



Charities Act 2006

2006 CHAPTER 50

PART 3

FUNDING FOR CHARITABLE, BENEVOLENT OR PHILANTHROPIC INSTITUTIONS

CHAPTER 1

PUBLIC CHARITABLE COLLECTIONS

Preliminary

45 Regulation of public charitable collections

- (1) This Chapter regulates public charitable collections, which are of the following two types—
 - (a) collections in a public place; and
 - (b) door to door collections.
- (2) For the purposes of this Chapter—
 - (a) “public charitable collection” means (subject to section 46) a charitable appeal which is made—
 - (i) in any public place, or
 - (ii) by means of visits to houses or business premises (or both);
 - (b) “charitable appeal” means an appeal to members of the public which is—
 - (i) an appeal to them to give money or other property, or
 - (ii) an appeal falling within subsection (4),(or both) and 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;
 - (c) a “collection in a public place” is a public charitable collection that is made in a public place, as mentioned in paragraph (a)(i);

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

- (d) a “door to door collection” is a public charitable collection that is made by means of visits to houses or business premises (or both), as mentioned in paragraph (a)(ii).
- (3) For the purposes of subsection (2)(b)—
 - (a) the reference to the giving of money is to doing so by whatever means; and
 - (b) it does not matter whether the giving of money or other property is for consideration or otherwise.
- (4) An appeal falls within this subsection if it consists in or includes—
 - (a) the making of an offer to sell goods or to supply services, or
 - (b) the exposing of goods for sale,
 - to members of the public.
- (5) In this section—
 - “business premises” means any premises used for business or other commercial purposes;
 - “house” includes any part of a building constituting a separate dwelling;
 - “public place” means—
 - (a) any highway, and
 - (b) (subject to subsection (6)) 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
 - (ii) if within a building, is a public area within any station, airport or shopping precinct or any other similar public area.
- (6) In subsection (5), paragraph (b) of the definition of “public place” does not include—
 - (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.

Commencement Information

II [S. 45\(2\)-\(6\)](#) in force at 1.4.2008 for specified purposes by [S.I. 2007/3286](#), [art. 3](#), [Sch. 2](#) (with [art. 4](#))

46 Charitable appeals that are not public charitable collections

- (1) A charitable appeal is not a public charitable collection if the appeal—
 - (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,
 where the land is enclosed or substantially enclosed (whether by any wall or building or otherwise); or

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

- (c) is made on land to which members of the public 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 the occupier is the promoter of the collection; or
 - (d) is an appeal to members of the public to give money or other property by placing it in an unattended receptacle.
- (2) For the purposes of subsection (1)(c) “the occupier”, in relation to unoccupied land, means the person entitled to occupy it.
- (3) For the purposes of subsection (1)(d) a receptacle is unattended if it is not in the possession or custody of a person acting as a collector.

Commencement Information

I2 S. 46 in force at 1.4.2008 for specified purposes by S.I. 2007/3286, art. 3, Sch. 2 (with art. 4)

47 Other definitions for purposes of this Chapter

- (1) In this Chapter—
- “charitable, benevolent or philanthropic institution” means—
 - (a) a charity, or
 - (b) an institution (other than a charity) which is established for charitable, benevolent, or philanthropic purposes;
 - “collector”, in relation to a public charitable collection, means any person by whom the appeal in question is made (whether made by him alone or with others and whether made by him for remuneration or otherwise);
 - “local authority” means a unitary authority, the council of a district so far as it is not a unitary authority, the council of a London borough or of a Welsh county or county borough, the Common Council of the City of London or the Council of the Isles of Scilly;
 - “prescribed” means prescribed by regulations under section 63;
 - “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;
 - “promoter”, in relation to a public charitable collection, means—
 - (a) 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, or
 - (b) where there is no person acting as mentioned in paragraph (a), any person who acts as a collector in respect of the collection,and associated expressions are to be construed accordingly;
 - “public collections certificate” means a certificate issued by the Commission under section 52.
- (2) In subsection (1) “unitary authority” means—
- (a) the council of a county so far as it is the council for an area for which there are no district councils;

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

- (b) the council of any district comprised in an area for which there is no county council.
- (3) The functions exercisable under this Chapter by a local authority are to 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 Chapter to a local authority or to the area of a local authority are to be construed accordingly.

Commencement Information

I3 S. 47(1) in force at 1.4.2008 for specified purposes by S.I. 2007/3286, art. 3, Sch. 2 (with art. 4)

Changes to legislation:

There are currently no known outstanding effects for the Charities Act 2006, Cross Heading:
Preliminary.