

Footnote

Yes, I know it is at the top, but it got your attention, didn't it? Part III of the Charities Act 1982 never came into force, so the law on charitable collections in the street remains as indicated below. The Charities Act 2006 supersedes the 1982 Act, with similar provisions regulating charitable collections in Part III (sections 45 to 66), but at August 2012, this part has not been brought into force and doesn't look likely to be implemented in the near future.

If there are any changes, they will appear here.

History of the 1995 Briefing Note

The briefing note reproduced here was issued by the Home Office in 1995 following a meeting with the then Minister of State at the Home Office, Baroness Blatch, attended by Ann Mason for the Morris Federation and Brian Hopkins for the Open Morris. The Morris Ring representative was stuck on a train which was diverted via everywhere he didn't want to go to and arrived late! Good old RailTrack . . .

There was also some subsequent discussion with the Home Office's (then) Head of Charity Law, Frank Smith. The discussions and the note were in the context of a wide-ranging consultation about the implementation of the Charities Act 1992, Part III, which has never been brought into force.

It is understood that the note was circulated to the membership of the Morris Ring, the Morris Federation and the Open Morris in 1995.

It is reproduced here following discussion in March 1999 on the Morris Dance Discussion List of difficulties encountered by UK morris teams in making collections at performances, and at the request of officers of the Morris Ring.

Essentially, unless at the time of the collection, you say that all or any part of the proceeds will be for a charitable purpose or worthy cause, a permit will not be required from the local authority. The key phrase used by the Home Office is "an invitation to the audience to contribute towards the expenses of the performance".

Don't forget that permission to collect may not be necessary, but permission may be required to dance in any location. Please remember that morris dancing and its unamplified accompanying music is exempt from regulation of entertainment in the Licensing Act 2003, whatever some unenlightened venue managers may think.

This note is for the information of all who are interested, as is, and is without warranty of any kind. (Legalese for "at your own risk")

Compiled and edited April 1999 - May 2012

A scan of the original is available -

A briefing note by the Home Office Voluntary Services Unit - January 1995

Introduction

This briefing note explains the present and proposed law in relation to public charitable collections, and comments in general terms on how that may be relevant to morris dancing. It is, however, the responsibility of those concerned in an individual case to consider how the law may apply to their particular circumstances and, if appropriate, to seek the necessary authority.

Current law

Under the present legislation, the Police, Factories Etc. (Miscellaneous Provisions) Act 1916, local authorities have the power to make regulations controlling collections made in any street or public place, for charitable or other purposes. Where such regulations have been made under the Charitable Collections (Transitional Provisions) Order 1974 a licence would be required anyway. Such regulations would set out the local authority's requirements for the manner in which collections are carried out, the method of counting the funds collected and the publishing of the accounts. They would also require the promoter of a collection to apply for a licence for all street collections which are undertaken.

Public meetings

Such provisions would not apply to a "public meeting". Morris dancing may possibly take place during a public meeting, but we doubt that morris dancing in a public place would automatically qualify in this way.

Charities Act 1992, Part III

Part III of the Charities Act 1992, not yet in force, and regulations made under section 73 will replace the existing legislation governing both street and house to house collections with a single, simplified, regulatory framework.

This will require the promoter of a public charitable collection to obtain a permit from the local authority in whose area the collection is to be held, to account to that authority for any funds which he or she subsequently raises and also makes it an offence to organise such a collection without a permit. The process of obtaining a permit will be very similar to the current arrangements for street collections where promoters apply to their local authority for a licence to collect.

Section 65 of the Act defines a public charitable collection as a charitable appeal to members of the public to give money or other property which is made in association with a representation that the whole or any part of its proceeds is to be applied for charitable, benevolent or philanthropic purposes.

Part III will govern collections for charitable purposes which are held in streets and other public places, including places to which the public has access during the time of the appeal, otherwise than on payment or by virtue of the permission of the owner given for the purpose of the appeal. Thus it regulates those collections which take place in certain areas which are technically private, but to which the public have access, for example the concourse or forecourt of a railway station or privately owned shopping centre. However, for collections on private land, no permit will be required if the public has paid to get in, or is allowed access only because the owner gives his permission for the event to be held there.

Commencement and Consultation

No date has yet been set for bringing Part III into force. Before doing so we are concerned to ensure that we have considered the relevant practical issues, which is why we issued a consultation document on Public Charitable Collections in July 1994, requesting responses by the end of that year. Comments have been received from a number of morris dance groups and will indeed be taken into account before decisions are reached.

Morris Dancing and the law on public charitable collections

Whether under the existing law or Part III of the Charities Act 1992, the first question to be considered is whether a relevant collection is proposed to take place. If a collection is expressly for charity, or for other charitable or similar purposes, then the law described above is likely to apply.

If, however, the collection is not described as being for any kind of charitable or similar purpose but is instead an invitation to the audience to contribute towards the expenses of the performance, then the collection may well not come within those provisions (even if, subsequently, the performers decide to give a part of the money they have raised to charity). However, those responsible must consider the particular circumstances that apply in their individual case.

Where collections are to be made for charitable, benevolent or philanthropic purposes in more than one local authority area then Part III of the 1992 Act, when in force, will have the advantage of applying the same regulations in all areas.

Further advice

Where appropriate, legal advice should be obtained by those concerned as to how the law applies to a particular case. The Charity Commission operates a helpline on charity fund-raising, 0870 333 0123

Further enquiries in relation to this briefing note may be addressed to the Charity Law Section, Home Office Voluntary Services Unit, Room 1371, 50 Queen Anne's Gate, London SW1H 9AT.