

SUBSIDIARY LEGISLATION 492.03

**VOLUNTARY ORGANISATIONS (PUBLIC
COLLECTIONS) REGULATIONS**

15th September, 2020

LEGAL NOTICE 371 of 2020, as amended by Legal Notice 424 of 2021.

1. (1) The title of these regulations is the Voluntary Organisations (Public Collections) Regulations.

Citation and scope.
Amended by:
L.N. 424 of 2021.

(2) The scope of these regulations is to establish, promote and conduct public collections by means of public events and fundraising activities held by enrolled voluntary organisations in accordance with the provisions governing public collections in terms of article 4(2) and (3) of the Act.

2. (1) The definitions prescribed in the Act and in the Public Collections Act shall *mutatis mutandis* apply, unless they are inconsistent with these regulations.

Interpretation.
Amended by:
L.N. 424 of 2021.
Cap. 279.

(2) For the purpose of these regulations and unless the context otherwise requires:

"the Act" means the Voluntary Organisations Act;

Cap. 492.

"collector" shall have the same meaning assigned to it in the Public Collections Act and the term "public collector" and "public collectors" shall be construed accordingly;

Cap. 279.

"compliant" means any voluntary organisation which has been declared to be in conformity with the provisions of the Act and any subsidiary legislation made thereunder;

"Commissioner" means the Commissioner for Voluntary Organisations;

"crowd funding" means any form of collection made through any media including but not limited to the internet, whereby any type of credit and, or money is raised by means of deposits or transfers made by the general public;

"financial year" means the financial year in respect of which annual accounts are prepared by voluntary organisations;

"fundraising activity" means an activity or event organised by a voluntary organisation to raise funds for a social, charitable, or public purpose;

"harassment" means any form of aggressive pressure or intimidation, persecution, annoyance, inconvenience, nuisance,

pestering or bothering, force or coercion caused by collectors to the public when conducting any form of public collections and includes sexual harassment;

Cap. 279.

"promoter" shall have the same meaning assigned to it in the Public Collections Act;

"public" means any natural or legal person from the community other than any existing founders, administrators, members, fund raisers, management, beneficiaries or donors of a voluntary organisation and shall not include less than fifty persons in one or more public event or fundraising activities;

Cap. 279.

"public collection" means a collection from the general public by a voluntary organisation and includes any form of collection, whether in cash or in kind, tangible or intangible, corporate or incorporate, movable or immovable, by any means or in any manner whatsoever, and excludes collections or fundraising activities carried out between members of a voluntary organisation;

"voluntary organisation" means an enrolled voluntary organisation established in terms of article 3 of the Act;

"Voluntary Organisations Fund" means the foundation established by article 37 of the Act;

"VO number" means the enrolment number or reference given to enrolled voluntary organisations.

Applicability.

3. (1) These regulations shall apply to all enrolled and compliant voluntary organisations.

(2) A non-enrolled voluntary organisation may not carry out a public collection.

General provisions.
Amended by:
L.N. 424 of 2021.

4. (1) A public collection or a fundraising activity shall have a legal cause.

(2) Fundraising activities shall be carried out for voluntary organisations either for a general or specific purpose.

(3) Where a voluntary organisation carries out fundraising activities, such voluntary organisations shall submit a statement of annual accounts for public collections to the Commissioner indicating each fundraising activity and the amount collected from public collections. Such statement shall be submitted in the form indicated in the annual returns submitted on a yearly basis by voluntary organisations.

(4) Any money, objects or any assets collected by any person not entitled to perform a public collection shall be confiscated and deposited in the Voluntary Organisations Fund.

(5) A voluntary organisation shall monitor the financial good standing and reputation of the collector before engaging a collector, who shall have a good-standing conduct certificate and shall not be declared bankrupt:

Cap. 279.

"Provided that collectors carrying out any public collection who are minors below the age of sixteen (16), shall be accompanied by a person who is an adult or a major, and the provisions relating to minors and guardianship under the Civil Code and the provisions under paragraph 12 of Tariff C of Schedule A to the Code of Organization and Civil Procedure shall apply mutatis mutandis to these regulations.

Cap. 16.
Cap. 12.

Provided further that collectors subject to any criminal records or convictions may still be allowed to carry out public collections subject to the discretion of the Commissioner.

5. (1) The methods which may be used by voluntary organisations or collectors to carry out public collections shall include but are not limited to:

Methods used to
carry out public
collections.

