



**North Hertfordshire District Council**

# **House to House Collections Policy**

**2<sup>nd</sup> April 2012 to 31<sup>st</sup> March 2017**

## CONTENTS

	<b>Section</b>	<b>Page Number</b>
1	Introduction	3 - 4
2	Applications for House to House Collection Licence	4 - 6
3	Regulations Pertaining to House to House Collections in North Hertfordshire	6
4	Enforcement	6 - 7
5	Departure from this Policy	7
6	Amendments to this Policy	7
7	Fees and Charges	7
8	Definitions	8
	<b>Appendix</b>	
A	North Hertfordshire District Council House to House Licence Regulations	9 - 16
	Including: Schedule to the House to House Collections Act 1939	

## **1.0 INTRODUCTION**

### **1.1 The Policy**

1.1.1 This document states North Hertfordshire District Council's policy on house to house collections as defined by the House to House Collections Act 1939 and regulated by the House to House Collections Regulations 1947.

### **1.2 The Objectives of this Policy**

1.2.1 This Policy has been adopted with view to securing the following objectives:

- (i) to enhance the towns centres of Baldock, Hitchin, Letchworth Garden City, and Royston; and
- (ii) to ensure collectors operate within the law and act fairly in their dealings with the public

### **1.3 The Law**

1.3.1 House to house collections, as defined by the House to House Collections Act 1939, are required to be licensed by local authorities. House to house collections are defined as "*an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property*". They include, therefore, collections of money, or any other items that may be sold for money, where the proceeds are given to any charitable, benevolent or philanthropic purpose (for example, charity clothing collection bags).

1.3.2 For the purpose of the House to House Collection Act 1939, the term 'house' also includes places of business. This provision, therefore, also covers collections made within places such as shops, offices and public houses where the collectors go from premises to premises collecting money, or other property, and the proceeds of such collections are given to charity (for example, rose sellers in public houses and restaurants).

1.3.3 Unless those who wish to conduct a collection possess an 'Exemption Certificate' issued by the Secretary of State, it is an offence for any person to promote or make collections from door to door for charitable purposes without the promoter first obtaining a licence from this Council to do so.

1.3.4 Some larger charities such as *Christian Aid* and *Help the Aged* have secured Exemption Certificates from the Secretary of State; however, most of the smaller charities operating locally do not have Exemption Certificates and, therefore, they need to apply for, and be granted, a licence before they can collect money door to door within the District. There is no application fee associated with a house to house collection licence.

### **1.4 Policy Duration**

1.4.1 This Policy will take effect from 2<sup>nd</sup> April 2012 for a maximum period of five years.

1.4.2 Prior to the end of the five year period, a full consultation will be undertaken with a view to publishing a new Policy to take effect no later than 3<sup>rd</sup> April 2017.

1.4.3 The Policy will be kept under constant review and amended as and when necessary to reflect changes in best practice, legislation and case law.

## **2.0 APPLICATIONS FOR A HOUSE TO HOUSE COLLECTION LICENCE**

### **2.1 Advice for New Applicants**

2.1.1 Applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.

### **2.2 Applications**

2.2.1 All applications must be made on the Council's prescribed application form.

2.2.2 Applications should be made at least one calendar month before the first proposed collection date, where upon giving a satisfactory application, a House to House Collection Licence may be granted.

2.2.3 Given the time required to assess an application against the objectives of this policy and the key considerations below, any application received with less than one calendar month's notice prior to the first proposed collection date is likely to be refused, save for exceptional circumstances at the Council's discretion.

### **2.3 Processing of an Application**

2.3.1 On receipt of the application form an acknowledgment will be sent to the applicant.

2.3.2 Where the applicant is unfamiliar to the Council, a Criminal Records Bureau (CRB) Disclosure may be required in order to provide the necessary information to make a decision on whether the collection will be undertaken by 'fit and proper' persons (see 2.4.1 (iv) below).

