

CHAPTER 127

PUBLIC COLLECTIONS (REGULATION) LAW

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CHAPTER 127

PUBLIC COLLECTIONS (REGULATION) LAW

A Law to provide for the regulation of public collections of money or in kind, and for matters connected therewith. ANSL Cap 110

[27 August 1991]

1. This Law may be cited as the Public Collection (Regulation) Law

Short title.

2. (1) In this Law—

Interpretation.

“collector” means a person duly authorized, pursuant to the provisions of section 9, to assist in making public collection within the meaning of this Law,

“promoter” means person duly registered, pursuant to the provisions of section 7, as the promoter of a public collection within the meaning of this Law.

(2) For the purposes of sections 3, 4 and 9, the word “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, in conversation, by house to house visiting or through the post.

3. (1) Subject to the provisions of this Law, it shall not be lawful to make any appeal to the public or any part or class thereof for donations in money or in kind or any object whatsoever (hereinafter referred to as a public collection) save where registration of such collection has been effected in accordance with the provisions of section 7.

Public appeals for donations in money or in kind restricted.

(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 whereof is substantially less than the value of such payment shall be deemed to be a donation for the purpose of this section.

(3) In any case where an appeal for donations to be applied to a particular object is made to 2 or more members of the public, the burden of proving, in any criminal or civil proceedings taken in relation to such appeal, that it was not an appeal to the public within the meaning of this section shall be upon the defendant in such proceedings

4. An appeal for donations made before the commencement of this Law which would, if made after the commencement of this Law, be subject to the provisions of this Law shall, if donations continue to be solicited or made after the commencement of this Law, be deemed to be a public collection to which the provisions of this Law apply.

5. This Law shall not apply to—

- (a) any collection made at divine service in a place of public worship for a charitable, benevolent, or philanthropic purpose;
- (b) requests made by or on behalf of the committee of any club, association, or trade union to members of such club, association or union for a renewal of regular subscriptions;
- (c) collections of a purely parochial character made in good faith for the benefit of a local church, school, sports 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

Application to collections begun before the commencement of this law

Exemption

- making a presentation to any person on any special occasion; or
- (e) any person or class of persons exempted by order of the Commissioner, but only in relation to a collection within the State for an object specified in such order.

Registration
of public
Collections.

6. (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 territory within which the collection is to be made, and such 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 (hereinafter referred to as the slated objects).

(2) The registration authority shall be such persons as the Commissioner shall prescribe.

(3) The registration authority may refuse registration, or, where registration has been effected, may revoke it, if it appears to him—

- (a) that any of the objects is illegal or contrary to public morality;
- (b) that the applicant or the promoter is not a fit and proper person to be registered by reason of the fact (hat he has been convicted in any part of the Commonwealth of any offence the conviction for which necessarily involved a finding that he acted fraudulently or dishonestly;
- (c) that the applicant or the promoter, in promoting a public collection, has failed to exercise due diligence to secure that collectors authorized by him to assist in making the collection were fit and proper persons, to secure compliance on the part of collectors with the provisions of this Law or of any regulations made under this Law, or to prevent certificates of authority being obtained by persons other than duly authorized collectors; or
- (d) that the applicant or the promoter has been convicted of any offence against the provisions of this Law or of any regulations made under this Law.

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

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

(6) If the Commissioner decides that the appeal shall 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 Commissioner.

Method, effect
and duration of
registration.

7. (1) Save where registration is refused under the provisions of section 6 the registration authority shall cause the prescribed particulars (which shall include the stated objects) to be entered in the register, and thereupon it shall be lawful for the promoter to make a public collection for the stated objects within the territory in which registration has been effected.

(2) A registration effected under the provisions of this section shall, unless sooner revoked, remain in force, until the 31st day of December in the year in which it is effected, and shall then expire.

8. The 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 such collection for examination or audit.

Power of the registration authority to call for books of account, etc.

Collectors. 9. (1) Any promoter may authorize any number of fit and proper persons to assist him in making a public collection 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 certificate of authority on demand to any police officer in uniform or to any person to whom he has made an appeal for a donation.

