



Isle of Man

Ellan Vannin

AT 1 of 1939

**CHARITABLE COLLECTIONS
(REGULATION) ACT 1939**



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**Isle of Man***Ellan Vannin*

CHARITABLE COLLECTIONS (REGULATION) ACT 1939

<i>Received Royal Assent:</i>	<i>5 October 1939</i>
<i>Passed:</i>	<i>31 October 1939</i>
<i>Commenced:</i>	<i>31 October 1939</i>

AN ACT to provide for the regulation of certain collections for charitable purposes; and for matters connected therewith.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

1 Short title

This Act may be cited as the *Charitable Collections (Regulation) Act, 1939*.

2 Interpretation

References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

3 Charitable collections from house to house to be licensed

- (1) Any person who promotes a collection in any locality for a charitable purpose shall, before the collection is begun therein, apply to the Chief Constable for a licence authorising him to promote a collection therein for that purpose.
- (2) Where a person promotes a collection for a charitable purpose, if a collection for that purpose is made in any locality pursuant to his promotion, then, unless there is in force throughout the period during which the collection is made in that locality, a licence authorising him, or authorising another under whose authority he acts, to promote a collection therein for that purpose, he shall be guilty of an offence.
- (3) Where a person acts as a collector in any locality for the purposes of a collection for a charitable purpose, then, unless there is in force, at all times when he so acts, a licence authorising a promoter under whose authority

he acts, or authorising the collector himself, to promote a collection therein for that purpose, he shall be guilty of an offence.

- (4) On the application for a certificate under this subsection of a person who is promoting, or proposes to promote, a collection in any locality for a charitable purpose, if the Chief Constable is satisfied that that purpose is local in character and that the collection is likely to be completed within a short period of time, he may grant to the applicant a certificate in the prescribed form, and where a certificate is so granted, the provisions of this Act, except the provisions of sections seven and eight thereof, shall not apply, in relation to a collection made for that purpose within such locality and within such period as may be specified in the certificate, to the applicant or to any person authorised by him to promote the collection or to act as a collector for the purposes thereof.

4 Licences

- (1) Subject to the following provisions of this section, where a person who is promoting, or proposes to promote, a collection in any locality for a charitable purpose makes to the Chief Constable in the prescribed manner an application specifying the purpose of the collection and the locality (whether being the whole of the Isle of Man or a part thereof) within which the collection is to be made, and furnishes him with the prescribed information, the Chief Constable shall grant to him a licence authorising him to promote a collection within that locality for that purpose.

- (2) A licence shall be granted for such period, not being longer than twelve months, as may be specified in the application, and shall, unless it is previously revoked, remain in force for the period so specified:

Provided that if it appears to the Chief Constable to be expedient to provide for the simultaneous expiration of licences to be granted by him in respect of collections which in his opinion are likely to be proposed to be made annually or continuously over a long period, he may, on the grant of such a licence, grant it for a period shorter or longer than that specified in the application therefor, or for a period longer than twelve months (but not exceeding eighteen months), as may be requisite for that purpose.

- (3) The Chief Constable may refuse to grant a licence, or, where a licence has been granted, may revoke it, if it appears to him —
 - (a) that the amount of the proceeds of the collection applied for charitable purposes or to be so applied or both is inadequate in proportion to the amount thereof applied in payment of expenses of the collection or to be so applied or both;
 - (b) that remuneration at a rate which is excessive in relation to the part of the proceeds of the collection applied for charitable purposes or to be so applied or both is likely to be, or has been, retained or paid out of the proceeds thereof by or to any person;

- (c) that the grant of a licence would be likely to facilitate the commission of an offence under section 2 of the *Vagrancy Act, 1896*, or that an offence under that section has been committed in connection with the collection;
- (d) that the applicant or the holder of a licence is not a fit and proper person to hold a licence by reason of the fact that he has been convicted in the British Isles of an offence —
 - (i) his conviction for which necessarily involved a finding that he had acted fraudulently or dishonestly; or
 - (ii) under this Act; or
 - (iii) under section 47 or 56 of the *Offences against the Person Act 1861* (an Act of Parliament); or
 - (iv) under sections 49 to 52, 55, 59, 60 or 69 of the *Criminal Code 1872*; or
 - (v) under the *Sexual Offences Act 1956* or the *Sexual Offences Act 2003* (Acts of Parliament);¹
 - (vi) under the *Sexual Offences Act 1992* or the *Sexual Offences and Obscene Publications Act 2021*;²
 - (vii) of robbery, burglary or blackmail; or
 - (viii) of a kind the commission of which would be likely to be facilitated by the grant of a licence;³
- (e) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, in securing compliance on the part of persons so authorised with the provisions of regulations made under this Act, or in preventing prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised;
- (f) that the applicant or holder of the licence has refused or neglected to furnish to the Chief Constable such information as he may have reasonably required for the purpose of informing himself as to any of the matters specified in the foregoing paragraphs.