### **2.4 Key Considerations**

2.4.1 The Council will normally grant a house to house collection licence unless it is of the opinion:

- (i) that the total amount of money likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
- (ii) that remuneration received, or is likely to be received, by any person associated with the collection is excessive in relation to the total proceeds received, or likely to be received, from the collection;
- (iii) that the grant of a licence would be likely to facilitate the commission of an offence under section 3 of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection.
- (iv) that the applicant or the holder of the licence is not a 'fit and proper person' to hold a licence by reason of the fact that he has been convicted in the United Kingdom of any of the offences specified in the Schedule to the House to House Collections Act 1939 (see Appendix A), or has been convicted of any

offence of fraud or dishonesty, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a licence.

(v) that the applicant or the holder of the licence, in promoting a collection in respect of which a licence has been granted to him, has failed to exercise due diligence to ensure:

- that persons authorised by him to act as collectors, for the purpose of the collection, were fit and proper persons;
- compliance with the regulations on the part of persons so authorised: and
- that prescribed badges or prescribed certificates of authority are not obtained by persons other than persons so authorised.

(vi) that the applicant or holder of the licence has refused to, or neglected to, furnish the Council with such information as they may reasonably require to determine the application and ensure compliance with the regulations.

2.4.2 Where a house to house collection licence has been granted, the Council will ordinarily revoke the licence if it is of the opinion that any of the circumstances listed in paragraph 2.4.1 (i) to (vi) subsequently apply.

## **2.5 Waiving a need for a licence**

2.5.1 There are two circumstances where the need for a licence from the Council can be waived following the intervention of other authorities.

2.5.2 If the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole of, or a substantial part of, England and Wales, and wants to promote collections for that purpose, he may then direct by Order that the promoter shall be exempt from the requirement to obtain licences from this Council. All collections exempt from licensing requirements would be described in the Order.

2.5.3 Where the chief constable for a police area is satisfied that the purpose of a collection is local in character and that the collection is likely to be completed within a short period of time, he may grant the promoter of the collection a certificate in the prescribed form. Where such a certificate is granted, a licence from the Council is not required and the provisions of the regulations shall not apply to a collection made in conformity with such certificate.

## **2.6 Licences**

2.6.1 The Council, by law, cannot grant a house to house collection licence for a period longer than twelve months.

2.6.2 Once granted the applicant will be issued with two documents, one to be kept for use during collections and another to be sent to The Stationary Office (TSO), formerly Her Majesty's Stationery Office (HMSO). The TSO will then issue a Certificate of Authority and the required number of prescribed badges for each collector to wear whilst collecting.

## **2.7 Obligations of the Licensee**

2.7.1 The House Collections Act 1939 and the House to House Collections Regulations 1947 specifies the obligations of all those involved in house to house collections. A

copy of the House to House Collections Regulations 1947 is appended to this policy as **Appendix A**.

2.7.2 The key obligations during a collection are as follows:

- the necessary written permission has been obtained from the Council;
- no collection must be undertaken in a manner which will inconvenience or annoy any person;
- every collector must wear a standard badge and carry a Certificate of Authority;
- collectors must produce their badge, on demand, to the occupant of any house, any police officer or authorised officer of this Council;
- all collectors must be over sixteen years old;
- if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.

2.7.3 The key obligations following a collection are as follows:

- collectors must not be given access to the contents of collection boxes prior to their being returned to the promoter for opening and counting.
- boxes should only be opened in the presence of the promoter and another responsible person. Once the boxes have been opened, the contents should be counted immediately and the amount collected in each box recorded.
- after the collection the promoter must complete a prescribed returns form and return it to the Council within one month of the expiry of the permit. The promoter must certify the return and have it countersigned by a qualified accountant.

### **3.0 REGULATIONS PERTAINING TO HOUSE TO HOUSE COLLECTIONS IN NORTH HERTFORDSHIRE**

3.1 Paragraph 4 of the House to House Collections Act 1939 makes provision for the Secretary of State to prescribe regulations in respect of house to house collections.

3.2 The House to House Regulations 1947 were issued by the Secretary of State and came into force on 29<sup>th</sup> December 1947.

3.3 No further regulations have been made by the Secretary of State and so the House to House Regulations 1947 remain in force for all licences issued by North Hertfordshire District Council.

