

A.L. 371 tal-2020**ATT DWAR L-ORGANIZZAZZJONIJIET VOLONTARJI
(KAP. 492)****Regolamenti tal-2020 dwar Organizzazzjonijiet Volontarji
(Ġbir Pubbliku)**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 41(1)(s) tal-Att dwar l-Organizzazzjonijiet Volontarju, il-Ministru għall-Edukazzjoni u x-Xogħol għamel ir-regolamenti li ġejjin:

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2020 dwar Organizzazzjonijiet Volontarji (Ġbir Pubbliku). Titolu u kamp ta' applikazzjoni

(2) L-għan ta' dawn ir-regolamenti hu li jstabilixxi, jippromwovi u jmexxi l-ġbir pubbliku permezz ta' avvenimenti pubbliċi u attivitajiet ta' ġbir ta' flus li jinżammu minn organizzazzjonijiet volontarji skont id-dispożizzjonijiet li jirregolaw il-ġbir pubbliku konformement mad-dispożizzjonijiet tal-artikolu 4(2) u (3) tal-Att u d-dispożizzjonijiet tal-Att dwar il-Ġbir Pubbliku. Kap. 279.

2. (1) It-tifsiriet preskritti fl-Att u fl-Att dwar il-Ġbir Pubbliku għandhom *mutatis mutandis* jgħoddu, sakemm mhumiex inkonsistenti ma' dawn ir-regolamenti. Tifsir.
Kap. 279.

(2) Għall-finijiet ta' dawn ir-regolamenti u sakemm ir-rabta tal-kliem ma teħtieġx xort' oħra:

"l-Att" tfisser l-Att dwar l-Organizzazzjonijiet Volontarji; Kap. 492.

"fastidju" tfisser kull forma ta' pressjoni aggressiva jew intimidazzjoni, persekuzzjoni, dwejjaq lin-nies, inkonvenjenza, sikkatura, disturb jew dwejjaq, forza jew sfurzar magħmul minn kolletturi lill-pubbliku meta jwettqu xi forma ta' 'bir pubbliku u tinkludi fastidju sesswali;

"Fond għal Organizzazzjonijiet Volontarji" tfisser il-fondazzjoni stabbilita bl-artikolu 37 tal-Att;

"ġbir mill-folla" tfisser kull forma ta' ġbir magħmul permezz ta' xi midja inkluz iżda mhux limitat għall-internet, li bih kull tip ta' kreditu u, jew flus jingabru permezz ta' depożiti jew trasferimenti magħmula mill-pubbliku generali;

Kap. 279. "ġbir pubbliku" għandu jkollha l-istess tifsira bħal dik assenjata lilha fl-Att dwar il-Ġbir Pubbliku u tinkludi kull forma ta' ġbir, kmm fi flus jew in natura, tangibbli jew mhux tangibbli, inkorporat jew mhux inkorporat, mobbli jew immobbli, b'kull mezz jew b'kull mod ikun x'ikun;

"kollettur" għandu jkollha l-istess tifsira bħal dik assenjata lilha fl-Att dwar il-Ġbir Pubbliku u l-frażijiet "kollettur pubbliku" u "kolletturi pubbliċi" għandhom jinftiehem skont hekk;

"Kummissarju" tfisser il-Kummissarju għal Organizzazzjonijiet Volontarji;

"numru VO" tfisser in-numru jew ir-referenza tal-iskrizzjoni mogħtija lil organizzazzjonijiet volontarji iskritti;

"organizzazzjoni volontarja" tfisser organizzazzjoni volontarja iskritta stabbilita skont id-dispożizzjonijiet tal-artikolu 3 tal-Att;

Kap. 279. "promotur" għandu jkollha l-istess tifsira bħal dik assenjata lilha fl-Att dwar il-Ġbir Pubbliku;

"pubbliku" tfisser kull persuna fiżika jew ġuridika mill-komunità minbarra fundaturi, amministraturi, membri, persuni li jiġbru l-fondi, il-*management*, benefiċjarji eżistenti jew donaturi ta' organizzazzjoni volontarja u għandha tinkludi mhux anqas minn ħamsin persuna f'xi avveniment pubbliku wiehed jew aktar jew attivitajiet ta' ġbir ta' fondi;

"sena finanzjarja" tfisser is-sena finanzjarja li fiha jiġu ppreparati kontijiet annwali minn organizzazzjonijiet volontarji;

"ħarsien" tfisser kull organizzazzjoni volontarja li ġiet dikjarata li hi konformi mal-Att u ma' kull leġiżlazzjoni sussidjarja magħmula taħtu.

Applikabilità. **3.** (1) Dawn ir-regolamenti jgħoddu għall-organizzazzjonijiet volontarji kollha li huma iskritti u jħarsu d-dispożizzjonijiet tal-Att.

(2) Organizzazzjoni volontarja li mhiex iskritta ma tistax twettaq ġbir pubbliku.

Dispożizzjonijiet ġenerali. **4.** (1) Ġabra pubblika jew attività ta' ġbir ta' fondi għandu jkollhom finijiet legali.

(2) Attivitajiet ta' ġbir ta' fondi għandhom jitwettqu minn organizzazzjonijiet volontarji għal għan jew ġenerali jew speċifiku u organizzazzjonijiet volontarji għandhom jiżguraw li l-materjali dwar

il-ġbir ta' fondi ma jagħtux l-impressjoni li l-flus li jingabru huma għal għan ristrett, meta dawn jistgħu jintużaw għal għanijiet differenti jew għal ġbir ta' fondi b'mod generali.

(3) Individwu li jwettaq gabra pubblika jista' jitqies bħala kollettur skont id-dispożizzjonijiet ta' dawn ir-regolamenti meta jikseb l-awtorizzazzjoni permezz ta' permess maħruġ mill-Kummissarju skont id-dispożizzjonijiet tal-Att dwar il-Ġbir Pubbliku u r-Regolamenti dwar il-Ġbir Pubbliku:

Kap. 279.
L.S. 279.01.

