



Charities Act 2006

2006 CHAPTER 50

PART 3

FUNDING FOR CHARITABLE, BENEVOLENT OR PHILANTHROPIC INSTITUTIONS

CHAPTER 1

PUBLIC CHARITABLE COLLECTIONS

PROSPECTIVE

Permits

58 Applications for permits to conduct collections in public places

- (1) A person or persons proposing to promote a collection in a public place (other than an exempt collection) in the area of a local authority may apply to the authority for a permit to conduct that collection.
- (2) The application must be made within the prescribed period falling before the day (or the first of the days) on which the collection is to take place, except as provided in subsection (4).
- (3) The application must—
 - (a) specify the date or dates in respect of which it is desired that the permit, if issued, should have effect (which, in the case of two or more dates, must not span a period of more than 12 months);
 - (b) be accompanied by a copy of the public collections certificate in force under section 52 in respect of the proposed collection; and
 - (c) contain such information as may be prescribed.

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- (4) Where an application (“the certificate application”) has been made in accordance with section 51 for a public collections certificate in respect of the collection and either—
- (a) the certificate application has not been determined by the end of the period mentioned in subsection (2) above, or
 - (b) the certificate application has been determined by the issue of such a certificate but at a time when there is insufficient time remaining for the application mentioned in subsection (2) (“the permit application”) to be made by the end of that period,
- the permit application must be made as early as practicable before the day (or the first of the days) on which the collection is to take place.
- (5) In this section “exempt collection” means a collection in a public place which is an exempt collection by virtue of section 50.

59 Determination of applications and issue of permits

- (1) On receiving an application made in accordance with section 58 for a permit in respect of a collection in a public place, a local authority must determine the application within the prescribed period by either—
 - (a) issuing a permit in respect of the collection, or
 - (b) refusing the application on the ground specified in section 60(1).
- (2) Where a local authority issue such a permit, it shall (subject to section 61) have effect in respect of the date or dates specified in the application in accordance with section 58(3)
 - (a).
- (3) At the time of issuing a permit under this section, a local authority may attach to it such conditions within paragraphs (a) to (d) below as they think fit, having regard to the local circumstances of the collection—
 - (a) conditions specifying the day of the week, date, time or frequency of the collection;
 - (b) conditions specifying the locality or localities within their area in which the collection may be conducted;
 - (c) conditions regulating the manner in which the collection is to be conducted;
 - (d) such other conditions as may be prescribed for the purposes of this subsection.
- (4) A local authority must secure that the terms of any conditions attached under subsection (3) are consistent with the provisions of any regulations under section 63 (whether or not prescribing conditions for the purposes of that subsection).
- (5) Where a local authority—
 - (a) refuse to issue a permit, or
 - (b) attach any condition to it,

they must serve on the applicant written notice of their decision and the reasons for their decision.
- (6) That notice must also state the right of appeal conferred by section 62(2) and the time within which such an appeal must be brought.

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60 Refusal of permits

- (1) The only ground on which a local authority may refuse an application for a permit to conduct a collection in a public place is that it appears to them that the collection would cause undue inconvenience to members of the public by reason of—
 - (a) the day or the week or date on or in which,
 - (b) the time at which,
 - (c) the frequency with which, or
 - (d) the locality or localities in which,it is proposed to be conducted.
- (2) In making a decision under subsection (1), a local authority may have regard to the fact (where it is the case) that the collection is proposed to be conducted—
 - (a) wholly or partly in a locality in which another collection in a public place is already authorised to be conducted under this Chapter, and
 - (b) on a day on which that other collection is already so authorised, or on the day falling immediately before, or immediately after, any such day.
- (3) A local authority must not, however, have regard to the matters mentioned in subsection (2) if it appears to them—
 - (a) that the proposed collection would be conducted only in one location, which is on land to which members of the public would have access only—
 - (i) by virtue of the express or implied permission of the occupier of the land, or
 - (ii) by virtue of any enactment, and
 - (b) that the occupier of the land consents to that collection being conducted there; and for this purpose “the occupier”, in relation to unoccupied land, means the person entitled to occupy it.
- (4) In this section a reference to a collection in a public place authorised under this Chapter is a reference to a collection in a public place that—
 - (a) is conducted in accordance with section 48, or
 - (b) is an exempt collection by virtue of section 50.

