



2008 CHAPTER 12

PART 13

FUNDING OF CHARITABLE INSTITUTIONS

CHAPTER 1

PUBLIC CHARITABLE COLLECTIONS

*Preliminary*

**Regulation of public charitable collections**

**131.**—(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 Part—

- (a) “public charitable collection” means (subject to section 132) 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);
  - (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 road within the meaning of the [Road Traffic \(Northern Ireland\) Order 1995 \(NI 18\)](#), 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.

### **Charitable appeals that are not public charitable collections**

**132.—(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
- (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 statutory provision, 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.

### **Other definitions for purposes of this Chapter**

#### **133. In this Chapter—**

“prescribed” means prescribed by regulations under section 148;

“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.