



# **LAWS OF SARAWAK**

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## **Chapter 21**

### **PUBLIC COLLECTIONS ORDINANCE, 1996**

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**PUBLIC COLLECTIONS ORDINANCE, 1996**

Date Passed by Dewan Undangan Negeri ... ..	22nd November, 1996
Date of Assent ... ..	2nd December, 1996
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**LAWS OF SARAWAK****Chapter 21****PUBLIC COLLECTIONS ORDINANCE, 1996**

## ARRANGEMENT OF SECTIONS

*Section*

1. Short title and commencement
2. Interpretation
3. Collections to be licensed
4. Application and licence
5. Licence fee
6. Certificate of authority and collector's identification card
7. Duties of promoter
8. Duties of collector
9. Age limit of collector
10. Behaviour of collector
11. Promoter to furnish an account to Licensing Officer
12. Revocation of licence
13. Offences and penalties
14. Liability of officers of corporation, *etc.*
15. Exemption
16. Amendment of Schedule
17. Rules
18. Repeal and saving

## SCHEDULE—

- Form A — Form of application for a licence
- Form B — Licence to promote and solicit a collection
- Form C — Collector's certificate of authority
- Form D — Form of collector's identification card

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# LAWS OF SARAWAK

## Chapter 21

### PUBLIC COLLECTIONS ORDINANCE, 1996

*An Ordinance to regulate collections of money or donations from the public and related matters.*

Enacted by the Legislature of Sarawak—

*[1st January, 1997]*

#### **Short title and commencement**

1. This Ordinance may be cited as the Public Collections Ordinance, 1996, and shall come into force on the 1st day of January, 1997.

#### **Interpretation**

2. In this Ordinance—

“charitable purpose” shall have the same meaning assigned to that expression in the Charitable Trusts Ordinance, 1994 [*Cap. 7*];

“certificate of authority” means a certificate issued under section 6(2);

“collector’s identification card” means an identification card issued under section 6(2);

“collection” means an appeal to the public or any class of the public, made by means of visits from house to house or of soliciting in streets or other public places, or by both such means, to give, whether for consideration or not, money or other property not being money or property due or about to fall due from the donors under or by virtue of any other written law, contract or other legal obligation;

“collector”, in relation to a collection, means a person who makes such an appeal by either of those means;

“house” includes a place of business or any building or place whatsoever;

“licence” means a licence issued under this Ordinance;

“Licensing Officer” means, in relation to a collection to be made—

- (a) wholly within the State, the State Secretary;
- and
- (b) within a Division or a District, the Resident of the Division;

“proceeds”, in relation to a collection, means all money and all other property given, whether for consideration or not, in response to the appeal made;

“promoter” means, in relation to a collection, a person who causes others to act, whether for remuneration or otherwise, as collectors for the purposes of a collection; and “promote” and “promotion” have corresponding meanings.

### **Collections to be licensed**

**3.—(1)** No person shall promote and solicit any collection from the public or any class of the public except for a public purpose and under and in accordance with the terms and conditions of a licence issued by the Licensing Officer under this Ordinance.

(2) In this section, a purpose shall be deemed a “public purpose” if—

- (a) it is a charitable purpose;
- (b) it is intended to benefit the public or any community or a section of the public; or
- (c) the Majlis Mesyuarat Kerajaan Negeri has declared it to be a public purpose for the purposes of this Ordinance.

**Application and licence**

4.—(1) An application for a licence to promote and solicit a collection shall—

(a) be made to the appropriate Licensing Officer of the locality or area where the collection is to be made;

(b) be in Form A as set out in the Schedule; and

(c) contain such other particulars and information as may be required by the Licensing Officer.

(2) The grant of, or refusal to grant, a licence shall be in the absolute discretion of the Licensing Officer.

(3) The licence shall be in Form B as set out in the Schedule.

**Licence fee**

5. The fee for a licence shall be twenty-five ringgit.

**Certificate of authority and collector's identification card**

6.—(1) Where a licence is issued to the promoter of a collection, every form of a certificate of authority and collector's identification card to be issued by him shall be obtained from the Licensing Officer.

