CHAPTER 279

PUBLIC COLLECTIONS ACT

To make provision with respect to public collections for charitable and other purposes and to provide for matters connected therewith or ancillary thereto.

(13th March 1981)*

ACT XVIII of 1979, as amended by Acts XIII of 1983 and VI of 1995; and Legal Notice 423 of 2007 and Act XXXVI of 2018.

1. The short title of this Act is the Public Collections Act. Short title.

2. (1) In this Act, unless the context otherwise requires - Interpretation. *Amended by: VI. 1995.3; XXXVI.2018.107.*

"benevolent" shall mean a social purpose or other public benefit or public purpose;

"charitable purpose" shall mean a social purpose or other public benefit or public purpose;

"collection" means an appeal to the public, or to a part or article of the public, whether by means of visits from house to house, or by any overt act in a street or other public place, or by means of any advertisement, or by the use of technological means, including the internet or any social media channel on any platform of any type, or in any other manner whatsoever, to give, whether for consideration or not, money or other property, but does not include -

(*a*) the selling of articles in any street or other public place when the articles are sold in the ordinary course of trade, and for the purpose of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable or similar purpose;

(*b*) collections made in a church or in a place of public worship in the ordinary course for the upkeep, embellishment or improvement thereof or for services held therein, and collections for the purposes declared in writing to be benevolent by the competent local or international religious authorities;

(*c*) collections made or organized by a *bona fide* political party for its own use;

(*d*) collections made pursuant to any activity as is mentioned in article 194(2) (*a*) of the Code of Police Laws and any activity as is mentioned in paragraph (*b*) of the said subarticle; Cap.10.

(*e*) collections made by any organisation enrolled with the Commissioner for Voluntary Organisations in terms of the Voluntary Organisations Act for as long as it remains so enrolled; Cap. 492.

See article 1(2) as originally enacted, which subarticle has been omitted under the Statute Law Revision Act, 1980, and Legal Notice 27 of 1981.

"collector" in relation to a collection, means the person who makes the appeal in the course of visits from house to house, or in a street or other public place, and includes a person indicated for the collection of proceeds or who in fact receives any such proceeds;

"the Commissioner" means the Commissioner of Police and includes any person authorised by the said Commissioner in that behalf;

"house" includes a place of business;

"licence" means a licence under this Act;

"Minister" means the Minister responsible for the Police; and includes any person authorized by the said Minister in that behalf;

"prescribed" means prescribed by regulations under this Act;

"proceeds" in relation to a collection, means all money and other property given, whether for consideration or not, in response to the appeal made;

"promoter" in relation to a collection, means a person who causes others to act, whether for remuneration or otherwise, as collectors for the purposes of the collection, and includes each of the individuals signing an application for a licence;

"public place" means any street and any other place to which the public is admitted or has access, including by the use of technological means, such as the internet or any social media channel on any platform of any type and, without prejudice to the generality of the aforesaid, includes any church, any government department and any place of public entertainment;

"street" means any street, road, alley, square, fortification or other place of public passage, and any open air precinct to which the public is admitted or has access.

Cap. 492.

(2) For the purposes of this Act, the terms "social purpose", "public benefit" or "public purpose" shall have the meaning assigned to them in article 2 of the Voluntary Organisations Act.

(3) 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.

(4) For the purposes of this Act, when a purpose is declared to be benevolent, a copy of such declaration may be requested by any person and the person responsible for such collection shall produce the same within a reasonable time. In case of default the Commissioner of Police may demand the same from the competent religious authority which shall deliver the same within ten working days and the Commissioner shall release the same to the person requesting it.

Collections to be licensed.

3. (1) Subject to the provisions of this Act, no collection shall be made unless the requirements of this Act as to a licence for the promotion thereof are satisfied.

(2) If a person promotes a collection and a collection is made

pursuant to his promotion, then, unless there is in force, in respect of the locality in which the collection is made and throughout the period during which it is so made, a licence authorising him, or authorising another under whose authority he acts, to promote a collection in the locality and for the purpose for which the collection is made, such person shall be guilty of an offence.

(3) If a person acts as a collector for the purposes of a collection, then, unless there is in force, in respect of the locality in which and 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 in the locality and for the purpose for which the collection is made, such person shall be guilty of an offence.

Exemption.

4. (1) Where the Minister is satisfied that a person pursues a charitable purpose in Malta and is desirous of promoting collections for that purpose, the Minister may by order direct that he shall be exempt from the requirement of a licence as respects all collections for that purpose in such localities as may be prescribed in the order, and whilst an order so made is in force as respects collections in any locality, the provisions of this Act shall have effect in relation to the person exempted, to any promoter of a collection in that locality for that purpose who acts under the authority of the person exempted, and to a person who so acts as a collector for the purposes of any such collection, as if a licence authorising the person exempted to promote a collection in that locality for that purpose had been in force.

(2) Any order made under this article may at any time be revoked or varied by a subsequent order made by the Minister.

Licences.
Amended by: XXXVI.2018.108.

