



HOUSE TO HOUSE COLLECTIONS ACT 1939

GENERAL INFORMATION

House to house collections must have a licence or an exemption. It is an offence to make a house to house collection for a charitable purpose without a licence.

1. Exemptions are granted by;
 - the Home Secretary – for a collection over a wide area (the whole of England and Wales or a substantial part of it); or
 - the local Police – for a local collection to be completed within a short period.
2. Licences are granted by the relevant Local Authority.

The term collection includes visits from house to house, and also visits to public houses, offices and factories to appeal for money, other property (for example clothes) or to sell things on the basis that part of the proceeds will go to a charity. At present these collections are regulated by the House to House Collections Act 1939, and the House to House Collections Regulations 1947 and 1963.

PURPOSE

The object of the Act is to provide for the regulation of house to house collections for charitable purposes and for matters connected therewith, in particular the prevention of such collections in respect of which an unduly large proportion of the proceeds is absorbed in expenses, leaving only a comparatively small sum to be actually applied to the charitable purpose.

The House to House Collections Regulations have been made by the Secretary of State for regulating the manner in which collections, in respect of which licences have been granted or orders have been made under the Act, may be carried out and the conduct of promoters and collectors in relation to such collections, and prescribing forms for use under the Act.

REGULATION OF CHARITABLE COLLECTIONS

Any person proposing to conduct a house to house collection for a charitable purpose must obtain

- a) from the licensing authority for the area, either a licence authorising him to promote the collection, or a certificate of exemption granted by the police on the grounds that the purpose of the collection is local in character and the collection is likely to be completed in a short period of time, or
- b) from the Secretary of State, an order of exemption, in a case where a person pursues a charitable purpose throughout the whole of England, or a substantial part thereof.

Where an order of the Secretary of State has been granted, the provisions of the Act and Regulations apply as they do in cases where a licence of the authority is in force, but when the licensing authority grant a certificate of exemption, the only provisions applicable are those

relating to the improper use of badges, etc, and the right of a police constable to demand the name and address, etc, of a collector, and the penalties attaching thereto.

LICENCES

These may be granted for a period not exceeding twelve months, subject to special latitude in cases where the licensing authority wish to provide for the simultaneous expiration of licences in respect of annual collections or collections made continuously over a long period.

Licences may be granted in respect of the whole, or part only, of an area, but, where a collection extends to more than one licensing area, a separate licence must be obtained from each authority to whose area the collection will extend. In this latter case, however, for convenience of administration, any necessary enquiries and supervision will usually be undertaken by the licensing authority in whose area the head office of the collecting charity is situated.

A licensing authority may refuse to grant a licence, or, may revoke a licence already granted, for reasons set out in Section 2(iii) of the Act. The main reasons for which a licence may be refused or revoked are:

- a) That it does not appear that an adequate proportion of the proceeds of the collection will be actually applied for charitable purposes.
- b) That excessive remuneration is likely to be retained by any person out of the proceeds of the collection.
- c) That an offence under the Vagrancy Act 1984, has been committed, or might be facilitated in connection with the collection.
- d) That the applicant is not a fit and proper person to hold a licence by reason of a conviction under certain specified headings or for fraudulent or dishonest action.
- e) That the promoter has failed to exercise due diligence in the appointment of fit and proper collectors or otherwise in the administration of the collection.

APPEAL AGAINST REFUSAL OR REVOCATION

Any person aggrieved by the refusal to grant him a licence, or by the revocation of a licence already granted, may appeal to the Secretary of State against the decision within 14 days of the date of the notice of refusal or revocation, as shown on the notice.

COLLECTORS

Every collector must be furnished with:

- a) A Certificate of Authority, in prescribed form, duly authenticated and signed by him, on demand, to any police constable, or occupier of a house visited by him.
- b) A Badge, in prescribed form, giving a general indication of the purpose of the collection, to be signed by him and worn prominently when collecting.
- c) If money is to be collected, a Collecting Box or a Receipt Book marked with a clear indication of the purpose of the collection and a distinguishing number, which

indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.

The certificates of authority and badges will be supplied by Her Majesty's Stationery Office, on production of a certificate from the licensing authority, which will be supplied with, or attached to, the licence.

No person under the age of 16 years shall act or be authorised to act as the collector of money.

ENVELOPE COLLECTIONS

Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of the opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection, and in such a case, the provisions of the Act and Regulations will apply subject to certain necessary adaptations.

ADMINISTRATION

The promoter of a collection must keep a record of certificates of authority, badges, collecting boxes and receipt books issued to collectors, and must ensure that every such certificate, badge, collecting box (with seal intact) and receipt book (with counterfoils duly completed) is returned to him, or other authorised person when the collection is completed, or when the collector ceases to act as a collector.

Collecting boxes must be opened and examined in the presence of the promoter and another responsible person, or by an officer of a bank, and receipt books must be examined and checked by the promoter and another responsible person.

Precise records of all moneys received or expended, and of all articles collected and disposed of, must be kept, and detailed accounts, in prescribed form must be furnished. Accounts to a licensing authority must be furnished within one month after the expiration of the licence, or within such extended period as the authority may allow. Accounts to the Secretary of State must be furnished annually so long as the order remains in force, and final accounts must be furnished within three months of the revocation of the order, or within such extended period as the Secretary of State may allow.

The attention of any applicant is directed to the provisions of the House to House Regulations 1947, copies of which may be obtained from HER MAJESTY'S STATIONERY OFFICE or any official stationers.

NB An application submitted to the City of York Council Licensing Section is usually decided within 14 days of receipt of the completed application in full. All application forms should be submitted at least 28 days prior to the proposed commencement date of the collection.