(a) conducting visits in public places including streets or door-to-door visits;

(b) public collections on the broadcasting media, including broadcasting services, such as television broadcasting services and radio broadcasting services;

(c) any printed material which is communicated by means of publication including the publication of magazines;

(d) any means of electronic media communications including telephone services and the use of the internet;

(e) public collections carried out at public concerts, events and other functions, auctions, car-booth sales and, or fundraising activities, including any gift awarding schemes and, or lotteries carried out for such purpose;

(f) any type of crowd funding; and, or

(g) any donation to a voluntary organisation of any assets following a confiscation or decree by any competent court.

(2) Any other methods used to carry out public collections which are not included in the list mentioned under sub-regulation (1) shall also be governed by these regulations:

Cap. 350.
S.L. 350.31.

Cap. 248.
Cap. 583.
Cap. 342.

Provided that the Broadcasting Act and the Requirements as to Standards and Practices as to Advertisements, Methods of Advertising and Directions on Public Collections on the Broadcasting Media Regulations, the provisions relating to any printed material and publication in terms of the Press Act, the provisions relating to lotteries, games or any relative fundraising which require authorisation in terms of the Gaming Act, the provisions relating to auctions in terms of the Auctioneers Act are adhered to where applicable.

Identification tags.
Amended by:
L.N. 424 of 2021.

6. (1) Collectors shall be in possession of a tag issued by an enrolled and compliant voluntary organisation.

(2) The tag shall include:

(a) the name, surname and passport size photo of the collector;

(b) the identity card number or passport number and the name of the country issuing the passport or identity card;

(c) in the case of voluntary organisations carrying out public collections, the name, registered address, contact number of the voluntary organisation and the name of the collector;

(d) the VO number of the enrolled voluntary organisation;

(e) the purpose of the public collection.

(3) Where applications for such tags are made by a voluntary organisation, such voluntary organisation shall take full responsibility on the good standing and credibility of its collectors who shall be in compliance with article 22B of the Act.

(4) The tag issued by the enrolled and compliant voluntary organisation shall be made visible at all times during the public collection and be kept in a clean and legible state. Tags shall be displayed on the upper body of the public collector, made visible and identifiable and shall not be obscured in any way.

(5) The tag shall be marked with an expiry period of one (1) year.

Collection
containers.
Amended by:
L.N. 424 of 2021.

7. (1) Collectors shall have a sealed collection container provided by the enrolled and compliant voluntary organisation. The seal may bear the name of the voluntary organisation or the name of the Office of the Commissioner for Voluntary Organisations.

(2) Any containers collected and received directly by voluntary organisations shall be opened in front of at least two administrators of the enrolled and compliant voluntary organisation:

Provided that the Commissioner may reserve the right to send a representative or public official acting on his behalf when such containers are opened.

(3) A declaration form shall be duly filled and signed by at least two administrators of the enrolled and compliant voluntary organisation who opened the containers and counted the money collected. Such declaration form shall specify that the containers have been collected and received directly by the voluntary organisation concerned, the number of containers collected and the amount of money collected and shall be duly submitted to the Commissioner.

(4) The container shall have the name of the voluntary organisation, its VO number, whichever is applicable, and the purpose of the public collection, and all other relevant information which shall correspond to the details on the tag.

(5) A transitory period may be granted at the discretion of the Commissioner for all containers to be collected and removed from public or private places:

Provided that the Commissioner may give permission to the extent that certain containers may not be removed from public or private places, if such containers are in a fixed position or have an artistic, traditional, architectural or historic value or importance.

8. (1) Collectors may leave envelopes at any premises solely on behalf and in the name of voluntary organisations.

Envelopes.
Amended by:
L.N. 424 of 2021.

(2) Where collectors leave envelopes at any premises with the intention of collecting money from the public, all envelopes shall bear the name, address and contact number of the voluntary organisation and the date of the collection.

(3) Any envelopes collected and received directly by voluntary organisations shall be opened in front of at least two administrators of the enrolled and complaint voluntary organisation.

(4) A declaration form shall be duly filled and signed by at least two administrators of the enrolled and compliant voluntary organisation who opened the envelopes and counted the money collected. Such declaration form shall specify that the envelopes have been collected and received directly by the voluntary organisation concerned, the number of envelopes collected and the amount of money collected and shall be duly submitted to the Commissioner.

Public collections
carried out in
public places.

9. (1) Public collections shall not be carried out in any part of any street so as to cause any obstruction thereof or any inconvenience to pedestrians.