3.4 The House to House Regulations 1947 are attached to this Policy at **Appendix A**.

### **4.0 ENFORCEMENT**

4.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also those responsible for organising charitable collections.

4.2 In pursuing its objectives, detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Housing and Public Protection Statement of Enforcement Policy and Practice.

4.3 The responsibility for the overall supervision of house to house collections lies with the Head of Housing and Public Protection.

## **5.0 DEPARTURE FROM POLICY**

5.1 In exercising its discretion in carrying out its regulatory functions, North Hertfordshire District Council will have regard to this Policy document and the principles set out therein.

5.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.

5.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Head of Housing and Public Protection may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors via the Members Information Service (MIS).

## **6.0 AMENDMENTS TO THIS POLICY**

6.1 Any significant amendment to this Policy will only be implemented after further consultation with existing licence holders, relevant stakeholders and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution. For the purpose of this section, any significant amendment is defined as one that is likely to have:

- (i) a significant financial effect on licence holders, or
- (ii) a significant procedural effect on licence holders, or
- (iii) a significant effect on the community.

6.2 Any minor amendments to this Policy may be authorised by the Portfolio Holder for Housing and Environmental Health and undertaken in accordance with the Council's Constitution. For the purpose of this section, any minor amendment is defined as one that does not fall within the scope of a significant amendment as defined in paragraph 6.1.

## **7.0 FEES AND CHARGES**

7.1 This Council makes no charge for the grant of a house to house collection licence.

7.2 Once a licence has been issued, however, a Certificate of Authority and prescribed badges for all collectors will need to be obtained from The Stationery Office (a nominal charge is made for these documents) before collections can commence.

7.3 The nearest TSO office is:

The Stationery Office (TSO)  
Orders, PO Box 29, Norwich, NR3 1GN  
Tel: 01603 622211

## 8.0 DEFINITIONS

<b>TERM</b>	<b>DEFINITION</b>
Authorised Officer	an officer of the Council authorised by it to act in accordance with the provisions of the House to House Collections Act 1939
charitable purpose	any charitable, benevolent, or philanthropic purpose.
collection	an appeal to the public made by means of visits from house to house to give, whether for consideration or not, money or other property.
collector	a person who makes the appeal in the course of such visits.
Head of Housing and Public Protection	the current post holder (or the Head of Service of the appropriate Service Area following any subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation.
Portfolio Holder for Housing and Environmental Health	the Elected Member responsible for Housing and Public Protection (or the appropriate Service Area following any subsequent restructure), who is a member of Cabinet
proceeds	means, in relation to a collection, all money and all other property given, whether for consideration or not, in response to the appeal.
promoter	a person who causes others to act as collectors for the purposes of the collection.
the Council	North Hertfordshire District Council

## **APPENDIX A**

<p><b>Extract from the House to House Collections Regulations 1947 (as amended by the House to House Collections Regulations 1963) forming the Regulations for House to House Collection Licences pursuant to section 4 of the House to House Collections Act 1939</b></p>
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### **Title and extent**

1. (1) These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.
- (2) These regulations shall not extend to Scotland.

### **Interpretation**

2. (1) In these regulations, unless the context otherwise requires:
  - 'The Act' means the House to House Collections Act 1939;
  - 'chief promoter', in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions or subsection (2) or section 1 of the Act as respects that collection;
  - 'collecting box' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;
  - 'licence' means a licence granted by a licensing authority under section 2 of the Act;
  - 'order' means an order made by the Secretary of State under section 3 of the Act;
  - 'prescribed badge' means a badge in the form set out in the Fourth Schedule to these regulations;
  - 'prescribed certificate of authority' means a certificate in the form 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;
  - 'street collection' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 apply;
- (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) The Interpretation Act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

### **Local collections of a transitory nature**

3. (1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- (2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

### **Applications for licences and orders**

4. (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- (2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection.

### **Responsibility of promoters as respects collectors**

5. (1) Every promoter of a collection shall exercise all due diligence:
  - (a) to secure that person authorised 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 authorised with the provisions of these regulations.

