) Subject to the provisions of this section, any person who organises a public charitable collection in respect of which the [<sup>F1</sup>local authority] for the area in which it is to be held have not given their permission under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale].
- (2) Subsection (1) above does not apply to a collection which takes place in the course of a public meeting or to a collection which takes place by means of an unattended receptacle kept in a fixed position in a public place.
- (3) An application for permission under this section shall be made in writing to the [<sup>F1</sup>local authority] by the organiser of the collection not later than 1 month before the date of the collection, or within such other period as the [<sup>F1</sup>authority] may fix.
- (4) On receipt of an application for permission under this section the [<sup>F1</sup>local authority] shall consult the chief constable for the area which comprises or includes their area and may make such other inquiries as they think fit.
- (5) In granting permission under this section a [<sup>F1</sup>local authority] may, subject to the provisions of any regulations made under subsection (13) below, impose such conditions as they think fit, having regard to the local circumstances in which the collection is to be held, including conditions—
  - (a) specifying the date, time or frequency of the collection;
  - (b) specifying the area within which it is to take place;
  - (c) regulating its conduct;

*Status: Point in time view as at 20/12/2017.*

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- (d) specifying the form of collection boxes, other containers and any other articles used for the purposes of the collection; and
  - (e) as to any other matter relating to the local circumstances of the collection.
- (6) A [<sup>F1</sup>local authority] may refuse to grant permission under this section on any of the following grounds—
- (a) that the date, time, frequency or area of the collection would cause undue public inconvenience;
  - (b) that another collection in respect of which permission under this section has been granted or which is exempt under subsection (11) below is due to take place on the same or a proximate day;
  - (c) that it appears to them that the amount likely to be applied for charitable purposes in consequence of the collection is inadequate having regard to the likely amount of the proceeds of the collection;
  - (d) that the organiser of the collection has been convicted of an offence under section 5 of the <sup>M1</sup>Police, Factories, etc. (Miscellaneous Provisions) Act 1916 or the <sup>M2</sup>House to House Collections Act 1939, or under [<sup>F3</sup>this section or] regulations made under subsection (13) of this section, or of any other offence which involves dishonesty or the commission of which would be likely to be facilitated by the grant of permission under this section.
- (7) A [<sup>F1</sup>local authority] may—
- (a) if they have reason to believe that there has been a change in the circumstances which prevailed at the time when they granted a permission under this section and they are of the opinion that, in consequence, grounds of refusal under subsection (6) above apply, withdraw the permission or vary any condition imposed by them under subsection (5) above in relation to that permission;
  - (b) if they have reason to believe that there has been, is or is likely to be a breach of any condition imposed by them under subsection (5) above, withdraw a permission under this section.
- (8) Where permission for a collection is refused under subsection (6) above or withdrawn under subsection (7) above, the [<sup>F1</sup>local authority] shall give written notice of that fact to the organiser of the collection and such notice shall include a statement of the reasons for such refusal or withdrawal.
- (9) The organiser of a collection may appeal to the sheriff against the decision of a [<sup>F1</sup>local authority]—
- (a) under subsection (6) above, refusing permission for a collection;
  - (b) under subsection (7) above, withdrawing such permission;
  - (c) under subsection (5) above, imposing any condition;
  - (d) under the said subsection (7), varying any condition,
- and an appeal under this subsection shall be made by way of summary application and shall be lodged with the sheriff clerk within 14 days of the date of the decision appealed against or, in a case where reasons for a decision have been given, within 14 days from the date of receipt of those reasons.
- (10) In upholding an appeal under subsection (9) above, the sheriff may—
- (a) remit the case with the reasons for his decision to the [<sup>F1</sup>local authority] for reconsideration of their decision; or
  - (b) reverse or alter the decision of the [<sup>F1</sup>local authority].

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(11) If he is satisfied that a person pursues charitable purposes throughout the whole or a substantial part of Scotland, the Secretary of State may direct that that person shall, subject to such conditions as may be specified in the direction, be exempt from subsection (1) above.

A direction made under this subsection may be revoked or amended by a further direction so made.

(12) Notwithstanding the provisions of subsection (11) above, any person who has been exempted from subsection (1) above by a direction of the Secretary of State under subsection (11) above shall, unless the Secretary of State otherwise directs, give to the <sup>F1</sup>local authority]in whose area he intends to organise a public charitable collection 3 months notice of that intention.

A direction under this subsection may be revoked or amended by a further direction so made.

(13) Subject to the provisions of this section, the Secretary of State may make regulations for the purposes of regulating public charitable collections and, without prejudice to that generality, regulations may include provision about the keeping and publication of accounts, provision for prevention of annoyance to the public and provision making it an offence to fail to comply with any obligation imposed by the regulations which is specified in the regulations as an obligation breach of which is an offence and making any person guilty of such an offence liable on summary conviction to a fine not exceeding £50 or such lesser sum as may be specified in the regulations.

(14) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

<sup>F4</sup>(15) . . . . .

(16) In this section “public charitable collection” means a collection from the public of money (whether given by them for consideration or not) for charitable purposes taken either in a public place or by means of visits from place to place and “charitable purposes” means any charitable, benevolent or philanthropic purposes whether or not they are charitable within the meaning of any rule of law.

#### Textual Amendments

- F1** Words in s. 119(1)(3)-(9)(10)(a)(b)(12) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(16)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words substituted by virtue of **Criminal Procedure (Scotland) Act 1975** (c. 21, SIF 39:1), **s. 289G**
- F3** Words in s. 119(6)(d) inserted (1.9.1992) by **Charities Act 1992** (c. 41), s. 78(1), **Sch. 6 para. 10(a)**; S.I. 1992/1900, **art. 2, Sch. 1.**
- F4** S. 119(15) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. X** Group 1

#### Marginal Citations

- M1** 1916 c. 31.
- M2** 1939 c. 44.

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