



# Charities Act 1992

## 1992 CHAPTER 41

### PART III

#### PUBLIC CHARITABLE COLLECTIONS

##### *Preliminary*

#### 65 Interpretation of Part III

(1) In this Part—

- (a) “public charitable collection” means (subject to subsection (2)) a charitable appeal which is made—
  - (i) in any public place, or
  - (ii) by means of visits from house to house; and
- (b) “charitable appeal” means an appeal to members of the public to give money or other property (whether for consideration or otherwise) which is made in association with a representation that the whole or any part of its proceeds is to be applied for charitable, benevolent or philanthropic purposes.

(2) Subsection (1)(a) does not apply to a charitable appeal which—

- (a) is made in the course of a public meeting; or
- (b) is made—
  - (i) on land within a churchyard or burial ground contiguous or adjacent to a place of public worship, or
  - (ii) on other land occupied for the purposes of a place of public worship and contiguous or adjacent to it,being (in each case) land which is enclosed or substantially enclosed (whether by any wall or building or otherwise); or
- (c) is an appeal to members of the public to give money or other property by placing it in an unattended receptacle;

and for the purposes of paragraph (c) above a receptacle is unattended if it is not in the possession or custody of a person acting as a collector.

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*Status: This is the original version (as it was originally enacted).*

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- (3) In this Part, in relation to a public charitable collection—
- (a) “promoter” means a person who (whether alone or with others and whether for remuneration or otherwise) organises or controls the conduct of the charitable appeal in question, and associated expressions shall be construed accordingly; and
  - (b) “collector” means any person by whom that appeal is made (whether made by him alone or with others and whether made by him for remuneration or otherwise);

but where no person acts in the manner mentioned in paragraph (a) above in respect of a public charitable collection, any person who acts as a collector in respect of it shall for the purposes of this Part be treated as a promoter of it as well.

- (4) In this Part—
- “local authority” means the council of a district or of a London borough, the Common Council of the City of London, or the Council of the Isles of Scilly; and
  - “proceeds”, in relation to a public charitable collection, means all money or other property given (whether for consideration or otherwise) in response to the charitable appeal in question.

- (5) In this Part any reference to charitable purposes, where occurring in the context of a reference to charitable, benevolent or philanthropic purposes, is a reference to charitable purposes whether or not the purposes are charitable within the meaning of any rule of law.

- (6) The functions exercisable under this Part by a local authority shall be exercisable—
- (a) as respects the Inner Temple, by its Sub-Treasurer, and
  - (b) as respects the Middle Temple, by its Under Treasurer;
- and references in this Part to a local authority or to the area of a local authority shall be construed accordingly.

- (7) It is hereby declared that an appeal to members of the public (other than one falling within subsection (2)) is a public charitable collection for the purposes of this Part if—
- (a) it consists in or includes the making of an offer to sell goods or to supply services, or the exposing of goods for sale, to members of the public, and
  - (b) it is made as mentioned in sub-paragraph (i) or (ii) of subsection (1)(a) and in association with a representation that the whole or any part of its proceeds is to be applied for charitable, benevolent or philanthropic purposes.

This subsection shall not be taken as prejudicing the generality of subsection (1)(b).

- (8) In this section—
- “house” includes any part of a building constituting a separate dwelling;
  - “public place”, in relation to a charitable appeal, means—
    - (a) any highway, and
    - (b) (subject to subsection (9)) any other place to which, at any time when the appeal is made, members of the public have or are permitted to have access and which either—
      - (i) is not within a building, or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) if within a building, is a public area within any station, airport or shopping precinct or any other similar public area.
- (9) In subsection (8), paragraph (b) of the definition of “public place” does not apply to—
- (a) any place to which members of the public are permitted to have access only if any payment or ticket required as a condition of access has been made or purchased; or
  - (b) any place to which members of the public are permitted to have access only by virtue of permission given for the purposes of the appeal in question.