

Garda Permits for Collections

Garda Permits for Cash Collections

Under the terms of the Street and House to House Collections Act, 1962 and as updated by the Charities Act 2009, Garda permits are required for the legal collection of cash (and when the relevant sections of the Charities Act 2009 are commenced, non cash collections) from the public in any public place or places or by house to house visits.

How to apply for a Permit?

An application for a collection permit must be made in writing in the prescribed form to the Garda Division that is local to the proposed collection. Garda permits are handled by the Garda Division rather than local Garda stations.

The permit must be sought from the Chief Superintendent of the Garda Division which has jurisdiction over the place of collection i.e. a permit for a collection being carried out in O'Connell Street, Dublin must be sought from the Garda North Central Division, Store Street Garda Station.

Example of Form

FORM OF APPLICATION FOR A COLLECTION PERMIT FOÍRM IARRATAIS LE HAGHAIDH CEAD BAILIÚCHÁIN

1. Name of Applicant (in block letters)
Ainm an arratasóra (i mbloclitreacha)
2. Address of Applicant
Seoladh an Iarratasóra

Telephone:
Teileafóin

Date of birth:
Dáta breithe: // DD/MM/YY
3. If applying as the nominee of a body (whether incorporated or unincorporated)
Má táthar ag déanamh iarratais mar ainmnitheach de chomhlacht (Cibé acu chomhlacht corpraithe nó comhlacht neamhchorpraithe é)
 - (a) Name of Body
Ainm an Chomhlachta
 - (b) Name of Secretary of Body
Ainm Rúnaí Chomhlachta
 - (c) Address of Head Office or Administrative Centre of Body
Seoladh Ceannoifige no Ionad Riaracháin Comhlachta

4. Date(s) of proposed collection
Dátaí ar a mbeartaítear an bailiúcháin a dhéanamh

5. Hours
Uaireanta
Between
Idir

6. Locality of collection
Áit bhailiúcháin

7. Method or manner of collection*
*Modh nó sli bailiúcháin**

* In reply to this question the applicant should indicate whether the collection is to be held (a) in streets and public places generally, or (b) only in public places of a specified kind (e.g. outside church gates), or (c) by means of house to house visits. It should also be indicated whether collection boxes are to be used. Any unusual features, such as the wearing of fancy dress by collectors, should be indicated.

“Public place,” as defined in the Act, means any place to which the public have access whether as of right or by permission and whether subject to or free of charge but does not include a Church or building used for public worship or the grounds of a Church or of such building.

8. Maximum number of collectors on each date
An Uimhir Uasta de bhailitheoirí ar gach dáta

9. Object which the collection is to benefit
An cuspóir dá rachaidh an bailiúchán chun tairbhe

Signature of Applicant
Síniú an Iarratasóra

Date
Dáta

To:
Do:

Division
Roinn:

What constitutes a public place?

“Public place,” as defined in the Act, means any place to which the public have access whether as of right or by permission and whether subject to or free of charge but does not include a Church or building used for public worship or the grounds of a Church or of such building.

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When must you apply?

The application form must be submitted:

- not more than six months and
- not less than fourteen days

before the day or the first of the days on which the collection to which the application relates is proposed to be held. *(Note: There can be differences depending on the Division so it is best to check with the Garda who is responsible for handling permits)*

Additional Information some Garda Divisions may also seek

Certain Chief Superintendents will also need the following information in addition to the completed Form. You will need to check with the Garda Division relevant to the proposed collection if they need this additional information.

- Detail of whether the organisation is a registered charity, company, voluntary or commercial body?
- How are the funds raised from the proposed collection to be used?
- Will the collectors receive commission or expenses and if so how much?
- State the relationship/connection between the applicant and the beneficiary.
- Will the applicant receive a salary/payment from the organisation for his/her services and if so how is this funded?
- Is the proposed collection connected with any sponsored event, e.g. parachute jump, sponsored cycle, trek, etc?
- Will any part of the proceeds of the collection be used, either directly or indirectly, to fund flights, accommodation or other travel expenses?
- Details of whether the proceeds or any part of the proceeds of the collection are going to be used either directly or indirectly to pay for travel expenses or accommodation of the permit holder, the collectors or the members of the body?