Iżda l-Kummissarju jkollu d-diskrezzjoni li jawtorizza jew jiċċhad applikazzjoni għal tali permess sottomessa minn individwu u għandu jiddetermina r-raġunijiet biex jingħata tali permess, liema raġunijiet għandu jkollhom għan soċjali u filantropiku:

Iżda wkoll, jekk ikun hemm raġunijiet dominanti li jirrigwardaw is-saħħa jew hwejjeġ oħra straordinarji jew urġenti, il-Kummissarju jista' johroġ tali permess lil dak l-individwu partikolari.

(4) Il-ħtieġa dwar l-awtorizzazzjoni msemmija fis-subregolament (3) tibqa' valida għal tlett (3) xhur.

(5) Individwu jew organizzazzjoni volontarja mhux elenkata li jonqsu milli jiksbu permess mill-Kummissarju meta dan ikun meħtieġ ikunu ħatja ta' reat u jeħlu, meta jinstabu ħatja, il-pieni stabbiliti taħt l-artikolu 10 tal-Att dwar il-Ġbir Pubbliku.

Kap. 279.

(6) Il-flus, l-oġġetti jew l-attiv kollu li jingabar mingħajr tali permess minn xi persuna li m'għandhiex il-permess biex twettaq gabra pubblika għandhom jiġu kkonfiskati u depożitati fil-Fond għal Organizzazzjonijiet Volontarji.

(7) Organizzazzjoni volontarja għandha tissorvelja fuq il-qagħda u reputazzjoni finanzjarja tajba tal-kollettur qabel ma tingaġġa kollettur, li għandu jkollu ċertifikat ta' kondotta tajba u ma jkunx dikjarat fallut:

Iżda kolletturi għandu jkollhom għall-inqas sittax-il sena qabel ma jwettqu xi gabra pubblika:

Iżda wkoll kolletturi li huma soġġetti għal xi *records* kriminali jew misjuba ħatja ta' xi reati, jistgħu xorta waħda jwettqu għabriet pubbliċi mingħajr ħsara għad-diskrezzjoni tal-Kummissarju.

5. (1) Il-metodi li jistgħu jiġu użati minn organizzazzjonijiet volontarji jew kolletturi biex isir ġbir pubbliku jinkludu, iżda mhumiex limitati għal:

Metodi użati
biex jitwettaq
ġbir pubbliku.

(a) twettiq ta' zjarat f'postijiet pubbliċi inklużi toroq u zjarat bieb b'bieb;

(b) ġbir pubbliku fuq il-midja tax-xandir, inklużi servizzi tax-xandir, bħal ma huma servizzi tax-xandir fuq it-televiżjoni u fuq ir-radju;

(ċ) kull materjal stampat li jiġi mxandar permezz tal-pubblikazzjoni tiegħu inkluża l-pubblikazzjoni ta' rivisti;

(d) kull mezz ta' komunikazzjoni tal-midja inklużi servizzi tat-telefon u l-użu tal-internet;

(e) ġabriet pubbliċi li jsiru waqt kunċerti, avvenimenti jew funzjonijiet oħra pubbliċi, irkanti, l-hekk imsejjaħ bejgħ minn *car-booth* u, jew attivitajiet ta' ġbir ta' fondi, inklużi skemi ta' għoti ta' rigali u, jew lotteriji li jsiru għal dan il-għan;

(f) kull tip ta' ġbir mill-folla; u, jew

(g) kull donazzjoni lil organizzazzjoni volontarja ta' xi attiv b'riżultat ta' konfiska jew digriet minn xi qorti kompetenti.

(2) Kull metodu ieħor li jintuża biex isiru ġabriet pubbliċi li mhuwiex inkluż fil-lista msemmija taħt is-subregolament (1) għandu wkoll ikun regolat b'dawn ir-regolamenti:

Kap. 350.
L.S. 350.31.

Kap. 248.

Kap. 583.
Kap. 342.

Iżda għandhom jiġu osservati, fejn ikun applikabbli, id-dispożizzjonijiet tal-Att dwar ix-Xandir u l-Ħtiġiet dwar *Standards* u Prattika dwar Reklamar, Metodi ta' Reklamar u Direzzjonijiet dwar Kollezjonijiet Pubbliċi fuq il-Mezzi tax-Xandir, id-dispożizzjonijiet li jirrigwardaw kull materjal stampat u publikazzjonijiet skont l-Att dwar l-Istampa, id-dispożizzjonijiet li jirrigwardaw lotteriji, logħob jew xi ġbir relattiv ta' fondi li jeħtieġu awtorizzazzjoni skont id-dispożizzjonijiet tal-Att dwar il-Logħob, u d-dispożizzjonijiet li jirrigwardaw l-irkanti skont id-dispożizzjonijiet tal-Att dwar l-Irkantaturi.

Tags ta'
identifikazzjoni.

6. (1) Il-kolletturi għandu jkollhom *tag* maħruġa mill-Kummissarju.

(2) It-*tag* għandu jkun fiha:

(a) l-isem, il-kunjom u ritratt tal-qies ta' passaport tal-kollettur;

(b) in-numru tal-karta tal-identità jew in-numru tal-passaport u l-isem tal-pajjiż li hareġ il-passaport jew il-karta tal-

identità;

(c) fil-każ ta' organizzazzjonijiet volontarji li jwettqu ġbir pubbliku, l-isem, l-indirizz reġistrat, in-numru ta' kuntatt tal-organizzazzjoni volontarja u l-isem tal-kollettur;

(d) in-numru VO tal-organizzazzjoni volontarja elenkata;

(e) l-għan tal-ġabra pubblika.