(2) Unless a fundraising activity is being organised during a collection, collectors shall not be more than two at the same collecting place, and shall occupy a fixed position with a distance of not less than thirty (30) metres between one collector and another.

Public collections
carried out by
conducting door-
to-door visits.
*Amended by:
L.N. 424 of 2021.*

10. (1) When conducting door-to-door visits, collectors shall, upon presenting the tag, introduce themselves by stating their name and surname, the name of the enrolled voluntary organisation on whose behalf they are making public collections and the purpose of the public collection.

(2) Collectors shall not act in such a manner so as to cause or is likely to cause any form of harassment to any person.

(3) Collectors may not demand and shall not be entitled to any payment, donations or gifts or any other form of remuneration for carrying out their services:

Provided that employees may be entitled solely to remuneration corresponding to their salary:

Provided further that in case of employees receiving any form of remuneration, any form of compensation from the money donated shall be prohibited.

(4) Voluntary organisations or their sponsors may nonetheless provide anything which is deemed necessary for the purpose of carrying out the public collection, including beverages or foodstuffs, protective wear or apparatus during the period for which they are performing the public collection.

Public collections
carried out in the
streets.

11. (1) The following rules shall apply solely to public collections carried out in the streets:

(a) tables for the purpose of any public collection shall not be used by collectors so as to cause actual or possible obstruction;

(b) collectors shall not act in such a manner so as to cause or is likely to cause any form of harassment to any person.

(2) Without prejudice to sub-regulation (1), collectors shall obtain permission in writing:

(a) from the appropriate authority or authorities to enter any governmental premises, any health centres whether

public or private, or school or educational premises;

(b) from the owner to enter any shop or other similar premises, including cafeterias, bars, or restaurants, or any other place where products and, or services are sold;

(c) from the owner to enter any other place of entertainment or the owner of premises open to the public.

12. Persons who during a public collection activity render services, which do not include collection of money or assets, against any form of remuneration, whether taxable or otherwise, shall not be considered as carrying out a public collection.

Paid collectors.

13. (1) Saving the provisions of the Requirements as to Standards and Practice as to Advertisements, Methods of Advertising and Directions on Public Collections on the Broadcasting Media and any other applicable law or regulation, voluntary organisations making public collections on the broadcasting media shall provide all the necessary and relevant information to the potential donor.

Public collections carried out on broadcasting media.
Amended by:
L.N. 424 of 2021.
S.L. 350.31.

(2) The information mentioned in sub-regulation (1) shall include the name and VO number of the voluntary organisation, the purpose of the public collection and the contact details of the enrolled voluntary organisation to which the donations shall be made and the preferred method of donation.

(3) Methods of donation may be made in cash or in kind or by means of a cheque or bank transfer or by any other means as may be deemed necessary:

Provided that in case of monetary donations exceeding five thousand euro (€5000) and donations in kind, the donor shall submit documentation indicating the value of the item sold, and the source of the donation and the Commissioner shall have the discretion to evaluate such documentation.

(4) Voluntary organisations shall ensure that all the information mentioned in this regulation is made available on the broadcasting media in an appropriate and adaptable manner.

(5) Where the method of advertising on public collections on the broadcasting media is carried out by means of telephone services, and the cost of telephone calls or phone messages is higher than the normal announced tariff, the broadcaster shall inform viewers of the cost of that particular call or message:

Provided that if part of the cost of the telephone calls or phone messages, as the case may be, is intended for any social purpose, then such part shall also be identified.

Public collections
carried out through
the use of
telephone services.

14. (1) When conducting collections through the use of telephone services, collectors shall provide the name of the voluntary organisation on whose behalf the public collection is being made, their age, the VO number and the purpose of the public collection and where premium calls are made by the donor, any information relating to the cost of such calls shall be provided and clearly explained to the donor.

(2) When conducting the public collection, collectors shall not act in such a manner so as to cause or is likely to cause any form of harassment to the recipient of the call and the voluntary organisation shall establish the time within which calls shall be made, which shall not be between 20.30hrs and 08.00hrs, unless authorisation is otherwise obtained from the Commissioner.

(3) Collectors shall not call the same recipients more than once during the same public collection, and they shall not ask personal questions or try to obtain other unnecessary information from the recipients of the call.

(4) Potential donors shall be instructed on the manner in which donations shall be made, whether these are to be made in cash or in kind, or by means of a cheque or bank transfer and shall be provided with all necessary information relating to the manner in which payment shall be effected.

(5) When phone calls are made for the sake of the collection, the number of the incoming call shall not be private and shall be displayed at all times. Collections made by phones shall not be made by random calling and in an automated manner.

