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L.N. 424 of 2021

**VOLUNTARY ORGANISATIONS ACT
(CAP. 492)**

**Voluntary Organisations (Public Collections) (Amendment)
Regulations, 2021**

IN EXERCISE of the powers conferred by article 41(1)(e) of the Voluntary Organisations Act, the Minister for Inclusion and Social Wellbeing, after consultation with the Parliamentary Secretary for Sport, Recreation and Voluntary Organisations, has made the following regulations:-

Citation.

S.L. 492. 03.

1. The title of these regulations is the Voluntary Organisations (Public Collections) (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the Voluntary Organisations (Public Collections) Regulations, hereinafter referred to as "the principal regulations".

Amends
regulation 1 of
the principal
regulations.

2. In sub-regulation (2) of regulation 1 of the principal regulations, the words "and in terms of the provisions of the Public Collections Act" shall be deleted.

Amends
regulation 2 of
the principal
regulations.

3. Regulation 2 of the principal regulations shall be amended as follows:

(a) in the definition "compliant" immediately after the words "in conformity with" there shall be added the words "the provisions of";

(b) immediately after the definition "financial year", there shall be added the following new definition:

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

(c) the definition "public collection" shall be substituted by the following new definition:

" "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;".

4. Regulation 4 of the principal regulations shall be amended as follows:

Amends
regulation 4 of
the principal
regulations.

(a) in sub-regulation (2) thereof, the words "and voluntary organisations shall ensure that fundraising materials do not imply that the money collected is for a restricted purpose, where it may be used for different purposes or for funding in general." shall be deleted;

(b) sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

"(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.";

(c) sub-regulations (4) and (5) thereof shall be deleted;

(d) sub-regulations (6) and (7) thereof shall be renumbered as sub-regulations (4) and (5) respectively;

(e) in sub-regulation (4) as renumbered, the words "without such permit" shall be deleted; and

(f) the first proviso to sub-regulation 5 thereof as renumbered shall be substituted by the following new proviso:

"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.".

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Amends
regulation 6 of
the principal
regulations.

5. Regulation 6 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, the words "issued by the Commissioner." shall be substituted by the words "issued by an enrolled and compliant voluntary organisation.";

(b) sub-regulations (4), (5) and (8) thereof shall be deleted;

(c) and sub-regulations (6) and (7) shall be renumbered as sub-regulations (4) and (5) respectively;

(d) in sub-regulation (4) thereof as renumbered, the words "the Commissioner" shall be substituted by the words "the enrolled and compliant voluntary organisation"; and

(e) in sub-regulation (5) thereof as renumbered, the words "six (6) months." shall be substituted by the words "one (1) year.".

Amends
regulation 7 of
the principal
regulations.

6. Regulation 7 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, the words "provided by the Commissioner." shall be substituted by the words "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.";

(b) in sub-regulation (2) thereof, the words "shall be opened in front of two administrators of the voluntary organisation in the presence of a warranted professional person:" shall be substituted by the words "shall be opened in front of at least two administrators of the enrolled and compliant voluntary organisation:";

(c) in sub-regulation (3) thereof, the words "by the two administrators of the voluntary organisation and the warranted professional person" shall be substituted by the words "by at least two administrators of the enrolled and compliant voluntary organisation";

(d) sub-regulations (5), (6) and (7) thereof shall be deleted; and

(e) sub-regulation (8) thereof shall be renumbered as sub-regulation (5).

7. Regulation 8 of the principal regulations shall be amended as follows:

Amends regulation 8 of the principal regulations.

(a) sub-regulation (2) thereof shall be amended as follows:

(i) the words "all envelopes shall be numbered," shall be substituted by the words "all envelopes shall";

(ii) the words "date of the collection:" shall be substituted by the words "date of the collection."; and

(iii) the proviso thereof shall be deleted;

(b) sub-regulation (3) shall be deleted;

(c) sub-regulations (4) and (5) shall be renumbered as sub-regulations (3) and (4) respectively;

(d) in sub-regulation (3) thereof as renumbered, the words "shall be opened in front of two administrators of the voluntary organisation in the presence of a warranted professional person." shall be substituted by the words "shall be opened in front of at least two administrators of the enrolled and complaint voluntary organisation."; and

(e) in sub-regulation (4) thereof as renumbered, the words "by the two administrators of the voluntary organisation and the warranted professional person" shall be substituted by the words "by at least two administrators of the enrolled and compliant voluntary organisation".