61 Withdrawal or variation etc. of permits

- (1) Where subsection (2), (3) or (4) applies, a local authority who have issued a permit under section 59 may—
 - (a) withdraw the permit,
 - (b) attach any condition (or further condition) to the permit, or
 - (c) vary any existing condition of the permit.
- (2) This subsection applies where the local authority—
 - (a) have reason to believe that there has been a change in the circumstances which prevailed at the time when they issued the permit, and
 - (b) are of the opinion that, if the application for the permit had been made in the new circumstances, they would not have issued the permit or would have issued it subject to different or additional conditions.
- (3) This subsection applies where the local authority have reason to believe that any information provided to them by the holder of a permit (or, where there is more than

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one holder, by any of them) for the purposes of the application for the permit was false or misleading in a material particular.

- (4) This subsection applies where the local authority have reason to believe that there has been or is likely to be a breach of any condition of a permit issued by them, or that a breach of such a condition is continuing.
- (5) Any condition imposed at any time by a local authority under subsection (1) (whether by attaching a new condition to the permit or by varying an existing condition) must be one that it would be appropriate for the authority to attach to the permit under section 59(3) if the holder was applying for it in the circumstances prevailing at that time.
- (6) The exercise by a local authority of the power conferred by paragraph (b) or (c) of subsection (1) on one occasion does not prevent them from exercising any of the powers conferred by that subsection on a subsequent occasion; and on any subsequent occasion the reference in subsection (2)(a) to the time when the local authority issued the permit is a reference to the time when they last exercised any of those powers.
- (7) Where under this section a local authority—
 - (a) withdraw a permit,
 - (b) attach a condition to a permit, or
 - (c) vary an existing condition of a permit,
 they must serve on the holder written notice of their decision and the reasons for their decision.
- (8) That notice must also state the right of appeal conferred by section 62(3) and the time within which such an appeal must be brought.
- (9) Where a local authority withdraw a permit under this section, they must send a copy of their decision and the reasons for it to the Commission.
- (10) Where a local authority under this section withdraw a permit, attach any condition to a permit, or vary an existing condition of a permit, the permit shall continue to have effect as if it had not been withdrawn or (as the case may be) as if the condition had not been attached or varied—
 - (a) until the time for bringing an appeal under section 62(3) has expired, or
 - (b) if such an appeal is duly brought, until the determination or abandonment of the appeal.

62 Appeals against decisions of local authority

- (1) A person who, in relation to a public charitable collection, has duly notified a local authority of the matters mentioned in section 50(3) may appeal to a magistrates' court against a decision of the local authority under section 50(4)—
 - (a) that the collection is not a local, short-term collection, or
 - (b) that the promoters or any of them has breached any such provision, or been convicted of any such offence, as is mentioned in paragraph (b) of that subsection.
- (2) A person who has duly applied to a local authority for a permit to conduct a collection in a public place in the authority's area may appeal to a magistrates' court against a decision of the authority under section 59—
 - (a) to refuse to issue a permit, or

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- (b) to attach any condition to it.
- (3) A person to whom a permit has been issued may appeal to a magistrates' court against a decision of the local authority under section 61—
 - (a) to withdraw the permit,
 - (b) to attach a condition to the permit, or
 - (c) to vary an existing condition of the permit.
- (4) An appeal under subsection (1), (2) or (3) shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 (c. 43) shall apply to the proceedings.
- (5) Any such appeal shall be brought within 14 days of the date of service on the person in question of the relevant notice under section 50(4), section 59(5) or (as the case may be) section 61(7); and for the purposes of this section an appeal shall be taken to be brought when the complaint is made.
- (6) An appeal against the decision of a magistrates' court on an appeal under subsection (1), (2) or (3) may be brought to the Crown Court.
- (7) On an appeal to a magistrates' court or the Crown Court under this section, the court may confirm, vary or reverse the local authority's decision and generally give such directions as it thinks fit, having regard to the provisions of this Chapter and of any regulations under section 63.
- (8) On an appeal against a decision of a local authority under section 50(4), directions under subsection (7) may include a direction that the collection may be conducted—
 - (a) on the date or dates notified in accordance with section 50(3)(b), or
 - (b) on such other date or dates as may be specified in the direction;and if so conducted the collection is to be regarded as one that is an exempt collection by virtue of section 50.
- (9) It shall be the duty of the local authority to comply with any directions given by the court under subsection (7); but the authority need not comply with any directions given by a magistrates' court—
 - (a) until the time for bringing an appeal under subsection (6) has expired, or
 - (b) if such an appeal is duly brought, until the determination or abandonment of the appeal.

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