(3) Meta l-applikazzjonijiet għal tali *tags* isuru minn organizzazzjoni volontarja, dik l-organizzazzjoni volontarja għandha tassumi r-responsabbiltà sħiħa dwar il-qagħda u l-kredibilità tajba tal-kolletturi tagħha li għandhom jkunu konformi mal-artikolu 22B tal-Att.

(4) Organizzazzjoni volontarja għandha tirrakkomanda kollettur pubbliku bil-miktub u għandha tapplika għal *tag* ta' kollettur għand il-Kummissarju, li għandu japprova kolletturi unikament wara li l-applikazzjoni tagħhom hi kontrosenjata jew approvata minn għall-inqas tlett (3) amministraturi tal-organizzazzjoni.

(5) Fil-każ ta' organizzazzjoni li tmexxi l-ġabra, *it-tag* għandha tkun iffirmata kemm minn amministratur tal-organizzazzjoni volontarja kif ukoll mill-Kummissarju jew rappreżentant li jaġixxi f'ismu, u meta l-kollettur ikun individwu, *it-tag* għandu jkollha l-firma tiegħu flimkien ma' dik tal-Kummissarju jew tar-rappreżentant li jaġixxi f'ismu.

(6) *It-tag* maħruġa mill-Kummissarju għandha tkun viżibbli l-ħin kollu matul il-ġabra pubblika u għandha tinzamm fi stat nadif u legibbli. *It-tags* għandhom ikunu jidhru fin-naħa ta' fuq tal-persuna tal-kollettur pubbliku, ikunu viżibbli u identifikkabbli, u m'għandhomx b'ebda mod ikunu mgħottija.

(7) *It-tag* għandha tkun immarkata bi perjodu ta' skadenza ta' sitt (6) xhur.

(8) Kolletturi li jonqsu milli jibdlu *t-tag* wara l-iskadenza tagħha, jew milli jagħtuha lura lill-Kummissarju fuq it-talba tiegħu, jew wara li tkun intemmet il-ġabra, ikunu soġġetti għal penali ta' ħamsin euro (€50) li għandha tiġallas fl-Uffiċċju tal-Kummissarju. Kull kollettur ikun responsabbli għaż-żamma tat-*tag* tiegħu f'post sigur u għandu jagħtiha lura lill-Kummissarju minnufih malli jieqaf milli jibqa' kollettur.

8. (1) Il-kolletturi għandu jkollhom kontenitur issiġillat għal gabriet provdut mill-Kummissarju.

(2) Kull kontenitur miġbur u riċevut direttament minn organizzazzjonijiet volontarji għandu jinfetaħ quddiem żewġ amministraturi tal-organizzazzjoni volontarja fil-preżenza ta' persuna li tkun professjonist bil-*warrant*:

Iżda l-Kummissarju jista' jirriżerva d-dritt li jibgħat rappreżentant jew uffiċjal pubbliku li jaġixxu f'ismu waqt il-ftuħ ta' tali kontenituri.

(3) Formula ta' dikjarazzjoni għandha timtela' u tiġi ffirmata miż-żewġ amministraturi tal-organizzazzjoni volontarja u l-persuna professjonista bil-*warrant* li jkunu fetħu l-kontenituri u l-flus miġbura ġew magħduda minnhom. Tali formula ta' dikjarazzjoni għandha tispeċifika li l-kontenituri ġew miġbura u riċevuti direttament mill-organizzazzjoni volontarja kkonċernata, in-numru ta' kontenituri miġbura u l-ammont ta' flus miġbur u għandha tiġi debitament mogħtija lill-Kummissarju.

(4) Il-kontenitur għandu jkollu l-isem tal-organizzazzjoni volontarja, in-numru VO tagħha, skont liema jkun applikabbli, u l-għan tal-gabra pubblika, u kull informazzjoni oħra rilevanti li għandha tikkorrispondi mad-dettalji fuq it-*tag*.

(5) Id-donazzjonijiet li jinstabu fl-imsemmi kontenitur għandhom jiġu magħduda fl-Uffiċċju tal-Kummissarju minn uffiċjal pubbliku fl-Uffiċċju tal-Kummissarju u għandu jiġi ffirmat dokument, mill-amministratur kif ukoll mill-uffiċjal pubbliku, li jindika l-ammont ta' donazzjonijiet miġbura u l-perjodu li fih tkun saret il-gabra.

(6) Il-kontenitur għandu jintbagħat lura lill-Kummissarju fi żmien xahar mit-temm tal-gabra biex ikun hemm biżżejjed żmien qabel is-sottomissjoni tal-prospetti annwali rilevanti, sabiex it-total tad-donazzjonijiet riċevuti jista' jiġi inkluż kif xieraq fil-prospetti annwali.

(7) Kull organizzazzjoni volontarja jew individwu li jonqsu milli jibagħtu lura tali kontenitur lill-Kummissarju fil-ġurnata dovuta jeħlu multa ta' tlett euro (€3), pagabbli fl-Uffiċċju tal-Kummissarju, għal kull ġurnata li jibqa' tali nuqqas.

(8) Jista' jingħata perjodu transitorju fid-diskrezzjoni tal-Kummissarju sabiex il-kontenituri kollha jingabru u jitneħħew minn postijiet pubbliċi jew privati:

Iżda l-Kummissarju jista' jagħti permess sal-limitu li ċerti kontenituri ma jigux imneħhija minn postijiet pubbliċi jew privati, jekk tali kontenituri huma f'pożizzjoni fissa jew għandhom valur jew importanza artistika, tradizzjonali, arkitettonika jew storika.

9. (1) Kolletturi jistgħu jhallu enveloppi f'xi bini f'isem u għan-nom ta' organizzazzjonijiet volontarji. Enveloppi.

