



Charities Act 2006

2006 CHAPTER 50

PART 3

FUNDING FOR CHARITABLE, BENEVOLENT OR PHILANTHROPIC INSTITUTIONS

CHAPTER 1

PUBLIC CHARITABLE COLLECTIONS

Permits

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
 - (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.

Status: This is the original version (as it was originally enacted).

- (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.