

*Status: This version of this cross heading contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the Charities Act (Northern Ireland) 2008, Cross Heading: Restrictions on conducting collections. (See end of Document for details)*



## 2008 CHAPTER 12

### **PART 13**

#### FUNDING OF CHARITABLE INSTITUTIONS

##### CHAPTER 1

##### PUBLIC CHARITABLE COLLECTIONS

PROSPECTIVE

#### *Restrictions on conducting collections*

#### **Restrictions on conducting collections in a public place**

**134.**—(1) A collection in a public place shall not be conducted unless—

- (a) the promoters of the collection hold a public collections certificate in force under section 138 in respect of the collection, and
- (b) the collection is conducted in accordance with a permit issued under section 144.

(2) Subsection (1) does not apply to a public charitable collection which is an exempt collection by virtue of section 136 (local, short-term collections).

(3) Where—

- (a) a collection in a public place is conducted in contravention of subsection (1), and
- (b) the circumstances of the case do not fall within section 136(6),

every promoter of the collection is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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### **Restrictions on conducting door to door collections**

**135.—**(1) A door to door collection shall not be conducted unless—

- (a) the promoters of the collection hold a public collections certificate in force under section 138 in respect of the collection,
- (b) the collection is conducted in accordance with a permit issued under section 144; and
- (c) the promoters of the collection have within the prescribed period falling before the day (or the first of the days) on which the collection takes place—
  - (i) notified the Commission of the matters mentioned in subsection (3), and
  - (ii) provided the Commission with a copy of the certificate mentioned in paragraph (a).

(2) Subsection (1) does not apply to a door to door collection which is an exempt collection by virtue of section 136 (local, short-term collections).

(3) The matters referred to in subsection (1)(c)(i) are—

- (a) the purpose for which the proceeds of the appeal are to be applied;
- (b) the prescribed particulars of when the collection is to be conducted;
- (c) the locality within which the collection is to be conducted; and
- (d) such other matters as may be prescribed.

(4) Where—

- (a) a door to door collection is conducted in contravention of subsection (1), and
- (b) the circumstances of the case do not fall within section 136(6),

every promoter of the collection is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

This is subject to subsection (5).

(5) Where—

- (a) a door to door collection is conducted in contravention of subsection (1),
- (b) the appeal is for goods only, and
- (c) the circumstances of the case do not fall within section 136(6),

every promoter of the collection is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In subsection (5) “goods” includes all personal chattels other than things in action and money.

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### **Exemption for local, short-term collections**

**136.—**(1) A public charitable collection is an exempt collection if—

- (a) it is a local, short-term collection (see subsection (2)), and
- (b) the promoters notify the Commission of the matters mentioned in subsection (3) within the prescribed period falling before the day (or the first of the days) on which the collection takes place,

unless, within the prescribed period beginning with the date when it is so notified, the Commission serves a notice under subsection (4) on the promoters.

(2) A public charitable collection is a local, short-term collection if—

- (a) the appeal is local in character; and
- (b) the duration of the appeal does not exceed the prescribed period of time.

(3) The matters referred to in subsection (1)(b) are—

- (a) the purpose for which the proceeds of the appeal are to be applied;
- (b) the date or dates on which the collection is to be conducted;
- (c) the place at which, or the locality within which, the collection is to be conducted; and
- (d) such other matters as may be prescribed.

(4) Where it appears to the Commission—

- (a) that the collection is not a local, short-term collection, or
- (b) that the promoters or any of them have or has on any occasion—
  - (i) breached any provision of regulations made under section 148, or
  - (ii) been convicted of an offence within section 139(2)(a)(i) to (v),

the Commission shall serve on the promoters written notice of its decision to that effect and the reasons for its decision.

(5) That notice shall also state the right of appeal conferred by section 147(1) and the time within which such an appeal must be brought.

(6) Where—

- (a) a collection in a public place is conducted otherwise than in accordance with section 134(1) or a door to door collection is conducted otherwise than in accordance with section 135(1), and
- (b) the collection is a local, short-term collection but the promoters do not notify the Commission as mentioned in subsection (1)(b),

every promoter of the collection is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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