

CHAPTER 293

THE PUBLIC COLLECTIONS ACT.

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CHAPTER 293

THE PUBLIC COLLECTIONS ACT.

Commencement: 1 July, 1966.

An Act relating to public collections of money or in kind and other purposes connected therewith.

1. Interpretation.

- (1) In this Act, unless the context otherwise requires—
 - (a) “collector” means a person duly authorised under section 7 to assist in making a public collection;
 - (b) “functions” includes powers and duties;
 - (c) “Minister” means the Minister to whom functions under this Act are assigned;
 - (d) “promoter” means a person duly registered under section 5 as the promoter of a public collection;
 - (e) “registration authority” means the registration authority appointed under section 4;
 - (f) “stated objects” means the objects to which the proceeds of a collection under this Act are to be applied.

(2) For the purposes of sections 2 and 7, “appeal” means a request or invitation however conveyed, whether by actions, in words, pictorially or in writing, and whether made in public, through the press, radio or television, in conversation, by house to house visiting or through the post.

2. Public appeals for donations.

(1) Subject to this Act, it shall be unlawful for any person to make any appeal to the public or any part or class of the public for donations in money or in kind for any object, except where registration of the public collection has been effected in accordance with this Act.

(2) A payment of money in exchange for a token or any article of token value only, or for any article or benefit the value of which is substantially less than the value of the payment, shall be deemed to be a donation for the purposes of this section.

(3) In any case where an appeal for donations to be applied to a particular object is made to five or more members of the public, the burden of proving, in any criminal or civil proceedings taken in relation to the appeal, that it was not an appeal to the public within the meaning of this section shall be upon the defendant in the proceedings.

3. Exemptions.

This Act shall not apply to—

- (a) any collection made at divine service in a place of public worship for charitable, benevolent or philanthropic purposes;
- (b) requests made by or on behalf of the committee of any club, association or registered trade union to members of the club, association or registered trade union for subscriptions;
- (c) collections of a purely parochial character made in good faith for the benefit of a local church, school, sports club or charity, or a project in the interests of local public welfare;
- (d) collections made in good faith among a limited class of persons for the purpose of making a presentation to any person on any special occasion;
- (e) collections in respect of customary ceremonial rites; or
- (f) any person or class of person exempted by statutory instrument made in that behalf by the Minister in relation to a collection for an object specified in the instrument.

4. Registration of public collections.

(1) Any person who desires to promote a public collection shall make application for registration in the prescribed form to the registration authority for the area within which the collection is to be made, and the application shall, in addition to such other particulars as may be prescribed, contain a full and accurate statement of the objects to which the proceeds of the collection are to be applied.

(2) The registration authorities for each district shall be such persons as the Inspector General of Police may, by statutory instrument, appoint.

(3) A registration authority shall not refuse registration, or, where registration had been effected, shall not revoke it, unless it appears to him or her—

- (a) that any of the stated objects is illegal;
- (b) that the applicant or the promoter is not a fit and proper person to be registered by reason of the fact that he or she has been convicted of any offence the conviction for which necessarily involved a finding that he or she acted fraudulently or dishonestly;
- (c) that the applicant or the promoter, in promoting a public collection, has failed— (i) to exercise due diligence to secure that collectors authorised by him or her to assist in making the collection were fit and proper persons; (ii) to secure compliance on the part of collectors with the provisions of this Act or of regulations made under this Act; (iii) to prevent certificates of authority being obtained by persons other than duly authorised collectors;
- (d) that the applicant or promoter has been convicted of any offence against this Act or regulations made under this Act; or
- (e) that remuneration which is excessive in proportion to the total amount likely to be collected is to be or has been retained or received out of the proceeds of the collection by any person.

(4) Wherever a registration authority refuses registration, or if he or she revokes registration, he or she shall forthwith give written notice of the refusal or the revocation to the applicant or promoter, stating the grounds upon which the registration has been refused or revoked, and informing him or her of the right of appeal given by this section, and the applicant or promoter may thereupon appeal by petition to the Minister against the refusal or revocation of the registration, as the case may be, and the decision of the Minister shall be final.

(5) The appeal shall be brought within twenty-one days from the date on which notice is given under subsection (4).

(6) Where the Minister decides that an appeal should be allowed, the registration authority shall forthwith effect registration or cancel the revocation, as the case may be, in accordance with the decision of the Minister.

(7) Where an appeal for a public collection is to be made by a person on a national basis and collections are to be made throughout Uganda, the

registration authority shall be the Inspector General of Police to whom application under this section shall be made and who shall forward copies of the necessary particulars to the registration authorities of the areas within which the collections are to be made.

5. Method, effect and duration of registration.

(1) Except where registration is refused under section 4, the registration authority shall cause the prescribed particulars, which shall include the stated objects, to be entered in the register, and thereupon the promoter may make a public collection for the stated objects within the area in which registration has been effected.

(2) A registration effected under this section shall, unless sooner revoked, remain in force until the thirty-first day of December in the year in which it is effected, and may be renewed on an application being made in that behalf.

6. Books of account, etc.

A registration authority may, by notice in writing, call upon the promoter of a public collection to produce, to the person named and at the time and place specified in the notice, the books of account and all other documents relating to the collection for examination or audit.

7. Collectors.

(1) Any promoter may authorise any number of fit and proper persons to assist him or her in making a public collection under this Act for the stated objects.

(2) Each collector shall be supplied by the promoter with a certificate of authority which shall specify fully and accurately the stated objects of the collection, and a collector shall produce his or her certificate of authority on demand to any police officer in uniform or to any person to whom he or she has made an appeal for a donation.

8. Proceeds of collection.

(1) The proceeds of any public collection shall, for the purposes of any civil or criminal proceedings, be deemed to be received by the promoter

and collectors for the purpose of applying them to the stated objects.

(2) Where a reasonable proportion of the proceeds of any public collection is applied to the expenses of administration of the public collection, it shall be deemed to have been applied to the stated objects.

(3) For the purposes of subsection (2), the determination of what is a reasonable proportion shall be a question of fact in each case.

9. Offences and penalties.

Any person who—

- (a) contravenes any of the provisions of section 2(1);
- (b) contravenes any of the terms of a notice given under section 6; or
- (c) makes an application for registration under section 4 knowing it to be false in any material particular,

commits an offence and is liable, on conviction, for a first offence, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both, and, for a second or subsequent offence, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

10. Regulations.

The Minister may, by statutory instrument, make regulations for carrying into effect the principles and provisions of this Act.

11. Application of other laws.

The provisions of any written law insofar as they are inconsistent with any provision of this Act shall cease to have effect.

History: Act 7/1966; S.I. 86/1966.