

THE PUBLIC COLLECTIONS REGULATIONS, 1955

(G.N.S. 79 of 1955)

LIST OF AMENDMENTS

<i>G.N.S. No.</i>	<i>Regulations amended</i>	<i>Effective date of amendment</i>
37/1956	14 (1)	15-3-1956
87/1965	4 (1), 2nd Sch. Item 4	16-9-1963
Act 160	5th Sch., 6th Sch.	29-8-1975

[15th April, 1955.]

In exercise of the powers conferred on him by section 5 of the Public Collections Ordinance [Cap. 112.], the Governor has made the following regulations:

1. These regulations may be cited as the Public Collections Regulations, 1955.

2. (1) In these Regulations, unless the context otherwise requires: -

“chief collector” in relation to a collection means a person whom the chief promoter has appointed, in respect of any district, to take charge of any collection in that district;

“chief promoter” in relation to a collection means a person to whom a licence has been granted authorising him to promote that collection;

“collecting box” means a box or other receptacle for monetary contributions, securely closed and sealed in such a way as to prevent the same being opened

without such seal being broken;

“prescribed badge“ means a badge in the form set out in the Fourth Schedule to these Regulations;

“prescribed certificate of authority” means a certificate given in the form and manner set out in the Third Schedule to these Regulations;

“receipt book” means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered.

(2) A mark shall for the purposes of these Regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.

3. Applications for licences, which shall be in the form set out in the First Schedule to these Regulations, shall be made to the Commissioner giving the particulars set out in the Second Schedule to these Regulations not later than the first day of the month preceding that in which it is proposed to commence the collections:

Provided that the Commissioner may reduce the period of notice if satisfied that there are special reasons for so doing.

4. (1) When issuing a licence the Commissioner may, without prejudice to any other conditions which he may impose under the provisions of subsection (1) of section 4, make such licence effective in any one place or in several places specifically named or covering the whole of Sabah and upon any particular day or series of days or may, if he thinks fit, make it effective over an indefinite period provided that in such cases he may restrict the use of the licence to a particular month or to particular months of each year or to any particular number of occasions annually without reference to specific dates.

(2) In order to prevent the occurrence of more than one public collection at any one period in any one district the Commissioner may, when issuing a licence in the manner set out in sub-regulation (1) of this regulation, require the promoter or chief collector to give notice in writing to the Officer-in-Charge of Police District of the district in which he proposes to hold a public collection of the date upon which such collection is to be held, and such notice shall be given not less than 14 days before the proposed date of such collection.

(3) Upon receipt of such notice in writing the Officer-in-Charge of Police District may, if a licence has already been granted to any person to hold a public collection in the same district for the same or any similar purpose during the same period, require the person giving such notice to alter the date of such proposed collection.

5. Every promoter of a collection shall exercise all due diligence –

- (a) to secure that persons authorised to act as chief collector or collectors for the purposes of the collection are fit and proper persons; and
- (b) to secure compliance with the provisions of these Regulations on the part of persons so authorised.

6. No collector shall importune any person to the annoyance of such person, or remain in or at the door of any house if requested by any occupant thereof to leave.

7. (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter or chief collector of the collection.

(2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter in a form of receipt in a receipt book issued to him by a promoter or chief collector of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor, and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

8. Every collector, to whom a collecting box or receipt book has been issued, shall return to a promoter or chief collector of the collection such collecting box with the seal unbroken or such receipt book with a sum equal to the total amount of the contribution (if any) entered therein –

- (a) when the collecting box is full or the receipt book is exhausted;

- (b) upon the demand of a promoter or chief collector of the collection;
- (c) when he does not desire to act as a collector; or
- (d) upon the completion of the collection.

9. (1) Every collecting box when returned shall be examined by, and if it contains money be opened in the presence of, a promoter or chief collector of the collection and another responsible person; as soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination:

Provided that, if collecting boxes are delivered unopened to a bank licensed under the Banking and Financial Institutions Act, 1989* [Act372.], they may be examined and opened and the list of the amounts found therein may be certified by officials of the bank in the absence of a promoter or chief collector of the collection.

(2) Every receipt book when returned and all sums received therewith shall be examined by a promoter or chief collector of the collection and another responsible person; the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

10. No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person –

- (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and authenticated by or on behalf of the promoter of the collection;
- (b) a prescribed badge having inserted therein or annexed thereto a general indication of the purpose of the collections; and

* "Banking and Financial Institutions Act, 1989" substituted for "Banking Ordinance, 1958" by virtue of Act 102 and Act 372.