(2) Meta kolletturi jhallu enveloppi f'xi bini bl-intenzjoni li jingabru flus mill-pubbliku, l-enveloppi kollha għandhom ikunu numerati, ikollhom l-isem, l-indirizz u n-numru ta' kuntatt tal-organizzazzjoni volontarja, u d-data ta' gabra:

Iżda l-enveloppi għandu jkun fihom istruzzjonijiet għal min jirċevihom sabiex l-envelopp jintbagħat lura lill-organizzazzjoni volontarja, ukoll meta tal-enveloppi ma jkunx fihom flus.

(3) Enveloppi ta' gbir ta' fondi m'għandhomx jithallew f'indirizzi fejn ikun hemm istruzzjonijiet ċari li jiddikjaraw li tali enveloppi m'għandhomx jithallew f'tali indirizzi. Il-perjodu tal-gabra pubblika għandu jiġi provdut fuq l-enveloppi li jintużaw għall-gabra.

(4) Kull envelopp miġbur u riċevut direttament minn organizzazzjoni volontarja għandu jinfetaħ quddiem żewġ amministraturi tal-organizzazzjoni volontarja fil-preżenza ta' persuna professjonista bil-*warrant*.

(5) Formula ta' dikjarazzjoni għandha timtela' u tiġi ffirmata miż-żewġ amministraturi tal-organizzazzjoni volontarja u l-persuna professjonista bil-*warrant* li jkunu fethu l-enveloppi u l-flus miġbura ġew magħduda minnhom. Tali formula ta' dikjarazzjoni għandha tispeċifika li l-enveloppi ġew miġbura u riċevuti direttament mill-organizzazzjoni volontarja kkonċernata, in-numru ta' enveloppi miġbura u l-ammont ta' flus miġbur u għandha tiġi debitament mogħtija lill-Kummissarju.

10. (1) M'għandhomx isiru gabriet pubbliċi f'xi parti ta' xi triq hekk li jikkawżaw ostruzzjoni fiha jew xi inkonvenjent lil persuni mixjin fit-triq. Gbir pubbliku mwettaq f'postijiet pubbliċi.

(2) Sakemm ma tkunx organizzata attività ta' gbir ta' fondi matul gabra, m'għandux ikun hemm iktar minn żewġ kolletturi fl-istess post tal-gabra, u dawn għandhom jokkupaw pożizzjoni fissa f'distanza ta' mhux inqas minn tletin (30) metru bejniethom.

11. (1) Meta jkunu qed jagħmlu żjarat bieb b'bieb, il-kolletturi għandhom, meta juru *t-tag*, jintroduċu ruħhom billi jgħidu isimhom, l-isem tal-organizzazzjoni volontarja elenkata li f'isimha Gbir pubbliku li jsir permezz ta' żjarat bieb b'bieb.

tkun qed issir il-ġabra pubblika u l-ġhan tal-ġabra pubblika.

(2) Il-kolletturi m'għandhomx jaġixxu b'tali mod li jikkawża jew x'aktarx jikkawża xi forma ta' fastidju lil xi persuna.

(3) Kolletturi ma għandhomx iżuru residenzi bejn it-8.30 ta' filgħaxija u t-8.00 ta' filgħodu.

(4) Kolletturi m'għandhomx jitolbu u ma jkollhom l-ebda dritt li jingħataw xi pagament jew premju jew xi forma oħra ta' rimunerazzjoni għat-twettiq tas-servizzi tagħhom. Organizzazzjonijiet volontarji jew *sponsors* tagħhom jistgħu madankollu jipprovdu kull haġa li titqies neċessarja għat-twettiq tal-ġabra pubblika, inklużi xorb jew ikel, ilbies protettiv jew apparat matul il-perjodu li fih ikunu qed iwettqu l-ġabra pubblika.

Ġbir pubbliku
fit-toroq.

12. (1) Ir-regoli li ġejjin għandhom jgħoddu biss għal ġbir pubbliku li jsir fit-toroq:

(a) m'għandhomx jintużaw imwejjed għall-ġhan ta' ġbir pubbliku minn kolletturi hekk li jikkawżaw ostruzzjoni fattwali jew possibbli;

(b) il-kolletturi m'għandhomx jaġixxu b'tali mod li jikkawża jew x'aktarx jikkawża xi forma ta' fastidju lil xi persuna.

(2) Mingħajr preġudizzju għas-subregolament (1), kolletturi għandhom jiksbu permess bil-miktub:

(a) mill-awtorità jew awtoritajiet xierqa biex jidhlu f'xi bini governattiv, ċentri tas-saħħa kemm pubbliċi kif ukoll privati, jew skejjel jew binjiet edukattivi;

(b) mis-sid biex jidhlu f'xi ħanut jew binja simili, inklużi kafetteriji, *bars*, jew ristoranti, jew postijiet oħra fejn jinbiegħu prodotti jew, u servizzi;

(ċ) mis-sid biex jidhlu f'xi post ieħor ta' divertiment jew mis-sid ta' binjiet miftuħa għall-pubbliku.

Kolletturi
mhallsa.

13. Persuni li waqt attività ta' ġbir pubbliku jagħtu servizzi, li ma jinkludux il-ġbir ta' flus jew attiv, bil-korrispettiv ta' xi forma ta' rimunerazzjoni, kemm jekk taxxabbli kemm jekk le, m'għandhomx jiġu kkunsidrati bħala li qed iwettqu ġbir pubbliku.

14. (1) Bla ħsara għad-dispożizzjonijiet tal-Ħtigiet dwar *Standards* u Prattika dwar Reklamar, Metodi ta' Reklamar u Direzzjonijiet dwar Kollezzjonijiet Pubbliċi fuq il-Mezzi tax-Xandir, u kull liġi jew regola oħra applikabbli, organizzazzjonijiet volontarji li jwettqu għbir pubbliku fuq il-midja tax-xandir għandhom jipprovdu l-informazzjoni kollha neċessarja u rilevanti lid-donatur potenzjali.

Għbir pubbliku mwettaq fuq il-midja tax-xandir.
L.S. 350.31.