5 Exemptions in the case of collections over wide areas

- (1) Where the Department is satisfied that a person pursues a charitable purpose throughout the whole of the Isle of Man or a substantial part thereof and is desirous of promoting collections for that purpose, the Department may by order direct that he shall be exempt from the obligation to apply for a licence imposed by section three of this Act as respects all collections for that purpose in such localities as may be

described in the order, and whilst an order so made in the case of any person is in force as respects collections in any locality, the provisions of this Act shall have effect in relation to that person, to a promoter of a collection in that locality for that purpose who acts under the authority of that person, and to a person who so acts as a collector for the purposes of any such collection, as if a licence authorising that person to promote a collection in that locality for that purpose had been in force.⁴

- (2) Any order made under this section may be revoked or varied by a subsequent order made by the Department.⁵

6 Regulations

- (1) The Department may make regulations for prescribing anything which by this Act is required to be prescribed, and for regulating the manner in which collections, in respect of which licences have been granted or orders have been made under the last foregoing section, may be carried out, and the conduct of promoters and collectors in relation to such collections.⁶
- (2) Without prejudice to the generality of the powers conferred by the foregoing sub-section, regulations made thereunder may make provisions for all or any of the following matters, that is to say: —
 - (a) for requiring and regulating the use by persons acting as collectors under the authority of the holder of the licence, or of the person in whose case the order has been made, as the case may be, of prescribed badges and prescribed certificates of authority, and the custody, production and return thereof, and, in particular, for requiring such persons as aforesaid on demand by a police constable to produce their certificates of authority;
 - (b) for prohibiting persons below a prescribed age from acting, and others from causing them to act, as collectors;
 - (c) for preventing annoyance to the occupants of houses visited by collectors;
 - (d) in the case of collections in respect of which licences have been granted, for requiring the person to whom the licence was granted to furnish to the Chief Constable the prescribed information with respect to the expenses and proceeds of the collection in respect of which it was granted.
- (3) Any person who contravenes or fails to comply with the provisions of a regulation made under this Act shall be guilty of an offence.
- (4) Any regulations made under this Act shall be subject to the approval of Tynwald.

7 **Unauthorised use of badges, etc**

If any person, in connection with any appeal made by him to the public in association with a representation that the appeal is for a charitable purpose, displays or uses —

- (a) a prescribed badge or a prescribed certificate of authority, not being a badge or certificate for the time being held by him pursuant to regulations made under this Act, or
- (b) any badge or device, 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 calculated to deceive,

he shall be guilty of an offence.

8 **Collector to give name, etc, to police on demand**

A police constable may require any person whom he believes to be acting as a collector for the purposes of a collection for a charitable purpose to declare to him immediately his name and address and to sign his name, and if any person fails to comply with a requirement duly made to him under this section he shall be guilty of an offence.

9 **Delegation of functions**

Any functions conferred by this Act on a Chief Constable may be delegated by him to any police officer not below the rank of sergeant.

10 **Penalties**

- (1) Any promoter guilty of an offence under subsection (2) of section three of this Act shall be liable on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £1,000, or to both such imprisonment and such fine.
- (2) Any collector guilty of an offence under section 3(3) of this Act shall be liable, on summary conviction, to a fine not exceeding £1,000 or to a term of imprisonment not exceeding 3 months or to both.⁷
- (3) Any person guilty of an offence under sub-section (3) of section six of this Act shall be liable, on summary conviction, to a fine not exceeding £200.
- (4) Any person guilty of an offence under section seven of this Act shall be liable, on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding £1,000 or to both such imprisonment and such fine.
- (5) Any person guilty of an offence under section eight of this Act shall be liable, on summary conviction, to a fine not exceeding £200.
- (6) If any person in furnishing any information for the purposes of this Act knowingly or recklessly makes a statement false in a material particular

he shall be guilty of an offence, and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or to both such imprisonment and such fine.

- (7) Where an offence under this Act committed by a corporation is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary, or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

11 Interpretation

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say: —

“**charitable purpose**” means any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law;

“**collection**” means an appeal to the public, made by means of visits from house to house, to give whether for consideration or not, money or other property; and “**collector**” means in relation to a collection, a person who makes the appeal in the course of such visits as aforesaid;

“**the Department**” means the Department of Home Affairs;⁸

“**house**” includes a place of business;

“**licence**” means a licence under this Act;

“**prescribed**” means prescribed by regulations made under this Act;

“**proceeds**” means, in relation to a collection, the amount of any money or the value of any other property taken from the public by collectors acting for the purposes of the collection;

“**promoter**” means, in relation to a collection, a person who causes others to act, whether for remuneration or otherwise, as, collectors for the purposes of the collection; and “**promote**” has a corresponding meaning.

- (2) For the purposes of this Act a collection shall be deemed to be made for a particular purpose where the appeal is made in association with a representation that the money or other property appealed for, or part thereof, will be applied for that purpose.

12 Commencement of Act

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

ENDNOTES

Table of Endnote References

- ¹ Subpara (v) substituted by Sexual Offences and Obscene Publications Act 2021 Sch 5.
- ² Subpara (vi) substituted by Sexual Offences and Obscene Publications Act 2021 Sch 5.
- ³ Para (d) amended by Theft Act 1981 Sch 1.
- ⁴ Subs (1) amended by GC55/88.
- ⁵ Subs (2) amended by GC55/88.
- ⁶ Subs (1) amended by GC55/88.
- ⁷ Subs (2) substituted by Fines Act 1986 Sch 2.
- ⁸ Definition of “the Department” inserted by GC55/88.