

PUBLIC COLLECTIONS ACT

Act 38 of 1965 – 4 December 1965

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Permits
4. Promoter's duties
5. Collector's duties
6. Proceeds of collection
7. Exemptions
8. Penalties
9. Regulations

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

PUBLIC COLLECTIONS ACT

1. Short title

This Act may be cited as the Public Collections Act.

2. Interpretation

In this Act—

“collector” means a person who asks for or receives money or other property on behalf of a promoter;

“Commissioner” means the Commissioner of Police;

“house” means any building which is used as a residence, school or place of trade or business;

“proceeds”, in relation to a public collection, means all money or other property given or subscribed in response to the appeal made;

“promoter” means a person responsible for a public collection for which a permit issued under this Act is in force;

“public collection” means an appeal to the public made by means of visits from house to house, soliciting in streets or other public places, written notices or requests exhibited in public places, or published in the

press, or by any combination of those means, to give or subscribe, whether for consideration or not, money or other property, not being money or property due or about to fall due by virtue of any enactment, contract or other legal obligation.

3. Permits

(1) Subject to this Act, no person shall make or cause to be made any public collection unless this section is complied with.

(2) (a) Every promoter intending to make a public collection shall make an application in writing for a permit to the Commissioner not less than 15 days before the date on which the collection is intended to start or to be made.

(b) Notwithstanding paragraph (a), the Commissioner may, upon good cause shown to his satisfaction, entertain an application which is made beyond the time limit mentioned in paragraph (a).

(3) An application under subsection (2) shall be in the form set out in the First Schedule and contain the particulars specified in it.

(4) Upon receipt of the application, the Commissioner may issue to the applicant a permit in the form set out in the Second Schedule.

(5) The Commissioner may refuse to grant a permit or, where a permit has been granted, revoke it, if he has reasonable ground to believe that—

- (a) the amount of the proceeds to be applied for the purpose for which the public collection is made or intended to be made is inadequate in proportion to the total amount of the proceeds;
- (b) the remuneration given or to be given to collectors is excessive;
- (c) the grant of a permit is likely to facilitate the commission of an offence involving fraud or dishonesty;
- (d) the applicant, promoter, collector or prospective collector is not a fit and proper person by reason of the fact that he has been convicted of an offence involving fraud or dishonesty;
- (e) the applicant, promoter, collector or prospective collector has committed an offence under this Act; or
- (f)
 - (i) the public collection is in aid of, or the promoter or collector or prospective collector is a member of, an unlawful association;
 - (ii) the purpose of the public collection is illegal, fictitious or objectionable on grounds of public policy; or
 - (iii) the refusal or revocation of a permit is otherwise desirable in the public interest.

(6) (a) A decision of the Commissioner relating to the refusal or revocation of a permit shall be notified in writing to the applicant or promoter, as the case may be.

(b) An applicant or promoter who is aggrieved by the decision under paragraph (a) may, within 7 days of the notification, appeal to the President.

[S. 3 amended by Act 48 of 1991.]

4. Promoter's duties

Every promoter shall—

- (a) issue to every collector a written authorisation in the form set out in the Third Schedule and a sealed box or other receptable which shall be serially numbered and have clearly written or printed on it the name of the promoter and the person or fund to whom the proceeds are destined; and
- (b) ensure that every collector is a fit and proper person and that he complies with this Act.

5. Collector's duties

Every collector shall—

- (a) carry the written authorisation and the box or other receptacle issued to him under section 4 and return them to the promoter as soon as possible after the collection;
- (b) produce his written authorisation upon request by a police officer or by a member of the public from whom money or other property is solicited for a collection; and
- (c) refrain from importuning any person to the annoyance of that person.

6. Proceeds of collection

(1) Subject to this Act, every promoter shall, within one month of the completion of a collection, forward to the Commissioner a detailed statement showing—

- (a) the amount of money or other property collected;
- (b) the expenses incurred for the collection and the manner in which the proceeds have been or will be disposed of.

(2) (a) For the purposes of this section, the Commissioner may request a promoter to produce any document relating to the collection.

(b) Upon the Commissioner's request, the promoter shall produce the document mentioned in paragraph (a).

7. Exemptions

Where the President is satisfied that any person pursues educational, religious or charitable purposes in Mauritius and is desirous of promoting public collections, he may, by Order, direct that sections 3 and 6 shall not apply to him.

[S. 7 amended by Act 48 of 1991.]

8. Penalties

Any person who contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding one year.

[S. 8 amended by Act 5 of 1999.]

9. Regulations

(1) The Commissioner may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees.

FIRST SCHEDULE

[Section 3 (3)]

To the Commissioner of Police

I hereby apply for a permit to make a public collection, the particulars of which are set out below.

.....
(Signature)

Date

.....
(Applicant's names and surname in block letters)

- Name and surname of promoter
 - Promoter's address
 - Purpose of the public collection
 - Area or place where the public collection will be made
 - Period during which the public collection will be made
 - Is it proposed to collect money or other property ?
 - If property other than money is to be collected details thereof
 - Number of collectors to be engaged
 - Details of any remuneration to collectors
 - Details of any previous application
-

SECOND SCHEDULE

[Section 3 (4)]

PERMIT TO MAKE A PUBLIC COLLECTION

Permit No.

..... of is hereby authorised to make a public collection on at
purpose of

Date

.....

Commissioner of Police

Note –1 The Commissioner may revoke this permit in accordance with section 3 (5)
of the Public Collections Act.

2 The promoter should comply with the above Act and ensure that the col-
lectors do likewise.

THIRD SCHEDULE

[Section 4]

AUTHORISATION TO ACT AS COLLECTOR

..... of is hereby authorised to act as collector for on ... at

Date

.....

Promoter's signature