(2) L-informazzjoni msemmija fis-subregolament (1) għandha tinkludi l-isem u n-numru VO tal-organizzazzjoni volontarja, l-għan tal-ġabra pubblika u d-dettalji ta' kuntatt tal-organizzazzjoni volontarja elenkata li lilha għandhom isiru d-donazzjonijiet u l-metodu preferut ta' donazzjoni.

(3) Il-metodi ta' donazzjoni jistgħu jsiru bi flus kontanti jew in natura jew permezz ta' *cheque* jew trasferiment bankarju jew b'kull metodu ieħor li jista' jitqies neċessarju:

Izda fil-każ ta' donazzjonijiet magħmula in natura, dawn għandhom jiġu vvalutati minn persuna professjonista.

(4) Organizzazzjonijiet volontarji għandhom jiżguraw li l-informazzjoni kollha msemmija f'dan ir-regolament tkun disponibbli fuq il-midja tax-xandir b'bod xieraq u adattabbli.

(5) Meta l-metodu ta' reklamar ta' għbir pubbliku fuq il-midja tax-xandir isir permezz ta' servizzi tat-telefon, u l-kost tat-telefonati jew messaġġi permezz tat-telefon hu oġġla mit-tariffa normali dikjarata, ix-xandar għandu jinforma lil min qed jara l-programm dwar il-kost ta' dik it-telefonata jew dak il-messaġġ partikolari:

Izda jekk parti mill-kost tat-telefonati jew tal-messaġġi fuq ċellulari, kif ikun il-każ, hi intenzjonata għal xi għan soċjali, allura dik il-parti wkoll għandha tiġi identifikata.

15. (1) Meta jkunu qed isiru ġabriet permezz tal-użu ta' servizzi tat-telefon, il-kollekturi għandhom jipprovdu l-isem tal-organizzazzjoni volontarja li f'isimha tkun qed issir il-ġabra pubblika, l-età tagħhom, in-numru VO u l-għan tal-ġabra pubblika u fejn isiru telefonati primjum mid-donatur, kull informazzjoni li tirrigwarda l-kost ta' tali telefonati għandha tingħata u tiġi spjegata b'mod ċar lid-donatur.

Għbir pubbliku mwettaq permezz tal-użu ta' servizzi tat-telefon.

(2) Meta tkun qed issir ġabra pubblika, il-kollekturi m'għandhomx jaġixxu b'tali mod li jikkawżaw jew x'aktarx jikkawżaw xi forma ta' fastidju lir-riċevitur tat-telefonata u l-organizzazzjoni volontarja għandha tistabbilixxi l-ħinijiet li fihom jistgħu jsiru telefonati, li m'għandhomx ikunu bejn it-8.30 ta' filgħaxija u t-8.00 ta' filgħodu, sakemm ma tingħatax awtorizzazzjoni

mod ieħor mill-Kummissarju.

(3) Il-kollettuti m'għandhomx jikkomunikaw bit-telefon mal-istess riċevituri iktar minn darba waqt l-istess ġabra pubblika, u m'għandhomx jistaqsu mistoqsijiet personali jew jippruvaw jiksbu informazzjoni li ma tkunx neċessarja mir-riċevituri tat-telefonati.

(4) Donaturi potenzjali għandhom jiġu mogħtija istruzzjonijiet dwar kif għandhom isiru d-donazzjonijiet, kemm jekk isiru fi flus kontanti jew in natura, jew permezz ta' *cheque* jew trasferiment bankarju u għandhom jingħataw l-informazzjoni kollha neċessarja rigward il-mod kif jista' jsir il-pagament.

(5) Meta jsiru telefonati għall-fini tal-ġabra, in-numru tat-telefon li minnu ssir it-telefonata m'għandux ikun wiehed privat u għandu jkun jidher il-ħin kollu. Il-ġbir magħmul permezz ta' telefonati m'għandux isir permezz ta' telefonati fortuwiti u b'mod awtomatizzat.

(6) Telefonati ma jistgħux isiru fi żminijiet meta mhux permess il-ġbir pubbliku u kull telefonata għandu jkollha servizz ta' għazla biex wiehed ma jieħux sehem, fuq talba tad-donatur.

Attivitajiet ta'
negozju.

16. (1) Il-bejgħ ta' rivisti u, jew kotba mogħtija b'donazzjoni, li r-rikavat, jew parti mir-rikavat ta' dak il-bejgħ, hu intenzjonat li jingħata b'donazzjoni lil organizzazzjoni volontarja partikolari, jew il-bejgħ ta' rivisti u, jew kotba mogħtija b'donazzjoni lill-pubbliku f'isem organizzazzjoni volontarja partikolari jew grupp ta' organizzazzjonijiet volontarji, li r-rikavat ta' dak il-bejgħ hu intenzjonat għall-istess għan, għandu jkun soġġett għall-kondizzjonijiet li ġejjin:

(a) il-promoturi ta' tali rivisti u, jew kotba mogħtija b'donazzjoni għandhom jagħtu dettalji lill-Kummissarju dwar l-attivitajiet tagħhom ta' negozju inkluża deskrizzjoni qasira dwar il-*policies* li japplikaw u l-proċeduri li jiġu segwiti matul il-bejgħ ta' tali rivisti u, jew kotba, kif ukoll l-*policies* u l-proċeduri li jiġu applikati għall-promozzjoni u t-tqegħid fis-suq tal-edizzjonijiet tagħhom;

(b) ftehim bil-miktub għandu jsir bejn il-promotur tar-rivisti u, jew kotba mogħtija b'donazzjoni qabel il-pubblikazzjoni tagħhom u l-organizzazzjoni volontarja li tirċievi d-donazzjonijiet, u kopja ċertifikata bħala vera kopja tal-ftehim għandha tiġi kontrosenjata minn avukat u sottomessa lill-Kummissarji; u

(ċ) il-perċentwali tad-donazzjoni li għandha tingħata

lill-organizzazzjoni volontarja għandha tintwera b'mod ċar fuq l-ewwel paġna tar-rivista jew materjal ieħor ippubblikat, u għandha tkun univoka, ċerta u faċilment legibbli.