Proceeds of collections deemed to be received for stated objects 10. (1) The proceeds of any public collection shall, for the purpose of any civil or criminal proceedings whatsoever, be deemed to be received by the promoter and collectors for the purpose of applying the same to the stated objects:

Provided that where a reasonable proportion of the proceeds of any public collection is applied to the expenses of administration of such public collection, it shall be deemed to have been applied to the stated objects.

(2) For the purposes of the provisions, to subsection (1), the determination of what is a reasonable proportion shall be a question of fact in each case,

Offences and Penalties. 11. Any person who contravenes or fails to comply with any of the provisions of this Law or of any regulation made under this Law, or with any of the terms of a notice given pursuant to the provisions of section 8, or who makes an application for registration under section 6 knowing the same to be false in any material particular, shall be liable, upon summary conviction, for a first offence, to a fine of N100 or to 6 months' imprisonment or to both such fine and imprisonment and for a second or subsequent offence, to a fine of N200 or to 12 months' imprisonment or to both such fine and imprisonment.

Legal proceedings. 10. No prosecution for an offence against this Law shall be instituted except by, or with the written consent of the Attorney-General.

Power to make regulations. 11. The Commissioner may make regulations—

- (a) prescribing the form of application for registration under the provisions of this Law and the particulars to be contained therein;
- (b) prescribing the form of registers to be kept for the purposes of this Law and the particulars required to be entered therein;
- (c) providing for the keeping of proper books of account in relation to public collections and for the audit of the same;
- (d) requiring copies of the audited accounts to public collections to be furnished to the

registration authority, and requiring such accounts to be published by the promoter in such manner as may be prescribed:

- (e) requiring information with respect to the expenses, proceeds and application of the proceeds of public collections to be furnished to the registration and requiring the information so furnished to be vouched and authenticated in such manner as may be prescribed.
- (f) providing for the use of authorized receipts in connection with public collections:
- (g) providing, in relation to public collections made in the street or by visits from house to house, for the use of sealed tins for the purpose of collecting contributions in money and for the opening of the same and for the counting and recording of the contents thereof; and
- (h) Generally for carrying into effect the provisions of this Law.

SUBSIDIARY LEGISLATION

Public Collections (Regulation) Law

PUBLIC COLLECTIONS REGULATIONS

(made under section 13)

1. These regulations may be cited as the Public Collections Regulations.

2. In these regulations, unless the context otherwise requires— “Collector' means a person duly authorized, pursuant to the provisions of section 9 to assist in making a public collection within the meaning of the Law, “prescribed certificate of authority” means a certificate given pursuant to the provisions of subsection (2) of section 9, in the form set out in the Fifth Schedule to these regulations;

Short title.

Interpretation.

"receipt book" means a book of detachable form of receipt consecutively numbered, with counterfoils or duplicates correspondingly, numbered: "promoter" means a person duly registered, pursuant to the provisions of section 7, as the promoter of a public collection within the meaning of the Law;

"register" means the register kept by a registration authority pursuant to the provisions of section 7;

"registration" means registration of a public collection pursuant to the provisions of section 7;

"registration authority” means the Permanent Secretary responsible for Internal Affairs.

Applications
for registration
and order. First
and Second
schedule.

3. (1) Every application for registration and every application for exemption from the provisions of the Law under paragraph (e) of section 5 the Law shall be made 2 months before the first desired collection and in the Forms respectively set out in the First and Second Schedules, which shall be addressed to the Senior Superintendent of Police of the area in which it is proposed that the collection shall be made.

(2) Upon receipt of an application the Senior Superintendent of Police shall cause enquires to be made and shall submit a report of such enquiries together with his comments and recommendations thereon which he shall attach to such application and which he shall send to

the registration authority not later than one calendar month before the date on which it is proposed to commence the public collection:

Provided that the registration authority may reduce such period if he thinks fit

(2) The report of the Senior Superintendent of Police shall contain all such information which may be of assistance to the registration authority in deciding whether the application is genuine and in conformity with the provisions of the Law

Entry of
Registration..

