



2008 CHAPTER 12

PART 13

FUNDING OF CHARITABLE INSTITUTIONS

CHAPTER 1

PUBLIC CHARITABLE COLLECTIONS

Supplementary

Regulations

148.—(1) The Department may make regulations—

- (a) prescribing the matters which the Commission is to take into account in determining whether a collection is local in character for the purposes of section 136(2)(a);
- (b) for the purpose of regulating the conduct of public charitable collections;
- (c) prescribing anything falling to be prescribed by virtue of any provision of this Chapter.

(2) The matters which may be prescribed by regulations under subsection (1)

(a) include—

- (a) the extent of the area within which the appeal is to be conducted;
- (b) whether the appeal forms part of a series of appeals;
- (c) the number of collectors making the appeal and whether they are acting for remuneration or otherwise;
- (d) the financial resources (of any description) of any charitable institution for whose benefit the appeal is to be conducted;

- (e) where the promoters live or have any place of business.
- (3) Regulations under subsection (1)(b) may make provision—
 - (a) about the keeping and publication of accounts;
 - (b) for the prevention of annoyance to members of the public;
 - (c) with respect to the use by collectors of badges and certificates of authority, or badges incorporating such certificates, including, in particular, provision—
 - (i) prescribing the form of such badges and certificates;
 - (ii) requiring a collector, on request, to permit a badge, or any certificate of authority held by the collector for the purposes of the collection, to be inspected by a constable or a duly authorised officer of the Commission, or by an occupier of any premises visited by the collector in the course of the collection;
 - (d) for prohibiting persons under a prescribed age from acting as collectors, and prohibiting others from causing them so to act.
- (4) Nothing in subsection (2) or (3) prejudices the generality of subsection (1)(a) or (b).
- (5) Regulations under this section may provide that any failure to comply with a specified provision of the regulations is to be an offence punishable on summary conviction by a fine not exceeding level 2 on the standard scale.
- (6) Before making regulations under this section the Department must consult such persons or bodies of persons as it considers appropriate.

Offences

- 149.**—(1) A person commits an offence if, in connection with any charitable appeal, that person displays or uses—
- (a) a prescribed badge or prescribed certificate of authority which is not for the time being held by that person for the purposes of the appeal pursuant to regulations under section 148, or
 - (b) any badge or article, or any certificate or other document, so nearly resembling a prescribed badge or (as the case may be) a prescribed certificate of authority as to be likely to deceive a member of the public.
- (2) A person commits an offence if—
- (a) for the purposes of an application made under section 137 or section 143, or
 - (b) for the purposes of section 135 or section 136,
- that person knowingly or recklessly furnishes any information which is false or misleading in a material particular.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) In subsection (1) “prescribed badge” and “prescribed certificate of authority” mean respectively a badge and a certificate of authority in such form as may be prescribed by regulations under section 148.