

CHARITIES ACT 2006

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Section 50: Exemption for local short-term collections

195. This section sets out the conditions under which a collection would be exempt from the requirement to obtain a public collections certificate and (for collections in a public place) a permit to collect.
196. *Subsection (1)* provides for collections that are exempt from the requirement to obtain a public collections certificate and, in the case of a collection in a public place, a permit. An exempt collection is one (a) that is a local, short-term collection as defined in *subsection (2)*, and (b) where the promoters notify the local authority in whose area the collection is to take place of the matters set out in *subsection (3)* within the prescribed period before the first day of the proposed collection. However, if the local authority serve a notice on the promoters under *subsection (4)*, as described in paragraph 199, the collection will not be an exempt collection.
197. *Subsection (2)* provides that a collection is a local, short-term collection if the appeal is local in character and does not exceed the prescribed period. Regulations under section 63 will prescribe matters that local authorities must take into account in determining whether an appeal is local in character.
198. Promoters would notify the local authority in whose area the collection was to take place. A collection is only an exempt collection for the purposes of this section if the local authority has not notified the promoter under *subsection (1)* within the prescribed period preceding the date of the collection that the collection does not qualify as a local, short-term collection. The power for local authorities to determine that a collection is not exempt, and provision for service of that decision, is contained in *subsection (4)*. A local authority may serve such a notice where it appears to the authority that the proposed collection is not a local, short-term collection, or that the promoter has breached regulations or been convicted of a relevant offence. A right of appeal against such a decision is provided in section 62(1).
199. *Subsection (6)* provides that where a promoter undertakes an exempt local short-term collection without complying with the notification requirements in this section, the promoter is guilty of an offence and is liable for a fine of up to level 3 on the standard scale (currently £1,000).