(6) Telephone calls shall not be made during times when public collections are not permissible and each call shall have an opt-out service option upon the request of the donor.

Trading activities.
Amended by:
L.N. 424 of 2021.

15. (1) Sales of donated magazines and, or books, the proceeds of which or part thereof is intended for donation to a particular voluntary organisation, or sales of donated magazines and, or books to the public on behalf of a particular voluntary organisation or group of voluntary organisations, the proceeds of which are intended for the same purpose, shall be subject to the following conditions:

(a) promoters of such donated magazines and, or books shall provide the Commissioner with details as regards their trading activities including a brief description of the policies which apply and the procedures followed during the sale of such magazines and, or books, as well as those applied and followed for the promotion and marketing of their editions;

(b) a written agreement shall be made between the promoter of the donated magazines and, or books prior to their publication and the voluntary organisation receiving donations, and a certified true copy of the agreement shall be endorsed by a lawyer and submitted to the Commissioner; and

(c) the percentage of the donation to be given to the voluntary organisation shall be clearly shown on the front page of the magazine or other published material, and shall be unequivocal, certain and clearly legible.

(2) The written agreement shall be signed by all the parties involved in the trading activity and shall include the following:

(a) the name and address of each party, the date, the duration of the agreement and the terms and conditions applicable to the agreement;

(b) in case of donations exceeding five thousand euro (€5,000) over a period of one financial year, the exact amount of the donation being offered and the source of the said donation, with special reference to donations offered in cash or in kind;

(c) the receipts for every donation received;

(d) a brief statement of the principal purpose and objectives of the donation and the methods being used for the donation;

(e) unless there is provided that payment is made directly to the voluntary organisation, a clause stating that the funds received shall be held on behalf of the voluntary organisation and shall be transferred to the voluntary organisation as soon as possible;

(f) that the promoter of the donated magazines and, or books acting on behalf of the voluntary organisation shall inform the public of the details of the voluntary organisation for which public collections are carried out and of the amount of money proceeding from the sales of the magazines and, or books which the voluntary organisation received; and

(g) any other information about the donated magazines and, or books and their promoters which is relevant and necessary and which relates to the voluntary organisation.

16. (1) Images or descriptions promoting public collections shall be decent and unambiguous, and shall not be misleading, or likely to mislead the public, exaggerating, modified or likely to cause fear, disturbances and distress to the public.

Promotion of
public collections.
Amended by:
L.N. 424 of 2021.

Cap. 415. (2) All trademarks shall be respected and collectors shall act in conformity with the provisions of the Copyright Act.

(3) Where the subject matter of a public collection in its natural state is likely to cause any of the prohibitions mentioned in sub-regulation (1), a warning shall be issued by the Commissioner against public collectors in this regard.

(4) Beneficiaries shall not be presented in a disrespectful way in promotional activities and, where possible and appropriate, beneficiaries shall have an input into the promotional strategies of the voluntary organisation.

Public collections
carried out at other
public events.

17. (1) Public collections carried out during public events or other fundraising activities shall be conducted in a professional and organised manner.

(2) Voluntary organisations carrying out any such public collections shall inform the public, prior or during the event, about all relevant and necessary information to which the public has an interest to know. Such information shall include:

(a) the name, the registration number and contact details of the voluntary organisation to which donations shall be made;

(b) the purpose of the public collection;

(c) the percentage of or the amount of the price of the ticket or the participation fee or the amount of the objects sold at an auction or car-booth sale which are actually being attributed to the voluntary organisation.

(3) Where voluntary organisations wish to organise lotteries that may include raffles and other types of games or concerts, auctions and car boot sales in order to make public collections, administrators shall ensure that all relevant laws, regulations and rules are adhered to, where applicable.

Cap. 342.

(4) Auctions may be carried out solely by a certified public auctioneer in accordance with the provisions of the Auctioneers Act and any proceeds of sale in part or in full which is intended to be used as a public collection shall be clearly provided in the annual returns of the voluntary organisation.

Cap. 583.

(5) Lotteries, games and other similar fundraising activity shall be regulated, licensed and in compliance with the provisions of the Gaming Act. Any collector shall be exempted from submitting the proceeds of any lottery, games or similar fundraising activity, if such proceeds are submitted to the Gaming Authority in terms of the Gaming Act.

18. (1) Where a public collection is carried out by means of a trading activity or otherwise and the proceeds of sale devolve upon a voluntary organisation, collectors shall give to each donor a receipt, stating the amount of money received from each donor as an acknowledgement of the donation received.