Responsibility
of promoters as
respects
character and
behaviour of
collectors.

Register Third
Schedule.

4. The registration authority shall keep a register in the Form set out in the Third Schedule to these regulations, and shall cause to be entered therein the following particulars with regard to every registered public collections'—

- (a) the name of the applicant;
- (b) the address of the applicant;
- (c) the address to which correspondence should be sent [if different from (b)];
- (d) a statement of the objects to which the proceeds of the collection are to be applied;
- (e) the areas within which the collection is to be made;
- (f) the methods of collection which are to be used;
- (g) the date of application for registration;
- (h) the date of registration;
- (i) the number of the entry of registration.

Certificate of
authority. Fifth
Schedule.

5. The registration authority shall, in respect of every registration, inform the promoter of the number of the entry of registration.

Duties of
collectors in
relation to
certificate.

6. Every promoter shall exercise all due diligence—

- (a) to secure that person authorized to act as collectors for the purposes of the collection are fit and proper persons; and
- (b) to secure compliance on the part of persons so authorized with the provisions of these regulations.

Duties of
promoters in
relation to
money collected

7. (1) No promoter shall permit any person to act as a collector unless he has issued or caused to be issued to that person a prescribed certificate of authority duly completed (except as regards the signature of the collector) and authenticated by the promoter.

(2) Every promoter shall exercise all the due diligence to secure that every prescribed certificate of authority issued by him is returned when the collection is completed or when for any other reason a collector ceases to act as such.

8. Every promoter shall —

- (a) sign his name or make a mark attested by two witnesses on the prescribed certificate of authority issued to him; and
- (b) keep such certificate in his possession and return it to the promoter on replacement thereof or when the public collection is completed, or at any other time on the demand of the promoter.

9. Every promoter shall—

- (a) Exercise all due diligence to ensure that all money collected is brought to account,
and

- (b) Upon receiving from a collector the proceeds of a public collection forthwith enter in a form of receipt in a receipt book and on the corresponding counterfoil or duplicate the date, the name of the collector and the amount collected, and shall sign the form or receipt and hand or send it to the collector.

Duties of
collectors in
relation to
money
collected.

10. Every collector shall—

- (a) ensure that all money collected is accounted for to the promoter, and
(b) If so requested by any person from whom he has received a donation, sign and hand to that person a receipt for the donation.

Collections
at meetings.

11. If money is collected at a meeting, the promoter or collector shall announce the result of the collection before the meeting disperses and cause the amount collected to be entered in a record which shall be certified by two responsible witnesses and kept by the promoter and which shall form part of the accounts of the public collection for the purpose of these regulations.

Vouching and
Auditing of
accounts.

Promoters
keep and
furnish
accounts

12. (1) Every promoter shall keep an account of the proceeds of the collection and of all disbursements therefrom and shall furnish a copy thereof to the registration authority with which the collection was registered on the demand of the authority and, in any event, not later than one month after the expiry of the registration:

Publication of
accounts

Provided that if a public collection is to be made for the same objects in more than one registration area, a combined account for the collection made in all or any of those areas may by agreement between the promoter and the respective registration authorities be made only to such respective registration authorities as may be so agreed.

(2) The registration authority may extend the period within which an account is required to be furnished if satisfied that there are special reasons for so doing.

Form of
accounts.
Fourth
Schedule.

13. The account required to be kept under the accounts provisions of regulation 12 shall be kept and furnished in the Form set out in the Fourth Schedule to these regulations and shall be certified by the promoter.

14. (1) The registration authority may, in respect of every account furnished under regulation 12, inquire production of vouchers for each item of the expenses and application of the proceeds and of every receipt book used for the purposes of the collection, and may appoint such person as he considers proper to audit such account.

(2) The registration authority may require the promoter or any collector to supply such further oral or written explanation of the account as may in the opinion of the registration authority be necessary.

(3) The promoter shall preserve all receipt books, vouchers and supporting documents for a period of 12 calendar months from the date of expiry of the registration.