5. (1) Where a person who is promoting, or proposes to promote, a collection in any locality for a purpose for which a licence may be granted, makes to the Commissioner of Police an application in the form set out in the First Schedule to this Act specifying the purpose of the collection, the locality (if limited to a locality) within which the collection is to be made and the other matters indicated in the said Schedule as required, and furnishes him with any other relevant information he may require, the Commissioner shall, subject to the following provisions of this article, grant to him a licence authorising him to promote a collection within the locality and for the purpose indicated in the licence, and subject to such other conditions as may be contained in the licence.

(2) A licence shall only be granted for a social purpose or other public benefit or public purpose, or for a purpose approved by the Minister, and shall only apply to a social purpose or other public benefit or public purpose or such purpose approved by the Minister. No licence shall be granted for a general purpose or for more than one purpose. The application for a licence must be signed by at least three individuals.

(3) A licence shall only be granted for specific events or for a stated period not exceeding twelve months and shall lapse on the

taking place of the specified event or the lapse of the stated term.

(4) The Commissioner may refuse to grant a licence, or, when a licence has been granted, may revoke it, if it appears to him -

(*a*) that the total amount likely to be applied as a result of the collection (including any amount already so applied) for the purposes for which the licence is to be, or has been, granted is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);

(*b*) that remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;

(*c*) that the grant of a licence would be likely to facilitate the commission of an offence under article 338(*w*) or (*x*) of the Criminal Code, or that an offence under those provisions has been committed in connection with the collection;

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(*d*) that the applicant or the holder of the licence is not a fit and proper person to hold a licence;

(*e*) that the applicant or the holder of the licence has committed an offence against this Act or against any regulations made thereunder;

(*f*) 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 to secure compliance on the part of persons so authorised with the provisions of this Act and of regulations made thereunder, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or

(*g*) that the applicant or holder of the licence has refused or neglected to furnish to the Commissioner 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 of this subarticle.

(5) When the Commissioner refuses to grant a licence or revokes a licence which has been granted, he shall give written notice to the applicant or holder of the licence giving reasons for the refusal or revocation and informing him of his right of appeal under this article; and the applicant or holder of the licence may thereupon appeal to the Minister against the refusal or revocation of the licence, as the case may be, and the decision of the Minister shall be final.

(6) The time within which any such appeal may be brought shall be fourteen days from the date on which notice is given under

subarticle (5).

(7) If the Minister decides that the appeal shall be allowed, the Commissioner shall forthwith issue a licence or cancel the revocation, as the case may be, in accordance with the decision of the Minister.

Additional rules for certain types of collections. *Added by: XXXVI.2018.109.*

5A. Any collection made by -

(*a*) any person, not being an enrolled voluntary organisation, for any social or public benefit purposes;

(*b*) any non-enrolled voluntary organisation for its own purposes; or

(*c*) any of those referred to in paragraphs (a) or (b) for the benefit of another voluntary organisation, whether enrolled or not,

shall, in addition to this Act, also be subject to any guidelines issued by the Commissioner for Voluntary Organisations depending on the type of collection made, including electronic or internet based appeals and crowd funding.

Information with respect to proceeds, expenses, etc. *Amended by: XIII. 1983. 5; L.N. 423 of 2007.*

6. (1) Without prejudice to any other requirements of any regulations made under this Act, the promoter of any collection shall -

(*a*) within one month after the last day of the collection or the day on which the licence expires, whichever is the earlier, publish in any two local newspapers a statement made in all respects as required by this article and showing:

(i) the name of the promoter;

(ii) the purpose of the collection and the names of the intended beneficiaries therefrom;

(iii) the total proceeds of the collection;

(iv) the total amount of the expenses incurred; and

(*b*) within five weeks from either of the days aforesaid, whichever is the earlier, deliver to the Commissioner a statement made in the form set out in the Second Schedule to this Act and otherwise in all respects as required by this Act and containing the information therein indicated as required, certified as correct by the promoter or, when the promoter is a body of persons, by an individual acting in the name and on behalf of the promoter, together with newspaper cuttings showing that the publication required by paragraph (*a*) has been effected.

(2) Where the total proceeds of a collection exceeds one thousand and one hundred sixty-four euro and sixty-nine cents (1,164.69)the statements required to be published or delivered under subarticle (1) shall be certified as correct and signed by a duly qualified auditor who has had no connection with the collection.

(3) Any promoter who fails to comply with any of the foregoing provisions of this article shall be guilty of an offence.

Regulations.

7. (1) The Minister may make regulations for prescribing anything which by this Act is required or authorised to be prescribed, for regulating the manner in which collections, in respect of which licences have been granted or orders have been made under article 4, may be carried out and the conduct of promoters and collectors in relation to such collections.

