

PROVINCIAL NOTICE

[NO. 177 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000:  
PUBLICATION: STANDARD CONTROL OF COLLECTIONS BY-LAW.**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

**STANDARD CONTROL OF COLLECTIONS BY-LAWS**

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**Definitions**

1. (1) In these by-laws, unless the context indicates otherwise indicates:  
    **"Council"** means the municipal council of the ..... Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;  
    **"collection"** means the collection of money, goods or contributions from the public in public places or by means of visits to residential or business places;  
    **"municipality"** means the ..... Local Municipality, and when referred to as-  
    (a) an entity, means ..... Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and  
    (b) a geographic area, means the municipal area of the ..... Local Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);  
    **"public place"** means any street, road, thoroughfare, park, square or open space.
- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular includes the plural and vice versa and reference to a natural person includes a legal person and vice versa.

**Collections**

2. (1) No person must within the Municipality be engaged in, attempt to, or permit or in any way be concerned with the conducting of a collection, without the prior written consent of the Council.
- (2) Any application for the consent of the Council in terms of subsection (1) must be made and submitted to the Council in writing, and must clearly set out:

- (a) the full name and address and occupation of the person to be responsible, or of persons to be jointly responsible for such collection and the name of the organisation concerned;
  - (b) the object for which such collection is to be made or the fund to which the proceeds thereof are to be devoted and whether such object or fund is local to the Municipality;
  - (c) in the event that the applicant is the local branch of a parent organisation, what percentage, if any, will be paid over to the parent organisation;
  - (d) the day or days on which and the hours between which such collection is to be made;
  - (e) the area where such collection is to be made;
  - (f) whether the gross amount of the proceeds, without any deduction, is to be devoted to the object or fund in question;
  - (g) the full name and address of the person who will supervise such collection; and
  - (h) whether contributions in cash will be recorded on lists or will be received in receptacles.
- (3) Where such contributions are to be received in receptacles, such receptacles must be sealed, and each receptacle must bear a label indicating the object or the fund to which the proceeds must be devoted.
- (4) Where contributions are to be recorded on lists, such lists must be endorsed by the Council and must clearly set out:
- (a) that such collection is being made with the consent of the Council;
  - (b) the object or the fund to which the proceeds is devoted;
  - (c) by whom such collection is being made or conducted and
  - (d) the full name and address of the person supervising such collection.
- (5) Where contributions are to be received or recorded in a manner other than that prescribed in subsections (3) or (4), the consent of the Council thereto must first be obtained.

#### **Age of the persons to be used for collections**

3. No person under the age of 16 years must be employed or engaged in any collection and any person who or any organization which has obtained the written permission of the Council to make such collection must be responsible for ensuring that the provisions of this section are strictly complied with.

#### **Offences and penalties**

4. (1) Any person contravening or failing to comply with any of the provisions of these by-laws is guilty of an offence and must upon conviction by a court be liable to a fine or imprisonment or both a fine as well as imprisonment, or such other fine or imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

#### **Repeal**

5. Any by-laws relating to the Control of Collections adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.

#### **Short title**

6. These by-laws are called the Control of Collections By-laws, 2011.