What if an emergency collection is required?

If an emergency collection is required you can apply to the Commissioner of the Garda Síochána who may if he/she believes the circumstances warrant, grant a permit in response to an application made less than fourteen days before the day or the first of the days on which the collection is proposed.

What if you are applying for more than one collection?

Separate forms need to be submitted for each collection date and or location.

Provided you meet the criteria for granting of an application you will receive a permit for all dates and collection locations where permits have not already been granted.

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What if two applications are received on the same day for future collections on the same date and or location?

If two or more applications are received on the same day then the successful application will be chosen by the drawing of lots.

Note -If a charity holds an annual collection at the same time each year it has first refusal on its annual date. The Chief Superintendent will contact the charity if they receive an application for the date it normally holds its annual collection giving the charity the opportunity to claim its annual date.

What happens next?

The Garda may visit the applicant at their place of residence to interview them to ascertain they are who they say they are and to ensure that the collection proceeds will be used to support the beneficiary charity.

If my application is successful what happens next?

If your application is successful then the Chief Superintendent for that locality will grant a cash collection permit to that person authorising him/her to hold cash collections in that locality.

What Criteria will the Chief Superintendent use when assessing whether to grant a permit or not?

The Chief Superintendent needs to be satisfied:

that the holding of the collection(s) would not result in the public being excessively importuned.

that no collection permit has already been granted for a collection for that day and either wholly or partly in the same locality.

Where the applicant held collections previously that they were carried out in accordance with the provisions of the Act.

Note – The Chief Superintendent may attach conditions to the permit concerning:

- *locations*
- *limiting the number of collectors*
- *prohibiting the wearing of fancy dress, masks or disguises by the collectors*
- *prohibiting the making of the collection by collectors in vehicles.*

Can collectors be paid collectors?

A permit will be granted if collectors receive a reasonable commission for their services, from the proceeds of the collection.

Can a permit be revoked?

If the Chief Superintendent believes the applicant acts in opposition to the Act he can revoke a permit. The revocation of a collection permit will be in writing and will contain particulars on the grounds of the revocation.

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If my application is refused or has onerous conditions can I appeal?

If an application for a collection permit is refused or has onerous conditions attached by the Chief Superintendent, the applicant for the permit may appeal to the District Court.

Full details of appeal criteria are contained in the Act.

What do collectors need to have on collection day(s) to indicate that their collection has a permit?

A collector in a public collection must have a collector's authorisation granted to them by the holder of the collection permit to show that their collection is being carried out under an approved permit.

A collector's authorisation shall contain the name, address and age of the collector and the charity that is benefiting from the collection. (Where the collector is over the age of twenty-one years that shall be deemed to be a statement of his/her age).

A member of the Garda Síochána may demand of any person whom s/he sees acting as a collector production by that person of his collector's authorisation in relation to the collection.

Cash Collection Boxes

The cash collection box into which money is placed must prominently display the charity which is the benefactor of the collection. *(Note: when commenced the relevant sections of the Charities Act 2009 set out specific requirements for the conduct of collections including that collection boxes must be sealed unless prior permission from the Charity Regulator has been granted in the case of collections involving the sale of tokens)*

Is there an age limit for collectors?

A person under the age of 14 years cannot act as a collector in a collection.

Notes:

- *If the proposed collection is connected with a sponsored event within the area of the collection then a safety statement may also be required to be lodged at least 21 days before the proposed event to an associated Garda Sergeant at the same Garda Station.*
- *The owner of any public place at which an event is taking place and to which the public have access on payment for admission or the promoter of the event shall not knowingly allow an unauthorised collection to be made. The owner or promoter will be charged with an offence under this section of the Act, however, (s)he can use as defence that (s)he took precautions that were reasonable in the circumstances to prevent the making of unauthorised collections in that place or that (s)he could not reasonably have known or suspected that the unauthorised collection was likely to be made.*