



House to House Collections Act 1939

1939 CHAPTER 44

2 Licences

(1) Where a person who is promoting, or proposes to promote, a collection in any locality for a charitable purpose makes to the police authority for the police area comprising that locality an application in the prescribed manner specifying the purpose of the collection and the locality (whether being the whole of the area of the authority or a part thereof) within which the collection is to be made, and furnishes them with the prescribed information, the authority shall, subject to the following provisions of this section, grant to him a licence authorising him to promote a collection within that locality for that purpose.

(2) A licence shall be granted for such period, not being longer than twelve months, as may be specified in the application, and shall, unless it is previously revoked, remain in force for the period so specified :

Provided that, if it appears to a police authority to be expedient to provide for the simultaneous expiration of licences to be granted by them in respect of collections which in their opinion are likely to be proposed to be made annually or continuously over a long period, they may, on the grant of such a licence, grant it for a period shorter or longer than that specified in the application therefor, or for a period longer than twelve months (but not exceeding eighteen months), as may be requisite for that purpose.

(3) A police authority may refuse to grant a licence, or, where a licence has been granted, may revoke it, if it appears to the authority—

- (a) that the total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
- (b) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
- (c) that the grant of a licence would be likely to facilitate the commission of an offence under section three of the Vagrancy Act, 1824, or that an offence under that section has been committed in connection with the collection;

- (d) that the applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of His Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a licence;
 - (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
 - (f) that the applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs.
- (4) When a police authority refuse to grant a licence or revoke a licence which has been granted, they shall forthwith give written notice to the applicant or holder of the licence stating upon which one or more of the grounds set out in subsection (3) of this section the licence has been refused or revoked and informing him of the right of appeal given by this section, and the applicant or holder of the licence may thereupon appeal to the Secretary of State against the refusal or revocation of the licence as the case may be and the decision of the Secretary of State shall be final.
- (5) The time within which any such appeal may be brought shall be fourteen days from the date on which notice is given under subsection (4) of this section.
- (6) If the Secretary of State decides that the appeal shall be allowed, the police authority shall forthwith issue a licence or cancel the revocation as the case may be in accordance with the decision of the Secretary of State.