(2) Il-ftehim bil-miktub għandu jiġi ffirmat mill-partijiet kollha involuti fl-attività ta' negozju u għandu jkun fih dan li ġej:

(a) l-isem u l-indirizz ta' kull parti, id-data, kemm ser idum fis-seħħ il-ftehim, u l-pattijiet u kondizzjonijiet applikabbli għall-ftehim;

(b) fil-każ ta' donazzjonijiet li jeċċedu hamest elef euro (€5,000) matul perjodu ta' sena finanzjarja waħda, l-ammont eżatt tad-donazzjoni li tiġi offruta u s-sors tal-imsemmija donazzjoni, speċjalment fir-rigward ta' donazzjonijiet offruti fi flus kontanti jew in natura;

(c) l-irċevuti għal kull donazzjoni li tiġi riċevuta oġhla minn hames euro (€5) kuljum;

(d) dikjarazzjoni qasira tal-għan u l-oġettivi prinċipali tad-donazzjoni u l-metodi li jintużaw għad-donazzjoni;

(e) sakemm ma jkunx previst li l-pagament isir direttament lill-organizzazzjoni volontarja, klawnsola li tgħid li l-fondi riċevuti ser jinżammu f'isem l-organizzazzjoni volontarja u ser jiġu trasferiti lill-organizzazzjoni volontarja mill-iktar fis possibbli;

(f) li l-promotur tar-rivisti u, jew kotba mogħtija b'donazzjoni li jaġixxi f'isem l-organizzazzjoni volontarja ser jinforma lill-pubbliku dwar id-dettalji tal-organizzazzjoni volontarja li għaliha jsiru għabriet pubbliċi u dwar l-ammont ta' flus li jingabru mill-bejgħ tar-rivisti u, jew kotba li tkun rċeviet lill-organizzazzjoni volontarja; u

(g) kull informazzjoni oħra dwar ir-rivisti u, jew kotba mogħtija b'donazzjoni u l-promoturi tagħhom li hi rilevanti u neċessarja u li għandha x'taqsam mal-organizzazzjoni volontarja.

17. (1) Kull immagni jew deskrizzjoni li tippromwovi għabriet pubbliċi għandha tkun deċenti u ma tkunx ambigwa, u ma tkunx qarrieqa, jew li x'aktarx tqarraq il-pubbliku, esaġerata, modifikata jew li x'atarx tikkawża biża', ansjetà jew dwejjaq lill-pubbliku.

Promozzjoni ta' kollezzjonijiet pubbliċi.

Kap. 415. (2) Għandhom jiġu rispettati *t-trademarks* kollha u l-kolletturi għandhom jaġixxu f'konformità mal-Att dwar id-Drittijiet tal-Awtur.

(3) Meta s-sugġett ta' ġabra pubblika fl-istat naturali tiegħu x'aktarx jikkawża xi waħda jew aktar mill-projbizzjonijiet imsemmija fis-subregolament (1), il-Kummissarju għandu jorog twissija kontra kolletturi pubbliċi f'dan ir-rigward.

(4) Kolletturi pubbliċi m'għandux ikollhom lista tal-posta, kemm postali kif ukoll elettronika, sabiex iħajru xi persuna biex tagħmel donazzjoni b'mod frekwenti u kontinwu.

(5) Benefiċjarji m'għandhomx jiġu pprezentati b'mod li juri nuqqas ta' rispett u, fejn ikun possibbli u xieraq, benefiċjarji għandu jkollhom sehem fl-istrateġiji promozzjonali tal-organizzazzjoni volontarja.

Ġbir pubbliku
mwettaq
f'avvenimenti
pubbliċi oħra.

18. (1) Ġabriet pubbliċi mwettaq waqt avvenimenti pubbliċi jew attivitajiet oħra ta' ġbir ta' fondi għandhom isiru b'mod professjonali u organizzat.

(2) Organizzazzjonijiet volontarji li jmexxu tali ġabriet pubbliċi għandhom jinfurmaw lill-pubbliku, qabel jew waqt l-avveniment, dwar l-informazzjoni kollha rilevanti u neċessarja li l-pubbliku għandu interess li jkun jaf dwarha. Tali informazzjoni għandha tinkludi:

(a) l-isem, in-numru ta' registrazzjoni u dettalji dwar kuntatt tal-organizzazzjoni volontarja li lilha għandhom isiru donazzjonijiet;

(b) l-għan tal-ġabra pubblika;

(ċ) il-preċentwali ta', jew l-ammont tal-prezz tal-biljett jew il-miżata għall-partecipazzjoni jew l-ammont ta' oġġetti mibjugħa f'irkant jew bejgħ minn *car-booth* li jkunu qegħdin fil-fatt jiġu attribwiti lill-organizzazzjoni volontarja.

(3) Meta organizzazzjonijiet volontarji jkunu jixtiequ jorganizzaw lotteriji li jistgħu jinkludu *raffles* u tipi oħra ta' loġħob jew kuncerti, irkantijiet jew bejgħ minn *car-boot* bil-għan li jsiru ġabriet pubbliċi, l-amministraturi għandhom jiżguraw li jiġu osservati l-liġijiet, regolamenti u regoli rilevanti kollha, fejn ikun applikabbli.

Kap. 342. (4) L-irkantijiet jistgħu jitmexxew biss minn irkantatur pubbliku ċertifikat skont id-dispożizzjonijiet tal-Att dwar l-Irkantaturi u kull rikavat mill-bejgħ, kemm jekk kollu jew parti minnu, li hu intenzjonat li jintuża bħala ġbir pubbliku għandu jiġi

debitament mniżżel fil-prospetti annwali tal-organizzazzjoni volontarja.

