



# Charities Act 2006

## 2006 CHAPTER 50

### PART 3

#### FUNDING FOR CHARITABLE, BENEVOLENT OR PHILANTHROPIC INSTITUTIONS

### CHAPTER 1

#### PUBLIC CHARITABLE COLLECTIONS

PROSPECTIVE

*Supplementary*

#### 63 Regulations

- (1) The [F<sup>1</sup>Secretary of State] may make regulations—
  - (a) prescribing the matters which a local authority are to take into account in determining whether a collection is local in character for the purposes of section 50(2)(a);
  - (b) for the purpose of regulating the conduct of public charitable collections;
  - (c) prescribing anything falling to be prescribed by virtue of any provision of this Chapter.
- (2) The matters which may be prescribed by regulations under subsection (1)(a) include—
  - (a) the extent of the area within which the appeal is to be conducted;
  - (b) whether the appeal forms part of a series of appeals;
  - (c) the number of collectors making the appeal and whether they are acting for remuneration or otherwise;
  - (d) the financial resources (of any description) of any charitable, benevolent or philanthropic institution for whose benefit the appeal is to be conducted;
  - (e) where the promoters live or have any place of business.

*Status:* Point in time view as at 01/08/2011. This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Charities Act 2006, Cross Heading: Supplementary. (See end of Document for details)

- (3) Regulations under subsection (1)(b) may make provision—
- (a) about the keeping and publication of accounts;
  - (b) for the prevention of annoyance to members of the public;
  - (c) with respect to the use by collectors of badges and certificates of authority, or badges incorporating such certificates, including, in particular, provision—
    - (i) prescribing the form of such badges and certificates;
    - (ii) requiring a collector, on request, to permit his badge, or any certificate of authority held by him of the purposes of the collection, to be inspected by a constable or a duly authorised officer of a local authority, or by an occupier of any premises visited by him in the course of the collection;
  - (d) for prohibiting persons under a prescribed age from acting as collectors, and prohibiting others from causing them so to act.
- (4) Nothing in subsection (2) or (3) prejudices the generality of subsection (1)(a) or (b).
- (5) Regulations under this section may provide that any failure to comply with a specified provision of the regulations is to be an offence punishable on summary conviction by a fine not exceeding level 2 on the standard scale.
- (6) Before making regulations under this section the<sup>F2</sup>Secretary of State] must consult such persons or bodies of persons as he considers appropriate.

#### Textual Amendments

- F1** Words in s. 63(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 19(2)(a)** (with art. 12)
- F2** Words in s. 63(6) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 19(2)(a)** (with art. 12)

#### Modifications etc. (not altering text)

- C1** S. 63 functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), arts. 1(2), **10(2)(e)** (with arts. 10(3), 11, 12)

## 64 Offences

- (1) A person commits an offence if, in connection with any charitable appeal, he displays or uses—
- (a) a prescribed badge or prescribed certificate of authority which is not for the time being held by him for the purposes of the appeal pursuant to regulations under section 63, or
  - (b) any badge or article, or any certificate or other document, so nearly resembling a prescribed badge or (as the case may be) a prescribed certificate of authority as to be likely to deceive a member of the public.
- (2) A person commits an offence if—
- (a) for the purposes of an application made under section 51 or section 58, or
  - (b) for the purposes of section 49 or section 50,

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he knowingly or recklessly furnishes any information which is false or misleading in a material particular.

- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) In subsection (1) “prescribed badge” and “prescribed certificate of authority” mean respectively a badge and a certificate of authority in such form as may be prescribed.

## **65 Offences by bodies corporate**

- (1) Where any offence under this Chapter or any regulations made under it—
  - (a) is committed by a body corporate, and
  - (b) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity,he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

## **66 Service of documents**

- (1) This section applies to any notice required to be served under this Chapter.
- (2) A notice to which this section applies may be served on a person (other than a body corporate)—
  - (a) by delivering it to that person;
  - (b) by leaving it at his last known address in the United Kingdom; or
  - (c) by sending it by post to him at that address.
- (3) A notice to which this section applies may be served on a body corporate by delivering it or sending it by post—
  - (a) to the registered or principal office of the body in the United Kingdom, or
  - (b) if it has no such office in the United Kingdom, to any place in the United Kingdom where it carries on business or conducts its activities (as the case may be).
- (4) A notice to which this section applies may also be served on a person (including a body corporate) by sending it by post to that person at an address notified by that person for the purposes of this subsection to the person or persons by whom it is required to be served.

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