- (c) if money is to be collected a collecting box or a receipt book upon which box or upon every receipt there shall be words or marks approved by the Commissioner showing a general indication of the purpose of the collection and each box or receipt shall have a distinguishing number.
- 11.** Every promoter or chief collector of a collection shall ensure –
- (a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
 - (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- 12.** Every collector shall –
- (a) sign his name on the prescribed certificate of authority issued to him and produce it on demand by any police constable or any occupant of a house visited by him for the purpose of collection;
 - (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
 - (c) keep such certificate and badge in his possession and return them to a promoter or chief collector of the collection on replacement thereof or when the collection is completed, or at any other time on the demand of a promoter or chief collector of the collection.
- 13.** No person under the age of 16 years shall act or be authorised to act as a collector of money.
- 14.** (1) The Commissioner may require the chief promoter of the collection to furnish him with an account of the collection within one month of the expiry of the licence:

Provided that the Commissioner may extend the period within which an account is required to be furnished to him, if satisfied that there are special reasons for so doing.

- (2) The account so required shall be in one of the following forms –
- (i) where money has been collected, in the form set out in the Fifth Schedule to these Regulations and where property has been collected and sold, in the form and manner set out in the Sixth Schedule to these Regulations, and in either case the account shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
 - (ii) where property (other than money) has been collected and given away, in the form set out in the Seventh Schedule to these Regulations and the account shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

(3) Every account furnished under this regulation shall if so required by the Commissioner be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the lists referred to in regulation 9.

(4) Every account furnished under this regulation shall be published in such manner and within such time as the Commissioner may direct:

Provided that this regulation shall not apply to an account certified by an auditor who is approved as an auditor under the provisions of the Companies Act, 1965 [Act 125.].

15. The chief promoter of a collection shall collect and return to the Commissioner all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

FIRST SCHEDULE

(Regulation 3)

THE PUBLIC COLLECTIONS ORDINANCE
LICENCE TO PROMOTE A COLLECTION

Licence No.

..... of

(Insert name and address of chief promoter)

..... is hereby authorised to promote a collection as follows:-

1. Purpose.
2. Locality.
3. Period during which collection may be made.
4. Collection to be of money and/or other property.
5. Maximum number of collectors.
6. Names and addresses of chief collectors.

Maximum remuneration to be paid to -

- (a) Collectors
- (b) Other persons

This licence is valid for the period

The particulars required by regulation 14 of the Public Collections Regulations, 1955 to be delivered to the Commissioner shall be so delivered on or before theday of..... 19

Commissioner.

SECOND SCHEDULE

(Regulation 3)

THE PUBLIC COLLECTIONS ORDINANCE
FORM OF APPLICATION FOR LICENCE

To

Officer-in-Charge of Police District

In pursuance of section 3 of the Public Collections Ordinance,

I hereby apply for a licence authorising me to promote the collection of which particulars are given below.

Date *Signed*

PARTICULARS OF COLLECTION

1. Name of applicant
(in block letters)
2. Address of applicant
(for service under section 4(3))
3. Particulars of charitable purposes to which proceeds of collection are to be applied.
(Full particulars should be given and, where possible, the most recent account of any charity which is to benefit should be enclosed)
4. In what districts of the State of Sabah is it proposed that the collection should extend and the names and addresses of any chief collectors to be appointed?
5. During what period of the year is it proposed that the collection should be made?
6. Is it proposed to collect money?
7. Is it proposed to collect other property? If so, of what nature? And is it proposed to sell such property or to give it away?
8. Approximately how many persons is it proposed to authorise to act as collectors?

9. Is it proposed that remuneration should be paid out of the proceeds of the collection-
- (a) to collectors?
 - (b) to other persons?
- If some at what rates and to what classes of persons?
10. Has the applicant, or to the knowledge of the applicant, anyone associated with the promotion of the collection, been refused a licence under the Ordinance, or had a licence revoked? If so, give particulars.

THIRD SCHEDULE

(Regulation 10)

THE PUBLIC COLLECTIONS ORDINANCE
FORM OF PRESCRIBED CERTIFICATE OF AUTHORITY

THE PUBLIC COLLECTIONS ORDINANCE
COLLECTOR'S CERTIFICATE OF AUTHORITY

(Here insert name of collector in capital letters) of (here insert address of collector) is hereby authorised to collect for (here insert the purpose of the collection) in (here insert the area within which the collector is authorised to collect, being an area within which the collection has been authorised) during the period (here insert the period during which the collector is authorised to collect, being a period during which the collection has been authorised).

