HOUSE-TO-HOUSE COLLECTIONS

Legislation

The House-to-House Collections Act 1939 together with the House-to-House Collections Regulations 1947 as amended are the appropriate statutory provisions.

No house-to-house collection can take place unless a licence has been issued by a local authority. The collection must be for a charitable purpose. For the purposes of the Act “charitable purpose” means any charitable, benevolent or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law.

The person promoting or proposing to promote a collection must apply to the Council for a licence. The licence can be granted for up to twelve months. However, if the Council thinks it would make life easier to have all house-to-house collection licences expiring together in the case of annual collections, or collections that take place over longer period, the Authority can grant a licence for a period shorter than twelve months or for a period of up to eighteen months.

A Council can refuse to grant a licence or revoke it if it appears:

1. the amount to be applied to charitable purposes is inadequate in proportion to the total likely to be collected;
2. a figure which, in relation to the total amount collected, is excessive is likely to be paid to an individual;
3. the grant of a licence will be likely to facilitate an offence under Section 3 of the Vagrancy Act 1924, i.e. begging;
4. the person applying for a licence is not fit and proper because they have been convicted of offences of assault, robbery, blackmail, burglary, offences under Section 5 of the Police Factories, etc., (Miscellaneous Provisions) Act 1916 and certain offences in Scotland;
5. the fact that the person applying for a licence or the holder of a licence has failed to exercise due diligence to ensure that all collectors were fit and proper people or failed to ensure that collectors complied with the provisions or regulations made under the Act, or failed to stop badges and certificates being obtained by unauthorised individuals;
6. the applicant or holder of a licence has not given the Council such information as the authority reasonably required for the purpose of informing themselves of any other matters referred to in paragraphs 1 to 5.

Exemptions

Where the Secretary of State is satisfied that a person intends to pursue a charitable purpose throughout the whole of England or a substantial part thereof an Order can be issued stating that the individual shall be exempt from the provisions of Section 1 (2) of the 1939 Act.

No guidance is issued as to what is a “substantial part of England”.

Regulations

Section 4 of the 1939 Act gives the Secretary of State power to make Regulations. The present Regulations are the present House-to-House Collections Regulations 1947. The Regulations prescribe the application form. They put the following responsibilities on promoters:
1. to use all due diligence to secure that people acting as collectors are fit and proper persons and comply with the Regulations;

2. that no certificate of authority, badge, collecting box or receipt book is issued unless the name and address of the collector to whom they have been issued is entered on an appropriate list;

3. every certificate of authority, prescribed badge, collecting box or receipt book is returned when the collection is completed or the collector ceases to act as such. In addition the promoter must not permit someone to act as a collector unless the collector has been issued with a certificate of authority duly completed and signed, a prescribed badge and, if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number.

Collectors are under a duty to sign their name on a certificate of authority, sign the badge and keep the certificate and badge in their possession and return them to the promoter when the collection is completed, or at any other time on demand of the promoter.

No one under sixteen can act as a collector.

The collector must return the collecting box when it is full or when the promoter demands it or when the person does not want to continue to act as a collector or when the collection is completed.

When the Secretary of State has issued an Order the promoter can inform the Secretary of State that they wish to promote an envelope collection. If the Secretary of State is of the opinion that the collection is for a charitable purpose of major importance and is suitably administered, permission can be given for an envelope collection to take place. When such a collection is to take place, every envelope must have a gummed flap so it can be securely sealed; no collector can receive a contribution except in an envelope. Envelope collection means people going from house to house leaving envelopes in which money may be placed and then calling back later for the envelope.

Promoters have to furnish accounts in accordance with the prescribed form set out in the Fifth Schedule to the Regulations.

Appeals

If a Licensing Authority refuse to grant a licence or revoke one, then written notice must be given to the person concerned stating the grounds upon which the decision has been taken. The applicant for a licence or the holder of a licence revoked can appeal to the Secretary of State within fourteen days. The decision of the Secretary of State is final (Section 2 [4] House-to-House Collections Act 1939).

Offences

If a person promotes a collection for a charitable purpose without the necessary licence in force, they are guilty of an offence as is a person who acts as a collector where no licence is in force. (Section 1 [2] and [3] 1939 Act).

If a person uses a badge, or a prescribed certificate of authority and these are not the badge or certificate for the appeal which the person claims money is being raised for then he/she is guilty of an offence. If a badge or device or any other document so nearly resembling a prescribed badge or a prescribed certificate is used a person can be guilty of an offence.
A collector who refuses to give their name to a Police Constable is guilty of an offence.

House-to-House

Collection is defined as an appeal to the public made by means of visits from house to house. In addition, the collection must be in a “locality”.

Emmanuel –v- Smith (1968) 2 All ER 529
Davison –v- Richards (1976) Crim LR46
Murphy –v- Duke (1985) 2WLR773
Cooper and Another –v- Coles (1987) 1All ER 91