15. A registration authority may cause a copy of the account furnished under regulation 12 to be published in the Enugu State Gazette and may, at any time before the proceeds of a public collection are applied to the stated objects, require the promoter to set aside from such proceeds such sum as to enable a copy of the account to be published in one issue of such local newspapers not exceeding 3 in number as the authority may direct.

16. A promoter shall exercise all due diligence to secure that all prescribed certificates of authority given by him for the purposes of a public collection are destroyed when no longer required in connection with that collection or in connection with a further public collection which he has registered for the same purpose.

FIRST SCHEDULE
(Regulations 3)
FORM OF APPLICATION FOR REGISTRATION OF A PUBLIC
COLLECTION

To the *(here insert name of registration authority)*

In pursuance of Section 6 of the Public Collection (Regulation) Law. I (we) hereby apply for registration of the public collection of which particulars are as follows-

1. Name of promoter.....
(In block letter*)
2. Full Address of promoter.....
3. Address to which correspondence should be sent (if different from 2).....
.....
4. Full Particulars of the objects to which proceeds of collection are to be applied
.....
.....
5. Area within which the collection is to be made.....
6. During what period of the year it is proposed that the collection should be made?
.....
7. What method of collection will be used?.....
.....
8. Has the applicant, or to the knowledge of the applicant, anyone associated with the promotion of the collection, been refused registration under the Law or had registration revoked? If so, give particulars.....
9. If the application is for renewal the number of the previous entry of registration.
.....

Disposal of
disused
certificates of
authority. etc.

Date 20..... (signed.....

SECOND SCHEDULE
FORM OF APPLICATION FOR EXEMPTION
(Regulation 3)

To the Senior Superintendent of Police

In pursuance of regulation 3 of the Public Collections Regulation. I (we) hereby apply for an order of the Commissioner exempting me (us) from the provisions of the Public Collections (Regulation) Law in respect of all collections promoted by me (us) the provisions whereof are as follows-

1. Name of applicant.....
(In block letter*)
2. Full Address of applicant.....
3. Address to which correspondence should be sent (if different from 2).....
.....
4. Full Particulars of the objects to which proceeds of collection are to be applied
.....
.....
5. Area within which the collection is to be made.....
6. Has the applicant, or to the knowledge of the applicant, anyone associated with the promotion of the collection, been refused registration or order under the Law or had registration or an order revoked? If so, give particulars.....
7. Reasons for seeking exemption.....
.....

Date20.....(signed

THIRD SCHEDULE
(Regulation)

Name of Applicant	Address of Applicant	Address to which correspondence should be sent	Purpose of collection	Area of collection	Method of collection	Date of Application For Registration	Date of Registration	Serial Number of every of Registration
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)

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FORM OF REGISTER TO BE KEPT BY REGISTRATION AUTHORITY

**FOURTH SCHEDULE
(Regulation 13)**

FORM OF ACCOUNT

No. of entry of registration

Name of promoter
(in block letters)

Address of promoter:

Purpose of collection:

Area in which account relates:

Period to which account relates:

.

All amounts to be entered gross.

Proceeds of collection		Expenses and application of proceeds	
	N K		N K

From collector		Postage	
Bank interest		Advertising	
Other items (if any)		Other items (if any)	
.....			
.....			
.....		Disposal of balance (insert particulars)-	
			
			
			
Total		Total	

CERTIFICATE OF PROMOTER

I certify that to the best of my knowledge and belief the above is a true account of the expenses, proceeds, and application of the proceeds of the collection to which it relates.

Dated 20 (Signed)

FIFTH SCHEDULE FORM OF PRESCRIBED CERTIFICATE OF AUTHORITY

[(Regulations 2 and 7(1))]

COLLECTOR'S CERTIFICATE OF AUTHORITY

.....

.

(Here insert name of collector in ORIGINAL letters)

I of

(Here insert address of collector)

Is hereby authorized to collect for

(Here insert the purpose of the collection)

In

(Here insert the area within which the collector is authorized to collect)

during the period

(Here insert the period during which the collector is authorized to collect)

(Signed)

Signature or mark of collector

Witness to mark

.