Signature of Collector

Signed.....

Chief Promoter

FOURTH SCHEDULE

(Regulation 10)

THE PUBLIC COLLECTIONS ORDINANCE
FORM OF PRESCRIBED BADGE

FRONT	BACK
THE PUBLIC COLLECTIONS ORDINANCE	
	<i>Collector's Signature-</i>
AUTHORISED COLLECTOR'S BADGE	

3³/₄"

2³/₈"

2³/₈"

FIFTH SCHEDULE

(Regulation 10)

THE PUBLIC COLLECTIONS ORDINANCE

Form of account of expenses, proceeds and application of proceeds of collection of money.

Name of chief promoter.

(in block letters)

Address of chief promoter.

Purpose of collection.

Area to which account relates

Period to which account relates.

ALL AMOUNTS TO BE ENTERED GROSS

PROCEEDS OF COLLECTION		EXPENSES & APPLICATION OF PROCEEDS	
	RM sen		RM sen
From collectors as in lists of collectors and amounts attached thereto.		Printing and Stationery	
		Postage	
		Advertising	
		Collecting boxes	
Other Items (if any):-		Other Items (if any):-	
.....		
.....		
		Disposal of Balance	
		(insert particulars)	
		
		
TOTAL		TOTAL	
.....			

CERTIFICATE OF CHIEF 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.

(Signed)

CERTIFICATE OF AUDITOR

I CERTIFY THAT I have obtained all the information and explanations required by me as auditor and that the above is in my opinion a true account of the expenses, proceeds and application of the proceeds of the collection to which it relates.

(Signed)

SIXTH SCHEDULE
(Regulation 14(2))

THE PUBLIC COLLECTIONS ORDINANCE

Form of account of expenses, proceeds and application of proceeds of collection of property sold or collected for sale.

Name of chief promoter.
(in block letters)

Address of chief promoter.

Purpose of collection.

Area to which account relates.

Period to which account relates.

CASH ACCOUNT

ALL AMOUNTS TO BE ENTERED GROSS

Monetary receipts		Expenses & Application of monetary receipts	
	RM sen		RM sen
Amount obtained during period of account by sales of property collected		Items of expenses incurred during period of account, other than expenses incurred for the purpose of converting property collected into cash viz.	
Bank Interest		Items of expenses incurred during period of account for the purpose of converting property collected into cash viz.	
Other items (if any)			
			Disposal of Balance (insert particulars)
TOTAL		TOTAL	

VALUATION OF PROPERTY COLLECTED

Estimated value of property collected during period of account.

If the estimated value is not equal to the difference between the "Amount obtained by sales of property collected" and the total of the "items of expenses incurred during period of account for the purpose of converting property collected into cash" as stated in the cash account, an explanation should be given.

CERTIFICATE OF CHIEF PROMOTER

I CERTIFY THAT to the best of my knowledge and belief the above is a true account of the expenses and the value and application of the proceeds of the collection to which it relates and that none of the property to which it relates have been disposed of otherwise than by sale, unless found useless and destroyed or otherwise disposed of as rubbish.

Date (Signed)

CERTIFICATE OF AUDITOR

I CERTIFY THAT I have obtained all the information and explanations required by me as auditor and that the above is in my opinion a true account of the monetary receipts and expenses and application of the monetary receipts of the collection to which it relates.

Date (Signed)

(Address)

SEVENTH SCHEDULE

(Regulation 14(2))

THE PUBLIC COLLECTIONS ORDINANCE

Form of account of collection of property (other than money) given away or collected for giving away.

Name of chief promoter.

(in block letters)

Purpose of collection.

Area to which account relates.

Period to which account relates.

I CERTIFY THAT to the best of my knowledge and belief all property collected in the collection of which particulars are given above (unless found useless and destroyed or otherwise disposed of as rubbish) has been given away for charitable purposes as follows:-

(Here insert particulars of disposal of property collected).

(Signed)Chief promoter.

.....

.....

I FURTHER CERTIFY THAT the above certificate has been signed by every person responsible for the disposal of the property collected.

(Signed)Chief Promoter.

Date