(5) Lotteriji, logħob u kull attività oħra simili ta' ġbir ta' fondi għandhom jiġu regolati, liċenzjati u jkunu konformi mad-dispożizzjonijiet tal-Att dwar il-Logħob. Kull kollettur ikun eżentat milli jissottometti r-rikavat minn xi lotterija, logħob jew attività simili ta' ġbir ta' fondi, jekk tali rikavat jiġi sottomess lill-Awtorità dwar il-Logħob skont id-dispożizzjonijiet tal-Att dwar il-Logħob.

Kap. 583.

19. (1) L-amministraturi ta' organizzazzjonijiet volontarji għandhom jaġixxu b'mod prudenti fl-interess tal-organizzazzjoni volontarja, waqt li jzommu bilanċ bejn ir-riżorsi provduti u s-servizzi mogħtija fit-twettiq ta' attivitajiet ta' ġbir pubbliku u r-riskji potenzjali li jirrigwardaw ir-reputazzjoni u l-kredibilità tal-organizzazzjoni volontarja.

Dmirijiet u responsabbiltajiet ta' amministraturi.

(2) L-amministraturi ta' organizzazzjoni volontarja għandhom jaġixxu b'attenzjoni raġjonevoli u jeżerċitaw diligenza dovuta fit-twettiq tar-responsabbiltajiet tagħhom u għandhom jiżguraw li:

- (a) l-organizzazzjoni volontarja tiddekrivi l-għan ta' xi ġbir ta' fondi b'mod preċiż;
- (b) id-donazzjonijiet riċevuti jintużaw biex ikatru l-għan u l-oġettivi prinċipali tal-organizzazzjoni volontarja;
- (ċ) meta jsiru donazzjonijiet għal għan speċifiku, it-talba tad-donatur tiġi onorata.

(3) L-amministraturi għandhom jispjegaw lid-donaturi u lill-pubbliku l-attivitajiet tal-organizzazzjoni volontarja, u għandhom jiżguraw li transazzjonijiet, operazzjonijiet informazzjoni u komunikazzjonijiet jinftiehem faċilment minn donaturi kif ukoll mill-pubbliku.

(4) L-amministraturi għandhom jidentifikaw b'bod ċar lil donaturi u lill-pubbliku r-raġuni li għaliha qed isir il-ġbir pubbliku u l-mod li bih qed jintużaw id-donazzjonijiet. L-amministraturi għandhom jiżguraw u jeżerċitaw diligenza dovuta fuq persuni li jiġbru l-fondi u kolletturi pubbliċi, u għandhom jistabbilixxu li huma xierqa u idonji biex jagħmlu għabriet pubbliċi u avvenimenti u attivitajiet ta' ġbir ta' fondi.

(5) L-amministraturi għandhom jiżguraw li l-organizzazzjoni volontarja għandha *policy* għal kull attività li tinvolvi voluntiera, inkluż kif jiġu kuntrattati u mmexxija. L-amministraturi għandu jkollhom għarfien tal-ħtiġiet kollha legali rilevanti u josservaw

kompletament dawk il-htigiet, inkluzi, izda mhux limitati għal, l-obbligi legali dwar l-impjieġ, ugwaljanza u protezzjoni tad-*data*.

(6) L-amministraturi għandhom ikunu responsabbli lejn il-benefiċjarji, donaturi, persuni li jiġbru l-fondi u lejn il-pubbliku. L-amministraturi jkunu responsabbli wkoll li jiżguraw li l-organizzazzjoni volontarja tosserva l-impenn tagħha għall-aħjar prattika fil-ġbir ta' fondi.

(7) Meta l-amministraturi jiddeciedu li jiddelegaw il-ġestjoni minn ġurnata għal oħra ta' ġbir ta' fondi lil impjegati, għandu jkun hemm fis-seħħ sistemi effettivi biex jiġi żgurat *inter alia* li:

(a) kull delega tiġi dokumentata, mifhuma u implimentata b'mod ċar;

(b) jkunu jeżistu proċeduri ta' rappurtar ċari, li jinkludu gwida fuq materji partikolari li jiġu rappurtati lill-amministraturi;

(c) l-amministraturi jirċievu rapporti regolari u b'kull informazzjoni dwar materji miftehma, ipprezentati b'mod li jistgħu jifhmu u jużaw u li jippertilhom li jeżerċitaw diligenza xierqa u kontroll.

(8) L-amministraturi għandhom jeżerċitaw kontroll xieraq fuq il-fondi li jingabru, b'kull mod li jkun, sabiex jiżguraw li l-fondi kollha li jingabru jkunu soġġetti għat-trasparenza u kontabilità u li l-fondi miġbura jintużaw biss għall-għan u l-oġettivi li għalihom huma intenzjonati.

(9) L-amministraturi jkunu responsabbli biex jiżguraw li appell għal ġbir ta' fondi jkun intenzjonat biex jippromwovi bl-aħjar mod possibbli l-għan jew l-oġettivi tal-organizzazzjoni volontarja u li ma jkunx tali li jista' materjalment jippreġudika l-għan u l-oġettivi principali tal-organizzazzjoni volontarja, waqt li jieħdu f'konsiderazzjoni r-riskji finanzjarji u ta' kredibilità fir-rigward tal-għan tal-ġbir ta' flus.

(10) Kull appell sinjifikattiv għal ġbir ta' flus għandu jkun ippjanifikat b'attenzjoni u ppubblikat qabel ma ssir l-attività ta' ġbir ta' fondi. L-għanijiet, il-kredibilità u l-prinċipji tal-organizzazzjoni volontarja għandhom jingiebu għall-konoxxenza tal-Kummissarju qabel ma jinbeda xi appell għal ġbir ta' fondi.

