

CHAPTER 106

THE PUBLIC COLLECTIONS ACT

SUBSIDIARY LEGISLATION

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THE PUBLIC COLLECTIONS REGULATIONS

ARRANGEMENT OF REGULATIONS

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CERTIFICATE OF AUTHORITY

THE PUBLIC COLLECTIONS REGULATIONS

[Legal Notice 27 of 1961, Legal Notice 604 of 1963]

1. Citation

These Regulations may be cited as the Public Collections Regulations.

2.

[Deleted by L.N. 604/1963, Sch.]

3. Manner of application for licence

Every application for a licence shall be made in writing, signed by the applicant, and shall specify—

- (a) the name of the applicant and an address within the Colony for service on the applicant of any notice or other document required to be served on him;
- (b) the specific dates on which the collection is intended to be made;
- (c) the area in which or the place at which the collection is to be made;
- (d) the purpose of the collection and the name and address of the person or organization to whom the proceeds of the collection are intended to be paid;
- (e) the number of collectors to be employed, and a list of their names and addresses;
- (f) the remuneration, if any, to be given to—
 - (i) the promoter;
 - (ii) the collectors;
 - (iii) any other persons;
- (g) an estimate of the proceeds of the collection;
- (h) an estimate of the expense involved in the collection;
- (i) the name and address of the bank with which the proceeds are to be deposited;
- (j) details of any convictions of the promoter for any offence whether in the Colony or elsewhere;
- (k) any other information which the licensing authority may require.

4. Promoter to issue certificates of authority to collectors

(1) A promoter shall issue to every person authorized by him to act as a collector a certificate of authority, which shall be substantially in the form contained in the Schedule to these Regulations, signed by the promoter and countersigned by the licensing authority or such other public officer as the licensing authority may authorize in that behalf, and the promoter shall inform such person of the requirements of paragraph (2) of this regulation.

(2) Every person acting as a collector shall, at all times when so acting, carry with him a certificate of authority issued to him under paragraph (1) of this regulation and shall produce it for inspection on demand by any police officer, tribal police officer, administrative officer or chief or by the occupant of any premises visited or by any person solicited in the course of the collection.

(3) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence.

5. Badges to be worn by collectors

(1) Every applicant for a licence shall, unless exempted from this provision, submit with his application, for the approval of the licensing authority, two specimens of the badge to be worn by persons acting as collectors for the purpose of the collection.

[Subsidiary]

(2) Each such badge shall be designed so as to show clearly and distinctly the purpose of the collection and the fact that the wearer is an authorized collector therefor.

(3) Where the collection is to be confined to persons of one race or tribe, the inscription on the badge shall be in the language or dialect of that race or tribe, and in all other cases shall be in the English language.

(4) A promoter shall issue to every person authorized by him to act as a collector a badge approved by the licensing authority for that purpose.

(5) Every person who acts as a collector shall, at all times when so acting, wear and prominently display on his person a badge approved in accordance with the provisions of this regulation, and shall within five days next after the expiry of the period of validity of the licence under which the collection is made, deliver such badge to the promoter, who shall, within the said period of five days, collect and destroy all badges used, or made for use by collectors.

(6) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence.

6. Records in respect of collections

(1) Every promoter shall keep a proper record of all collectors to whom certificates of authority and badges have been issued, and shall produce it for inspection on demand at any time by a police officer or administrative officer.

(2) Every promoter shall, within such period after the expiration of his licence as shall be specified in the licence or as the licensing authority may allow, authenticate by his signature and deliver to the licensing authority full and accurate particulars of the amount collected, the amounts applied to each purpose of the collection, the amount, if any, retained by the promoter, the amount, if any, paid to collectors, and the amount of any other expense incurred in connexion with the collection, and shall also so deliver such further information with regard to the collection as the licensing authority may require.

(3) If the licensing authority so requires in the case of any collection, the promoter shall cause the particulars supplied in pursuance of paragraph (2) of this regulation to be verified by the certificate of a person who is a member of one of the professional bodies specified in the Schedule to the Accountants (Designations) Act, 1950 (Cap. 524), or of such other person as the licensing authority may approve in that behalf, such certificate being to the effect that the particulars have been audited with all supporting receipts and vouchers, showing the result of such audit.

(4) Every promoter who contravenes any of the provisions of this regulation shall be guilty of an offence.

7. Penalty for misapplication of proceeds of collection, etc.

Any promoter who applies any part of the proceeds of a collection in any manner, for any purpose or in any proportion, other than that stipulated in his licence, or who in any other way conducts or administers a collection otherwise than in accordance with the terms of the licence, shall be guilty of an offence.

8. Receipts to be issued by collectors

(1) Every collector shall, at the time of making a collection, issue to each person from whom money or other property is collected by him a receipt in a form approved by the licensing authority.

(2) Any collector who contravenes the provisions of this regulation shall be guilty of an offence.

9. No collections at night

Any person who makes a collection between the hours of 7 o'clock in the evening of any day and 7 o'clock in the morning of the next succeeding day shall be guilty of an offence.

10. No collections on private property without owner’s consent

Any person who makes a collection on private property without the consent of the owner or other person having the control or management of that property shall be guilty of an offence.

11. Unauthorized collections

Any person who—

- (a) collects or attempts to collect money or property by means of force, intimidation, menace or undue persuasion; or
- (b) acts in a manner which can reasonably be expected to cause annoyance, distress or inconvenience to the occupant of any premises visited, or to any person attending a public meeting or being in a public place;

shall be guilty of an offence.

12. Age of collectors

Any person who is below the age of sixteen years who acts as a collector in any collection, and any person who causes or permits any other person who is below that age so to act, shall be guilty of an offence.

13. Power to exempt

A licensing authority may, by writing under his hand, exempt any person or body of persons from compliance, within his area of jurisdiction, with all or any of the provisions of these Regulations, subject to such conditions, if any, as he may see fit to impose.

14. Offences cognizable

Offences under these Regulations shall be cognizable to the police.

15. Penalty

Any person who is guilty of an offence under these Regulations shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

SCHEDULE

[r. 4(1)]

CERTIFICATE OF AUTHORITY

[L.N. 604/1963.]

I hereby certify that of (*insert full name and address of collector*) is authorized to act as a collector for the purposes of a licensed collection to be made in/ at (*specify area or place of collection*) on the day of, 20, from, to in aid of.....(*here specify all the purposes of collection*).

Dated *Signature of Promoter*

Dated *Signature of (officer authorised by) Licensing Authority*