(2) The Minister may also, by regulations made under subarticle (1), amend the Schedules to this Act and, without prejudice to the generality of the powers conferred by the foregoing provisions of this article, any regulations made as aforesaid may make provision for all or any of the following matters, that is to say -

(*a*) for requiring and regulating the use by collectors of prescribed badges and prescribed certificates of authority, and the issue, custody, production and return thereof, and in particular for requiring collectors on demand by a Police officer or by any occupant of a house visited to produce their certificates of authority;

(*b*) for requiring that the prescribed certificates of authority of the collectors shall be authenticated in a manner approved by the Commissioner and that their prescribed badges shall have inserted therein or annexed thereto in a manner and form so approved a general indication of the purpose of the collection;

(*c*) for prohibiting persons below a prescribed age from acting, and others from causing them to act, as collectors;

(*d*) for preventing annoyance to occupants of houses visited by collectors or to persons in any street or other public place;

(*e*) for requiring prescribed information with respect to any matter connected with the collection to be furnished, in the case of licensed collections to the Commissioner, and in the case of collections in respect of which an order has been made under article 4 to the Minister, and for requiring the information given to be vouched and authenticated in such manner as may be prescribed.

(3) Any person who contravenes or fails to comply with any of the provisions of a regulation made under this Act shall be guilty of an offence.

Unauthorised use of badges, etc.

8. If any person, in connection with an 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 for the purposes of the appeal 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,

shall be guilty of an offence.

Collector to give name, etc., to Police on demand.

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

Penalties.
Amended by: XIII. 1983. 5; L.N. 423 of 2007.

10. (1) Any promoter guilty of an offence under article 3(2) shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding one thousand and one hundred sixty-four euro and sixty-nine cents (1,164.69), or to both such imprisonment and fine.

(2) Any collector guilty of an offence under article 3(3) shall be liable on conviction, in the case of a first conviction to a fine (*multa*) not exceeding forty-six euro and fifty-nine cents (46.59) and in the case of a second or subsequent conviction to imprisonment for a term not exceeding three months or to a fine (*multa*) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87), or to both such imprisonment and fine.

(3) Any promoter guilty of an offence under article 6(3) shall be liable on conviction, in the case of a first conviction to a fine (*multa*) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87) and in the case of a second or subsequent conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to both such imprisonment and fine.

(4) Any person guilty of an offence under article 7(3) shall be liable on conviction to a fine (*multa*) not exceeding one hundred and sixteen euro and forty-seven cents (116.47).

(5) Any person guilty of an offence under article 8 shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), or to both such imprisonment and fine.

(6) A person guilty of an offence under article 9 shall be liable on conviction to a fine (*multa*) not exceeding forty-six euro and fifty-nine cents (46.59).

(7) If any person in furnishing any information or certifying any matter 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 conviction to imprisonment for a term not exceeding six months or to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine

cents (1,164.69), or to both such imprisonment and fine.

Amended by:
XXXVI.2018.110

SCHEDULES
FIRST SCHEDULE

[ARTICLE 5 (1)]

APPLICATION FOR A LICENCE

1. Names and addresses of applicants (1) .....
(2) .....
(3) .....

2. Name and address of society, committee or other body organizing or otherwise responsible for the collection .....
.....
.....

3. Purpose of the collection or specific event .....

4. Particulars of the beneficiaries of the collection, including -
   (*a*) names of Charities, Funds, etc., expected to benefit from the collection .....
   .....
   (*b*) their addresses .....
   (*c*) their objects .....
   (*d*) the name and address of their Secretary or other responsible official .....
   .....

5. Date or dates of duration of proposed collection .....

6. Locality of proposed collection .....

7. Method of collection, and if by sale of badges a sample or description thereof .....

8. Disposal of proceeds; in particular any disposal for expenses, remunerations or other purposes, giving estimated amounts thereof .....

9. Date of application .....

10. Signature of applicants (1) .....
(2) .....
(3) .....

SECOND SCHEDULE

[ARTICLE 6 (1) (B)]

STATEMENT OF ACCOUNT FOR THE PURPOSES OF ARTICLE 6 OF THE PUBLIC COLLECTIONS ACT, CAP. 279.

1. Name of promoter .....
2. Date of licence under the Act .....
3. *Proceeds of Collection* *Amount*
   (*a*) As per list of collectors and respective amounts attached hereto .....
   (*b*) From other sources (indicating the sources) .....
   (*c*) Donations, as in list attached hereto .....
4. *Expenses* *Amount*
   (*a*) Printing and stationery .....
   (*b*) Postage .....
   (*c*) Advertising .....
   (*d*) Badges or other emblems .....
   (*e*) Remunerations .....
   (*f*) other expenditure .....

5. *Disposal of Balance*
   (Give particulars including name of beneficiaries and amounts)

Beneficiaries	*Amount*
.....	.....
.....	.....

6. Date of Statement .....

7. Signature of promoters (i.e. signature of each of the applicants for the licence) (1) .....
(2) .....
(3) .....
8. Certificate of correctness by a duly qualified auditor as and if required by article 6 (2) of the Act.
   Name of auditor .....
   Qualification .....
   Address .....
   Certification ....
   .....
   Date ..... Signature .....