

ABERDEEN CITY COUNCIL

THE PUBLIC CHARITABLE COLLECTIONS (SCOTLAND) REGULATIONS 1984 CHARITIES AND TRUSTEE INVESTMENT (SCOTLAND) ACT 2005 THE CHARITY ACCOUNTS (SCOTLAND) REGULATIONS 2006

SUMMARY OF PROVISIONS

1. These Regulations apply to both Street (Flag Day) and House to House Collections.
2. Before arranging any collection, the organiser must :-
 - (a) either provide the Scottish Charities Register registration details if the organisation in question refers to itself as a “charity”, “charitable body”, “registered charity” or a “charity registered in Scotland” (see Note 1) or have been granted permission by the City Council for the area within which the collection is to take place; and
 - (b) abide by the Charities and Trustee Investment (Scotland) Act 2005 and by any Fundraising Regulations and other Regulations promulgated thereunder, or
 - (c) have been exempted from the requirement to obtain the Council's permission by Order of the Scottish Ministers.
3. The organiser may appoint an agent, but he must ensure that the agent is a fit and proper person to assist him in organising the collection. The organiser must also ensure that all collectors are fit and proper persons to act as collectors and that they are acquainted with these Regulations.
4. Every collector must carry a Certificate of Authority, signed by the organiser or his agent, and must produce it on demand to a police constable, to any person contributing to the collection, or to any other interested person.
5. Each Certificate of Authority must show:-
 - (a) the name and address of the organiser;
 - (b) the name and address of the collector;
 - (c) the name of the beneficiaries of the collection;
 - (d) the area in which the collector is authorised to collect;
 - (e) the period during which the collector is authorised to collect; and
 - (f) the signature of the collector.
6. The organiser or his agent must supply each collector with either:-
 - (a) a collecting box marked with a distinguishing number, or

(b) a supply of envelopes,

and must keep a note of:-

(i) name and address of each collector; and

(ii) the number on each collector's box, or the number of envelopes issued to each collector.

7. If the collection is a Street (Flag Day) Collection, no collector must be under 14 years of age.
8. If the collection is a House to House Collection, no collector must be under 16 years of age.
9. Only Contributions in sealed envelopes or placed by the donor in a collection box may be accepted.
10. Collectors must not annoy people while collecting, and must leave a person's home if requested to do so by the occupant.
11. Collectors must return their Certificates of Authority, collecting boxes and envelopes, unopened, to the organisation or his agent on ceasing to act as a collector or on demand by the organiser or his agent.
12. Collecting boxes or envelopes may be opened only by the organiser or his agent, in the presence of another responsible person, or by an official of a bank at a bank.
13. The person opening envelopes must note the number of envelopes returned by each collector and the total amount of money in them, and inform the organiser accordingly.
14. The person opening collecting boxes must note the number on each collecting box and the amount of money in it, and inform the organiser accordingly.
15. Within one month of the last date for which he had permission to collect, the organiser must submit to the City Council on the enclosed form, accounts showing:-
 - (a) the total amount collected;
 - (b) any other amount attributable to the collection;
 - (c) all expenses incurred in the collection; and
 - (d) the application of the net proceeds of the collection.
16. All accounts must be certified by:-
 - (a) the organiser; and
 - (b) an independent responsible person appointed to act as auditor.

17. The organiser must retain all vouchers, receipts and other papers relating to the collection for 2 years from the date of submission of the accounts and must exhibit them to the city Council if required.
18. If the collections took place within an area larger than the City of Aberdeen, the organiser must publish a summary of them in one or more newspapers circulating in the area within which the collections took place, within 1 month of submitting the accounts.

The summary must include:-

- (a) the name of the organiser;
- (b) the amount of the proceeds;
- (c) the amount of the expenses; and
- (d) the application of the net proceeds;

Otherwise, the Organiser, when submitting the accounts may simply furnish the City Council with a summary thereof, and no publication will be necessary.

19. Any organiser contravening or failing to comply with the Regulations will be guilty of an offence and liable on summary conviction to a fine of up to £500.
20. Any collector contravening or failing to comply with the Regulations will be guilty of an offence and liable on summary conviction to a fine of up to £200.



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Note 1: Any of which having a base in Scotland must be registered as a charity with the Office of the Scottish Charity Regulator (OSCR) and abide by its rules and regulations. Charities based in England and Wales must be registered with the Charities Commission. Charities based elsewhere must be registered with their relevant governing body. For the avoidance of doubt, if the charity occupies any land or premises in Scotland and/or carries out any activities in any office, shop or similar premises in Scotland, it must be registered with OSCR if referring to itself as a "Scottish charity" or "registered "Scottish charity".