(2) No promoter of a collection shall cause or permit a person to act as a collector for the purposes of the collection, unless he has issued or cause to be issued to that person a certificate of authority and a collector's identification card which shall be in Forms C and D respectively as set out in the Schedule and have a statement indicating the purposes of the collection inserted therein or annexed thereto.

**Duties of promoter**

7. Every promoter of a collection shall exercise due diligence to ensure—

(a) that every person whom the promoter has caused to act as a collector and authorized under this Ordinance to act as such for the purposes of the collection is a fit and proper person;

(b) compliance with the provisions of this Ordinance on the part of such collector; and

(c) that any certificate of authority or collector's identification card issued to every collector under section 6(2) is returned when the collection is completed or when for any other reason the collector ceases to act as such.

### **Duties of collector**

**8.** Every collector shall—

(a) sign his name on the certificate of authority issued to him for the purposes of a collection by a promoter thereof under section 6(2) and produce it on a demand being made therefor by a police officer or an occupant of any house visited or any other person solicited by him for those purposes;

(b) sign his name on the collector's identification card issued to him under section 6(2) and display the collector's identification card in a conspicuous position whenever he is engaged in collecting; and

(c) return the certificate of authority and the collector's identification card to the promoter when the collection is completed.

### **Age limit of collector**

**9.—(1)** No person below the age of sixteen years shall act as a collector of money without the prior permission in writing of the Licensing Officer.

(2) No person or promoter of a collection shall cause or allow another person below the age of sixteen years to act as a collector of money unless the other person has obtained permission under subsection (1) to act as a collector.

### **Behaviour of collector**



**10.** No collector shall for the purposes of a collection importune any person to the annoyance of that person, or remain at the door of or in any house if requested by an occupant thereof to leave the house or the place where the house is situate.

**Promoter to furnish an account to Licensing Officer**

**11.—(1)** The promoter of a collection shall, within one month of the expiry of the licence authorizing the promotion of the collection or within such further period as may be allowed by the Licensing Officer, furnish an account of the proceeds of the collection to the Licensing Officer.

(2) Any account furnished under subsection (1) shall be in such form as may be determined by the Licensing Officer, and signed by the person to whom a licence has been issued under section 3.

**Revocation of licence**

**12.** The Licensing Officer may at any time revoke a licence upon proof that the promoter has—

- (a) failed to comply with any of the terms and conditions of the licence;
- (b) given false information when making an application under section 4; or
- (c) failed to comply with any provision of this Ordinance.

**Offences and penalties**

**13.** Any person who—

- (a) in connection with any appeal to the public or any class of the public for collection, uses or displays any certificate of authority or a collector's identification card other than a certificate or card which he is authorized under this Ordinance to use or display;

(b) uses or displays any badge, device, emblem, certificate or other document intended, calculated or likely to cause any person to believe that the person displaying or using the same is an authorized collector for the purposes of a licensed collection when such is not the case;

(c) fails to comply with any of the terms and conditions in a licence issued hereunder;

(d) in furnishing any information which he is required under this Ordinance to furnish, furnishes any information which he knows or has reason to believe to be false in any material particular; or

(e) contravenes any of the provisions of this Ordinance, commits an offence: Penalty, a fine of two thousand ringgit and imprisonment for six months.

**Liability of officers of corporation, etc.**

**14.** Where any offence against this Ordinance is committed by any corporation, society, association or body of persons, every person charged with, or concerned or acting in, the control or management of the affairs or activities of such corporation, society, association or body of persons shall be deemed to be guilty of that offence and liable to be punished accordingly unless it is proved by any such person that, through no neglect or omission on his part, he was not aware that the offence was being or was about to be committed or that he took all reasonable steps to prevent its commission.

**Exemption**

**15.** The Minister may exempt any person from the provisions of this Ordinance, subject to such conditions as he deems fit to impose.