8. Regulation 10 of the principal regulations shall be amended as follows:

Amends regulation 10 of the principal regulations.

(a) sub-regulation (3) thereof shall be deleted;

(b) sub-regulation (4) thereof shall be renumbered as sub-regulation (3);

(c) sub-regulation (3) thereof as renumbered shall be substituted by the following new sub-regulation:

"(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:

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

(d) immediately after sub-regulation (3) thereof as renumbered, there shall be added the following new sub-regulation:

"(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.".

Amends
regulation 13 of
the principal
regulations.

9. The proviso to sub-regulation (3) of regulation 13 of the principal regulations shall be substituted by the following new proviso:

"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.".

Amends
regulation 15 of
the principal
regulations.

10. In paragraph (c) of sub-regulation (2) of regulation 15 of the principal regulations, the words "exceeding five euro (€5) per day" shall be deleted.

Amends
regulation 16 of
the principal
regulations.

11. Regulation 16 of the principal regulations shall be amended as follows:

(a) sub-regulation (4) thereof shall be deleted; and

(b) sub-regulation (5) thereof shall be renumbered as sub-regulation (4).

Deletes
regulations 18,
19 and 20 of the
principal
regulations.

12. Regulations 18, 19 and 20 of the principal regulations shall be deleted and regulations 21 to 28 shall be renumbered as regulations 18 to 25 respectively.

Amends
regulation 18 of
the principal
regulations.

13. Regulation 18 of the principal regulations, as renumbered, shall be amended as follows:

(a) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(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."

(b) in sub-regulation (3) thereof, the words "or the individual" shall be deleted.

14. In sub-regulation (6) of regulation 20 of the principal regulations, as renumbered, the words "on a pedestrian crossing, within three (3) meters of an ATM machine, market stall or street performers." shall be substituted by the words "or within five (5) meters of an ATM machine.".

Amends
regulation 20 of
the principal
regulations.

15. Regulation 21 of the principal regulations, as renumbered, shall be amended as follows:

Amends
regulation 21 of
the principal
regulations.

(a) sub-regulation (5) thereof shall be deleted;

(b) sub-regulations (6), (7) and (8) shall be renumbered as sub-regulations (5), (6) and (7) respectively; and

(c) in sub-regulation (7) thereof as renumbered, the words "Donations exceeding twenty euro (€20) each day made by the same donor shall not be permissible." shall be deleted.

16. Regulation 22 of the principal regulations, as renumbered, shall be amended as follows:

Amends
regulation 22 of
the principal
regulations.

(a) in sub-regulation (4) thereof, the words "any member, administrator, collector, fund raiser, donor or volunteer" shall be substituted by the words "any member or administrator"; and

(b) in sub-regulation (5) thereof, the words "any member, administrator, collector, fund raiser, donor or volunteer" shall be substituted by the words "any member or administrator".

17. In sub-regulation (1) of regulation 23 of the principal regulations, as renumbered, the words "or individual collectors" shall be deleted.

Amends
regulation 23 of
the principal
regulations.

18. In the Maltese version of sub-regulation (2) of regulation 24 of the principal regulations, as renumbered, the words "Ilmenti magħmulin minn xi persuna, irrispettivament jekk min jilmenta u kollettur pubbliku," shall be substituted by the words "Ilmenti jistgħu jsiru minn kull persuna, irrispettivament jekk min jilmenta ikun kollettur pubbliku,".

Amends
regulation 24 of
the principal
regulations.

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Amends
regulation 25 of
the principal
regulations.

19. In sub-regulation (1) of regulation 25 of the principal regulations, as renumbered, the words "Any individual or" shall be deleted.
