

Regulations made by the New Forest District Council with regard to Street Collections

In pursuance of Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972, the New Forest District Council hereby make the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the district of New Forest to collect money or sell articles for the benefit of charitable or other purposes:-

1. In these Regulations, unless the context otherwise requires -

"collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes

"promoter" means a person who causes others to act as collectors;

"permit" means a permit for a collection;

"contributor" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

"collecting box" means a box or other receptacle for the reception of money from contributors.

"street" includes any highway and public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within New Forest District unless a promoter shall have obtained from the New Forest District Council a permit.
3. Application for a permit shall be made in writing not later than one month before the date of which it is proposed to make the collection;

Provided that the New Forest District Council may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The New Forest District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (i) No person may assist or take part in any collection without the written authority of a promoter.

(ii) Any person authorised under paragraph (i) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the New Forest District Council or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway.

Provided that the New Forest District Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting:-
 - (a) a collector shall remain stationary; and
 - (b) a collector or two collectors together shall not be nearer to another collector than 25 metres.

Provided that the New Forest District Council may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
12.
 - (i) Every collector shall carry a collecting box.
 - (ii) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
 - (iii) All money received by a collector from contributors shall immediately be placed in a collecting box.
 - (iv) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14.
 - (i) Subject to paragraph (ii) below a collecting box shall be opened in the presence of a promoter and another responsible person.
 - (ii) Where a collecting box is delivered, unopened to a bank, it may be opened by an official of the bank.
 - (iii) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15.
 - (i) No payment shall be made to any collector.
 - (ii) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of services connected therewith, except such payments as may have been approved by the New Forest District Council.
16. (i) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the New Forest District Council:-

- (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and either a qualified accountant or an independent responsible person acceptable to the New Forest District Council;
- (b) a list of collectors;
- (c) a list of the amounts contained in each collecting box;

and shall if required by the New Forest District Council, satisfy it as to the proper application of the proceeds of the collection.

- (ii) The said person shall also, within the same period, at the expense of that person and after a qualified accountant or such other independent responsible person has given his certificate under paragraph (i)(a) above, publish in such newspaper or newspapers as the New Forest District Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses incurred in connection with such collection.
- (iii) The New Forest District Council may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (i) above.
- (iv) For the purposes of this Regulation "a qualified accountant" means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales.
The Institute of Chartered Accountants of Scotland.
The Association of Certified Accountants.
The Institute of Chartered Accountants in Ireland.

17. These regulations shall not apply:-

- (a) in respect of a collection taken at a meeting in the open air; or
- (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

These regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Secretary of State. They shall have effect in substitution for those contained in the Schedule to the Charitable Collections (Transitional Provisions) Order 1974 and adopted by the New Forest District Council on 25th February 1974, which, as having effect by virtue of that adoption, are hereby revoked.

NOTE: A permit issued for the purpose of making a Street Collection does **not** allow collectors to erect tables, counters, stands or any other sales or collection equipment on the pavement or highway.

Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by Sections 38 and 46 of the Criminal Law Act 1977 provides that any person who acts in contravention to these regulations shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

((n))