### **Certificates of authority, badges, collecting boxes and receipt books**

6. (1) 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 signed by or on behalf of the chief promoter of the collection;
  - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
  - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of the receipt.

- (2) Every promoter of a collection shall exercise all due diligence to secure:
  - (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.
- (3) In case of a collection in respect of which a licence has been granted:
  - (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
  - (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by licensing authority for the area in respect of which the licence was granted.

#### **Duties of collectors in relation to certificates and badges**

7. Every collector shall:
  - (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of 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 of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

#### **Age Limits**

8. No person under the age of sixteen years shall act or be authorised to act as a collector of money.

#### **Importuning**

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

#### **Collecting of Money**

10. (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 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 a person enter on a form of receipt in a receipt book issued to him by a promoter 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.

#### **Duty of collectors to return boxes and books**

11. Every collector, to whom a collecting box or receipt book has been issued, shall:

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

#### **Examination of boxes and books**

12. (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) 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.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and 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.

#### **Provision for envelope collections**

13. (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation:

- (a) every envelope used shall have a gummed flap by means of which it can be securely closed;
  - (b) no collector shall receive a contribution except in an envelope which has been so closed; and
  - (c) these regulations shall have effect subject to the following modifications:
    - (i) sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
    - (ii) regulation 10 shall not apply;
    - (iii) regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
    - (iv) in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
    - (v) in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.
- (2) In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

#### **Promoters to furnish accounts**

14. (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licensing authority by which the licence was granted within one month of the expiry of the licence:
- Provided that if licences are granted to the same person for collections to be made for the same purpose in one than one licensing area a combined account of the collections made in all or any of those licensing areas may, by agreement between the chief promoter and the respective licensing authorities be made only to such of the respective licensing authorities as may be so agreed.
- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
  - (3) The licensing authority or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
  - (3) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a licensing authority by regulations made under section 5 of the Police, Factories,

etc (Miscellaneous Provisions) Act 1916, may, if the said licensing authority agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

### **Form and certification of accounts**

15. (1) The account required by the preceding regulation:
- (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
  - (b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property allocated.

### **Vouching of accounts**

16. (1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall 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 list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.
- (2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

### **Disposal of disused certificates of authority, etc**

17. (1) The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed 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.

**FORM OF PRESCRIBED CERTIFICATE OF AUTHORITY**

<p><u>HOUSE-TO-HOUSE COLLECTIONS ACT</u></p> <p>COLLECTOR'S CERTIFICATE OF AUTHORITY</p> <p><i>(Here insert name of collector in block letters)</i></p> <p>of <i>(here insert address of collector)</i></p> <p>is hereby authorised to collect for</p> <p><i>(here insert the purpose of the collection)</i></p> <p>in <i>(here insert the area within which the collector is authorised to collect, being an area within which the collection has been authorised)</i></p> <p><i>*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)</i></p>	
<p>Signature of collector -</p>	<p>Signed -</p>

\* This entry may be omitted in the case of a collection in respect of which an order has been made.

Regulation 7 is to be set forth on the back of the certificate.

**FORM OF PRESCRIBED BADGE**

Front

Back

<p><b>HOUSE TO HOUSE COLLECTIONS ACT</b></p>
<p><b>AUTHORISED COLLECTOR'S BADGE</b></p>

<p><b>Collector's Signature -</b></p>

(Note: Supplies of the above prescribed certificate and badge may be obtained from **Stationary Office Publications Centre, PO Box 276, London SW8 5DT**)

**Schedule to the House to House Collections Act 1939**

***(Offences to which paragraph 2.4.1 (iv) of this Policy applies)***

- Offences under sections forty-seven to fifty-six of the Offences against the Person Act 1861
- Robbery, burglary and blackmail
- Offences in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or dishonest appropriation of property.
- Offences under the Street Collections Regulation (Scotland) Act 1915
- Offences under section five of the Police , Factories etc Miscellaneous Provisions) Act 1916

FINAL POLICY (as adopted by Cabinet)