### **Amendment of Schedule**

**16.** The Minister may, by notification in the *Gazette*, amend the Schedule.

### **Rules**

**17.** The Majlis Mesyuarat Kerajaan Negeri may make rules to regulate the manner in which public collections may be carried out and the conduct of promoters and collectors in relation to such collections, and generally to give effect to the provisions of this Ordinance.

### **Repeal and saving**

**18.—(1)** Subject to subsection (2), the Miscellaneous Licences Ordinance [*Cap. 72 (1958 Ed.)*] and all subsidiary legislation made thereunder are repealed:

Provided that where any licence has been issued pursuant to the provisions of any of the repealed legislation and is still current at the date of commencement of this Ordinance, every such licence shall continue to be in force and have full effect until the expiry of the licence.

(2) The Miscellaneous Licences (Auctioneers and Valuers) Regulations [*Vol. VIII, p. 63.*] shall continue to be in force and have effect until amended or revoked.

(3) Nothing in this Ordinance shall be construed as to relieve or to exempt any person from compliance with the provisions of any other written law relating to the collection of money or other donations from the public.

**SCHEDULE**

(Sections 4 and 6)

**FORM A**

**THE PUBLIC COLLECTIONS ORDINANCE, 1996  
(Chapter 21)**

**FORM OF APPLICATION FOR A LICENCE**  
(Section 4 (1)(b))

To:

\*The State Secretary/Resident of ..... Division.

In pursuance of section 4(1) of the Public Collections Ordinance, 1996 [*Cap. 21*], I apply for a licence to promote and solicit a collection the particulars of which are given below:

1. Name of applicant:  
.....  
*(In block letters)*
2. NRIC No.: ..... Tel. No.:  
.....
3. Address: .....  
(Where applicant is a charitable or voluntary organization)  
Name of organization: .....  
Registration No. .... Area of operation:  
.....  
Tel. No.: .....  
Registered address: .....  
Name of official making the application: .....  
Designation: \*President/Chairman/Secretary/Treasurer
4. State purpose(s) of collection (including particulars of charitable purposes for which proceeds are to be applied):  
.....  
.....  
.....

.....

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5. Period for which licence is required: .....
6. (a) Total cost of project: .....
- (b) Amount of fund already available (to be supported by up-to-date Statement of Account): .....
- (c) Any collection/subscription being granted previously for this project. If so, state licence number and date of issue: .....
- (d) Amount of fund to be raised through public collections for which this licence is required: .....
7. State how collections are to be made:

<i>Method</i>	<i>Place</i>
<i>(Delete items which do not apply)</i>	
(a) Letter of appeal	Name of District: .....
(b) Publicity (advertisement through newspaper)	Name of Division: .....
(c) Door-to-door campaign	
(d) Donation from selected donors	State-wide: *YES/NO
(e) Other means (please specify): ..... ..... .....	

8. Is any other property besides money to be collected? If so, state nature of property and whether such property to be sold or given away? .....
9. Approximately how many persons shall be authorized to act as collectors for the purposes of the collection? .....
10. Will any remuneration be paid out of the proceeds of the collection to any collector or other person? If so, at what rate and to whom the remuneration are to be paid? .....

11. Has the applicant, or to the knowledge .....  
 of the applicant has anyone associated with the .....  
 promotion of the collection, been refused a .....  
 licence under the Ordinance, or had his licence .....  
 been revoked? If so, give particulars of the .....  
 refusal or revocation. ....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

12. Give names and particulars of persons authorized to act as collectors to solicit and collect public collections (attach a separate sheet, if necessary).

Name	NRIC No.	*Status in Organization	Address

I, the undersigned, declare that all the information and particulars stated in this application are correct to the best of my knowledge and belief.

Signature of applicant: .....

Designation: \*President/Chairman/Secretary/Treasurer

Date: .....

*\*Delete whichever is not applicable.*

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FOR OFFICIAL USE

A. File Reference:

B. (1) Comments by \*Commissioner of Police/Divisional Superintendent of Police:

.....  
...  
.....  
...  
.....  
...

Date ..... Signature: .....

Place: ..... Designation: .....

(2) Comments by:

.....  
.....  
...  
.....  
...