Right of donors to be given a receipt.
Renumbered and amended:
L.N. 424 of 2021.

(2) In case of donations in kind, the donor shall submit documentation indicating the value of the item sold, and the source of the donation and the Commissioner shall have the discretion to evaluate such documentation.

(3) All receipts shall be numbered and shall include the name, address and contact numbers of the voluntary organisation, the date of the donation and the details of the collector.

19. (1) When obtaining, processing, retrieving and retaining data, the administrators shall conform with the provisions of the Data Protection Act, and any other applicable laws and regulations regarding data protection.

Data protection.
Renumbered:
L.N. 424 of 2021.
Cap. 586.

(2) Where fundraising activities or public collections include children in photos or videos, the consent of the parents or legal guardians is required at all times.

(3) All personal data shall be collected in a legal, fair and appropriate manner and all information which can be identified or attributed to one or more individuals shall be treated as confidential.

(4) All voluntary organisations shall ensure that donors, clients, service users and employees are clearly informed of their rights under the Data Protection Act to gain access to a copy of their personal data.

Cap. 586.

(5) Any information obtained in confidence as part of the fundraising process shall not be disclosed without the prior and express consent of the donor.

20. (1) The Commissioner may disallow the continuance of any fundraising activity or public collection at any stage, if there is a breach of national laws and regulations.

Processing and collection of donations.
Renumbered and amended:
L.N. 424 of 2021.

(2) Donations and gifts shall be used for the purposes for which they were donated. Secure measures shall be provided by donees for donations made by means of online transactions and receipts shall be provided accordingly.

(3) Head of schools shall be responsible for collections made in schools, provided that the collector has obtained the written permission of the Commissioner, and the Commissioner shall not be held responsible for collections carried out in the actual place of collection.

(4) The voluntary organisation and, or the owner of a premises where public collections are actually carried out, shall be held responsible for the health and safety of the collector while performing the public collection, and the Commissioner shall not bear any responsibility for any accident, injuries or damages sustained by public collectors.

(5) For the purpose of collections carried out in a private establishment, a notice may be displayed on the premises by the owner of such premises providing that collectors may not enter same premises, notwithstanding the fact that the collection is open to the public. Collections may not be carried out on any land or premises privately owned without the written and express consent of the owner.

(6) Collectors may not be stationed in the entrance of a shop or similar establishment, or within five (5) meters of an ATM machine.

Collections made
by digital or
electronic means.
*Renumbered and
amended:
L.N. 424 of 2021.*

21. (1) Where public collections are made by digital or electronic means, users shall be aware of which data is being collected, and all information regarding the collection of data shall be clearly provided by means of a privacy policy or statement.

(2) All information on the purpose and the duration of the collection, the name and the registered number of the voluntary organisation and the contact details of the administrators shall be made available on the website of the voluntary organisation or public collectors, where these are individuals.

(3) Any public collection or fundraising activity through electronic means carried out by a foreign voluntary organisation shall obtain the prior written authorisation from the Commissioner. Local voluntary organisations may carry out such public collections or fundraising activities, provided these are enrolled and compliant.

(4) Public collections carried out by telephone including by transmitting messages may only be carried out with the prior and express consent of the Commissioner. Messages shall have a simple opt-out option which shall be free of charge. Premium rate messaging and any information relating to the cost of such messages shall be provided in a clear and unequivocal manner.

(5) Voluntary organisations may use crowd funding facilities, provided that such facilities or accommodations are registered and in conformity with applicable rules, laws and regulations.

(6) Any expenses used for crowd funding policy shall be disclosed to the Commissioner before crowd funding is made, and no part of the donations raised through such crowd funding may be

shared with policy owners.

(7) All generated revenue and other income raised through the crowd funding shall be recorded by means of bank statements, where the crowd funding is easily distinguished and traceable.

22. (1) The Commissioner shall, in order to investigate matters, or the conduct of affairs of a voluntary organisation, in terms of the powers vested in him by means of articles 7(g), 7(h) and article 34 of the Act, have the right to request any information, documents and, or clarifications from any public or private entity or authority and from any person, including but not limited to administrators, members, collectors, fund raisers, donors or volunteers of any voluntary organisation or those claiming or alleging to have such status, as he may deem necessary in the circumstances.

