

THE BOROUGH OF TORBAY
(STREET COLLECTION) REGULATIONS 1976

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 and the word "collector" shall be construed accordingly;

"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.

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 the Borough of Torbay unless a promoter shall have obtained a Permit from Torbay Borough Council.*

3. The application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection; provided that the Torbay Borough 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 Torbay Borough Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6. (1) No person may assist or take part in any collection without the written authority of the promoter.
(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Torbay Borough 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 Torbay Borough 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 collector shall remain stationary and shall not be nearer to another collector than 25 metres; Provided that the Torbay Borough 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 16 years to act as a collector.

12. (1) Every collector shall carry a collecting box.
(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them from being opened without the seal being broken.
(3) All money received by a collector from contributors shall immediately be placed in a collection box.
(4) Every collector shall deliver, unopened, all collecting boxes in his possession to the 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. (1) Subject to paragraph 2 below, a collecting box shall be opened in the presence of a promoter and another responsible person.
(2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
(3) 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. No payment shall be made out of the proceeds of the collection, wither directly or indirectly, to any collector or 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 Torbay Borough Council.

16. (1) Within one month after the date of any collection, the person to whom the permit was granted shall send to the Torbay Borough 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 a qualified accountant;
- (b) A list of collectors
- (c) A list of the amounts contained in each collecting box and shall, if required by the Torbay Borough Council, satisfy it as to the proper application of the proceeds of the collection

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant shall have given his certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as the Torbay Borough 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 and payments incurred in connection with such collection.

(3) The Torbay Borough Council may, if it is satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.

(4) 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 in 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.

18. Any person who acts in contravention of any of the foregoing Regulations shall be liable on summary conviction to a fine not exceeding £2 or, in the case of a second or subsequent offence, not exceeding £5.**

19. These Regulations may be cited as "The Borough of Torbay (Street Collection) Regulations 1976" and shall come into force one month after the date on which they are confirmed by the Secretary of State.

THE COMMON SEAL OF THE COUNCIL OF THE BOROUGH OF TORBAY was hereunto affixed the Twelfth day of April Nineteen Hundred and seventy Six

TORBAY BOROUGH COUNCIL

Pursuant to Section 238 of the Local Government Act 1972 I certify that (a) The foregoing regulations were made by the Torbay Borough Council (b) This is a true copy (c) The Regulations were confirmed on the 22nd July 1976 by the Secretary of State who fixed the date for the coming into operation as the 22nd August 1976

K. TANSLEY

PROPER OFFICER

*** Permission must be obtained first for certain areas in Torbay. Please refer to Application Form.**

**** The penalty is increased to £500 by the Criminal Justice Act 1991 for the first and subsequent offences.**

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