Date ..... Signature: .....

Place: ..... Designation: .....

C. \*Approved/Not approved.

Date: .....  
.....

State Secretary/Resident of  
..... Division

D. Licence No.: .....

Date of issue: .....

Period of validity: From ..... to

.....

Signature: .....  
(Registry)

Date: .....

*\*Delete whichever is not applicable.*

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**FORM B**  
**THE PUBLIC COLLECTIONS ORDINANCE, 1996**  
**(Chapter 21)**  
**LICENCE TO PROMOTE AND SOLICIT A COLLECTION**  
**(Section 4(3))**

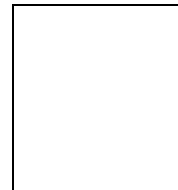
Licence No.: .....

..... of .....

..... is licensed and authorized to promote and solicit public collection in the \*Division/throughout the State for the purpose of: .....

subject to the TERMS AND CONDITIONS specified on next page.

Photograph of bearer of this licence:



NAME: .....

RM25.00 fee paid vide Treasury Receipt No.: ..... dated .....

Dated this ..... day of .....

.....

*\*State Secretary/Resident of ..... Division*

- c.c.: \*State Secretary  
 \*All Residents  
 \*Commissioner of Police  
 \*Divisional Superintendent of Police

*\*Delete whichever is not applicable.*

TERMS AND CONDITIONS

- (a) This licence is valid from ..... to ..... both dates inclusive.
- (b) Collection to be of \*money/property other than money/both money and other property.
- (c) Maximum number of collectors: .....
- (d) Maximum remuneration to be paid to—
  - (i) collectors: .....
  - (ii) other persons: .....
- (e) Any person authorized by the promoter to act as a collector to solicit or collect public collection in any area shall carry and shall produce on demand an original copy of the certificate of authority and collector’s identification card issued to him.
- (f) All accounts to be furnished to the Licensing Officer under section 11 of the Public Collections Ordinance, 1996 [*Cap. 21*], shall be furnished on or before .....
- (g) No proceeds from this collection shall be remitted to any person/organization outside Sarawak without prior written approval of the State Secretary.

(Other conditions) .....

.....

.....

.....

.....

.....

.....

.....

(Note: Failure to comply with any of the terms and conditions stated herein constitutes an offence punishable with a fine of RM2,000.00 and imprisonment for 6 months, under section 13 of the Public Collections Ordinance, 1996 [*Cap. 21*]).

*\*Delete whichever is not applicable.*

**FORM C**

**THE PUBLIC COLLECTIONS ORDINANCE, 1996  
(Chapter 21)**

**COLLECTOR'S CERTIFICATE OF AUTHORITY  
(Section 6(2))**

Licence No. ....

..... of  
.....  
*(Name of collector in block letters)*                      *(Address of collector)*

.....  
is hereby authorized to solicit or collect public collection for .....

.....  
*(Insert here the purpose of the collection)*

in .....  
*(Insert here the place or places within which the collector is authorized to collect)*

from ..... to .....  
*(Insert here the period during which the collector is authorized to collect)*

.....  
*Name and signature of promoter*

.....  
*Signature of collector*

Date: .....

**FROM D**

**FORM OF COLLECTOR'S IDENTIFICATION CARD**  
(Section 6(2))

PUBLIC COLLECTIONS ORDINANCE, 1996  
(Chapter 21)

**COLLECTOR'S IDENTIFICATION CARD**  
(Section 6(2))

Licence No. ....

\*Mr./Mrs/Miss .....  
*Name of collector*


.....  
*Address*

.....  
*NRIC No. or Passport No. of collector* *Age*

.....  
*Purpose of collection*

from ..... to .....  
*Validity period of this card*

both dates inclusive.



Photograph of collector

.....  
*Name and signature of promoter* .....  
*Signature of collector*

Date: .....

*\*Delete whichever is not applicable.*

**LAWS OF SARAWAK**

**Chapter 21**

**PUBLIC COLLECTIONS ORDINANCE, 1996**

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
	-NIL-	

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