Review Procedures
by the
Commissioner.
*Renumbered and
amended:
L.N. 424 of 2021.*

(2) The Commissioner shall also be entitled to disclose any information to such entity or authority or person for the purpose of investigating matters of a voluntary organisation, when he has a suspicion that such voluntary organisation or an administrator or member thereof is carrying out any illegal activity, including but not limited to money laundering and financing of terrorism, or any other illicit or criminal activity.

(3) Saving the provisions of sub-regulation (2), the Commissioner is entitled to obtain any information from other entities or authorities, including but not limited to, the Registrar for Legal Persons, the Malta Security Service, Jobsplus, the Commissioner of Police, the Commissioner for Revenue, the Financial Intelligence Analysis Unit, the Asset Recovery Bureau, the Malta Financial Services Authority and the Courts of Justice and also to disclose any information to such other entities or authorities:

Provided that such information may include any other information from the Registrar of Courts and, or the Office of the Attorney General or the Office of the State Advocate respectively, relating to any pending criminal or civil proceedings, with particular reference to any information concerning the attachment, freezing, confiscation and seizure of assets:

Provided further that any privileged information obtained by the Commissioner upon such request, shall be used exclusively for the purposes of the powers vested in him in terms these regulations and shall not be made accessible to the public.

(4) The Commissioner may also request any member or administrator of the voluntary organisation, or those claiming or alleging to have such status, to submit a conduct certificate issued under the Conduct Certificates Ordinance and may refuse to issue an enrolment certificate to such member or administrator of the voluntary organisation, or withdraw any issued enrolment certificate,

Cap. 77.

if such member or administrator of the voluntary organisation fails to provide such conduct certificate.

Cap. 77.

(5) Subject to the provisions of article 3(3) of the Conduct Certificates Ordinance the Commissioner may, in the course of his investigations, request a complete record of criminal convictions of any member or administrator of the voluntary organisation concerned. The Commissioner may refuse to issue an enrolment certificate, or withdraw any issued enrolment certificate, if the person to whom the record of criminal convictions relates refuses to give his consent as required under article 3(3) of the Conduct Certificates Ordinance.

(6) For the purpose of these regulations and in the course of any investigation made under article 7(1)(g) of the Act, the Commissioner shall have the power to summon witnesses and to administer an oath to any person concerned in the investigation and require them to give evidence.

(7) In the event that such person refuses to produce the requested information, the Commissioner may impose an administrative fine not exceeding five hundred euro (€500) and an additional penalty of three euro (€3) for each day such refusal subsists.

Testamentary
dispositions.
*Renumbered and
amended:
L.N. 424 of 2021.*

23. (1) Voluntary organisations shall not demand from any person to make testamentary dispositions in their favour. Where a person wishes to make testamentary dispositions in favour of voluntary organisations, such dispositions may only be made to enrolled voluntary organisations which are compliant.

(2) If at the time of death of the testator, a voluntary organisation is dis-enrolled, non-enrolled or not compliant, or if the purpose of such voluntary organisation has been fulfilled or achieved, such dispositions shall be considered null and void.

Complaints.
*Renumbered:
L.N. 424 of 2021.*

24. (1) The Office of the Commissioner shall establish a complaints procedure which shall be clear, unambiguous and made accessible to the public.

(2) Complaints may be made by anyone, irrespective whether the complainant is a public collector, a fund-raiser, an administrator, a member, a voluntary organisation, an individual, a donor or a donee.

(3) The Commissioner shall, to the extent that such complaints are not of a criminal nature, have the power to decide on complaints and shall be vested with quasi-judicial powers where such complaints are of a civil nature. Complaints shall be investigated by Commissioner without delay and his decision shall be final and may only be challenged in Court.

(4) The remedy awarded by the Commissioner to such complaints shall be real, including but not limited to the return of assets to the principal owner or a refund of the donation to donor.

25. (1) Any voluntary organisation which is in breach of these regulations is guilty of an offence and shall, on conviction, be liable to the penalties established under article 31 of the Act.

Offences and
penalties.
*Renumbered and
amended:
L.N. 424 of 2021.*

(2) Where during a public collection or fundraising events or activities, any member of the organisation either commits or suffers from an act of sexual harassment including indecent exposure, stalking, sexual assault and obscene or threatening communications, the voluntary organisation shall report the matter to the police and, where necessary provide any support and assistance to the victim.

(3) The provisions of sub-regulation (1) shall also apply in cases of discrimination against any person with disability.

(4) Where a breach occurs in terms of sub-regulation (1), any funds which have been raised by means of the public collection activity shall be confiscated and deposited in the Voluntary Organisations Fund.
