B 3574

L.N. 425 of 2021

VOLUNTARY ORGANISATIONS ACT (CAP. 492)

Voluntary Organisations (Charity Shops) (Amendment) Regulations, 2021

IN EXERCISE of the powers conferred by article 41(1)(s) 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. 04.

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

Amends regulation 3 of the principal regulations.

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

(a) in sub-regulation (1) thereof, immediately after the word "enrolled" there shall be added the words "and compliant"; and

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

(i) in paragraph (d) thereof, the words "charity shops" shall be substituted by the words "voluntary organisations";

(ii) in paragraph (e) thereof, the words "charity shops" shall be substituted by the words "voluntary organisations";

(iii) in paragraph (f) thereof, the words "legitimate charity shops" shall be substituted by the words "voluntary organisations"; and

(iv) in paragraph (g) thereof, the words "for charities" shall be substituted by the words "of voluntary organisations".

3. Regulation 4 of the principal regulations shall be substituting by the following: Amends regulation 4 of the principal regulations.

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) All enrolled and compliant voluntary organisations may establish a charity shop and shall notify the Commissioner fifteen (15) days before establishing such charity shop:

Provided that the Commissioner shall have the discretion to grant, refuse or terminate any authorisation to establish such charity shop:

Provided further that the Commissioner shall, in writing, give justifiable reasons for his decision to refuse or terminate such authorisation, particularly in case of non-compliance of the enrolled voluntary organisation with all the requirements established in the provisions of the Act and these regulations."; and

(b) in sub-regulation (3) thereof, the words "their permit or licence or authorisation" shall be substituted by the words "the authorisation".

4. Regulation 5 of the principal regulations shall be deleted and regulations 6 to 20 shall be renumbered as regulations 5 to 19 respectively. Deletes regulation 5 of the principal regulations.

5. In sub-regulation (5) of regulation 5 of the principal regulations, as renumbered, the words "on the façade of their premises" shall be substituted by the words "in their premises". Amends regulation 5 of the principal regulations.

6. Regulation 7 of the principal regulations, as renumbered, shall be amended as follows: Amends regulation 7 of the principal regulations.

(a) in sub-regulation (1) thereof, the words "prescribed in Schedule 1, including the details of the selling items of the charity shop and the value added tax (VAT) registration number.", shall be substituted by the words "prescribed in Schedule 1.";

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

(i) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) the purpose and activities of the charity shop;";

(ii) in paragraph (e) thereof, immediately after the words "to donors" there shall be added the words ", where the donor is known,"; and

(iii) in paragraph (f) thereof, immediately after the words "Regulations." there shall be added the words "For the purpose of this regulation, any information regarding the trading activities carried out by charity shops shall provide an actual and transparent analysis of the generated revenue, other income, expenditure, assets and liabilities for the respective financial year.";

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

"(3) In case a voluntary organisation requests items for donation, administrators shall include clear contact details of the voluntary organisation establishing the charity shop on all requests made for donations."; and

(d) sub-regulation (4) thereof shall be deleted.

Amends regulation 9 of the principal regulations.

7. Regulation 9 of the principal regulations, as renumbered, 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 the voluntary organisation.";

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

(i) in paragraph (a) thereof, immediately after the words "of the person" there shall be added the words "who operates in the charity shop";

(ii) in paragraph (b) thereof, immediately after the words "of the person" there shall be added the words "who operates in the charity shop";

(iii) in paragraph (c) thereof, immediately after the word "enrolled" there shall be added the words "and compliant"; and

(iv) in paragraph (e) thereof, the words "of the

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Commissioner or a representative acting on his behalf and" shall be substituted with the words "of";

(c) in sub-regulation (3) thereof, the words "Where applications for such tags are made by a voluntary organisation," shall be substituted by the words "Administrators of";

(d) in sub-regulation (5) thereof, the words "expiry period, which period shall be at the discretion of the Commissioner." shall be substituted by the words "expiry period of one (1) year."; and

(e) sub-regulations (6) and (7) thereof shall be deleted.

8. Sub-regulation (2) of regulation 10 of the principal regulations, as renumbered, shall be substituted by the following new sub-regulation: Amends regulation 10 of the principal regulations.

"(2) A charity shop may only exchange items against a donation and any item which is legally prohibited for sale may not be exchanged from a charity shop.".

9. Regulation 14 of the principal regulations, as renumbered, shall be amended as follows: Amends regulation 14 of the principal regulations.

(a) in sub-regulation (1) thereof, the words "and that the charity shop is appropriately licensed" shall be deleted; and

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

"(2) Administrators shall be aware that the donation of goods exchanged for donations shall meet the primary purpose and objectives of the voluntary organisation.".

10. Regulation 15 of the principal regulations, as renumbered, shall be amended as follows: Amends regulation 15 of the principal regulations.

(a) sub-regulation (1) thereof shall be amended as follows:

(i) the words "A licence, permit or authorisation" shall be substituted by the words "An authorisation"; and

(ii) in the proviso thereof, the words "licence, permit or authorisation" shall be substituted by the word "authorisation"; and

(b) in the proviso to sub-regulation (2) thereof, the words

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"the licence" shall be substituted by the words "the authorisation".

Amends regulation 19 of the principal regulations.

11. Sub-regulation (1) of regulation 19 of the principal regulations, as renumbered shall be substituted by the following new sub-regulation:

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

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