Responsabbiltajiet u funzjonijiet tal-*management*.

20. (1) L-amministraturi jistgħu jiddelegaw ċerti responsabbiltajiet lill-*management*, inkluża r-responsabbiltà biex jiġu organizzati jew ġestiti kampanji ta' ġbir ta' fondi.

(2) Meta l-*management* ikollu r-responsabbiltà għall-ġbir ta' fondi minn organizzazzjoni volontarja, dak il-*management* għandu jiżgura li:

(a) ikun hemm fis-seħħ verifiki li jirrigwardaw l-adattabilità u l-kredenzjalijiet tal-persuni li jiġbru l-fondi f'għabra ta' fondi f'isem organizzazzjoni volontarja;

(b) persuni li jiġbru l-fondi jkunu konxji tal-isforzi speċifiċi ta' ġbir ta' fondi u huma kapaċi jinfurmaw lill-pubbliku dwar l-għan tal-organizzazzjoni volontarja;

(c) persuni li jiġbru l-fondi għandhom jipprovdu informazzjoni ċara u adegwata bil-miktub jew bil-fomm lid-donaturi u lill-pubbliku, li tirrigwarda n-natura tat-tip ta' informazzjoni dwar il-kuntatt minn organizzazzjonijiet volontarji, bħal ma huma telefonati, messaġġi u l-frekwenza ta' komunikazzjonijiet ippjanati;

(d) ma jkunx hemm informazzjoni qarrieqa jew ambigua f'ebda waħda mill-komunikazzjonijiet tal-organizzazzjoni volontarja dwar ġbir ta' fondi;

(e) il-proċeduri jiġu implimentati u jkun hemm fis-seħħ salvagwardji, biex jiġi żgurat li tingħata, kemm ikun possibbli, attenzjoni partikolari meta jingabru donazzjonijiet minn persuni li jistgħu jiġu kkunsidrati bħala vulnerabbli, inklużi minorenni.

21. (1) Persuni li jiġbru l-fondi għandhom jirrispettaw id-drittijiet u d-dinjità ta' donaturi, benefiċjarji u l-pubbliku. Persuni li jiġbru l-fondi għandhom jaġixxu b'integrità u ma għandhomx jaġhtu stampa qarrieqa tal-organizzazzjoni volontarja, il-bżonn ta' fondi jew kif dawn ser jiġu applikati.

Persuni li jiġbru l-fondi.

(2) Persuni li jiġbru l-fondi għandhom jkunu edukati u ma għandhomx jiddefsu fil-privatezza ta' persuna jew ikunu persistenti u ma għandhomx joħolqu pressjoni bla bżonn fuq donaturi jew fuq il-pubbliku ġenerali. Kolletturi pubbliċi ma għandhomx jimxu wara persuna jew jippruvaw ikellmuha jekk dik il-persuna ma turi l-ebda interess li tagħmel donazzjoni.

(3) Il-persuni kollha li jiġbru l-fondi għandhom:

(a) ikunu affidabbli u jgħibu ruħhom il-ħin kollu b'integrità u onestà u għandhom jaġixxu b'tali mod li jiżgura li ma jqarraqx lid-donaturi;

(b) jiżguraw li l-azzjonijiet tagħhom itejbu l-għan u r-

reputazzjoni tal-organizzazzjoni volontarja li huma jirrappreżentaw;

(ċ) ikunu f'pożizzjoni li jiddikjaraw l-għan li għalih ser jintużaw il-fondi li jkunu qed jingabru;

(d) ikollhom għarfien ġenerali dwar il-miri u l-objettivi tal-organizzazzjoni volontarja u jkunu kapaċi jinfurmaw li-donaturi minn fejn tista' tinkiseb informazzjoni supplementari;

(e) ma jaġixxux b'mod li hu inkonsistenti mal-linji gwida maħruġa mill-Kummissarju, jew jġiegħlu jew jippermettu oħrajn biex jaġixxu b'dak il-mod;

(f) ma jisfruttawx kwalunkwe relazzjoni ma' donatur, voluntier jew impjegat għal benefiċċju personali jew interess privat jew jagħmlu użu ta' hażin mill-kariga li jokkupaw għal qligħ personali; u

(g) josservaw il-htigiet legali kollha li għandhom x'jaqsmu mal-attivitajiet tagħhom fi hdan l-organizzazzjoni volontarja li timpjegahom jew li għaliha jaġixxu bhala voluntiera.

Dritt ta' donaturi li jinghataw irċevuta.

22. (1) Meta l-gabra pubblika ssir permezz ta' attività ta' negozju jew mod ieħor u r-rikavat tal-bejgħ jiddevolvi fuq organizzazzjoni volontarja, il-kollekturi għandhom jagħtu lil kull donatur irċevuta li tiddikjara l-ammont ta' flus li gie riċevut minn kull donatur, bhala għarfien tad-donazzjoni riċevuta.

(2) Fil-każ ta' donazzjoni magħmula in natura, għandha tingħata lid-donatur deskrizzjoni tal-oġġetti riċevuti skont il-proċess ta' valutazzjoni kif provdut minn persuna professjonali.

(3) L-irċevuti kollha għandhom ikunu enumerati u għandu jkun fihom l-isem, l-indirizz u n-numri ta' kuntatt tal-organizzazzjoni volontarja jew tal-individwu, id-data tad-donazzjoni u d-dettalji tal-kollektur.

Protezzjoni tad-data.

Kap. 586.

23. (1) Meta jiksbu, jipproċessaw, jagħmlu użu minn jew iżommu *data*, l-amministraturi għandhom josservaw d-dispożizzjonijiet tal-Att dwar il-Protezzjoni u l-Privatezza tad-Data, u kull liġi jew regolamenti applikabbli oħra li jirrigwardaw il-protezzjoni tad-data.

(2) Meta attivitajiet ta' ġbir ta' fondi jew gabriet pubbliċi jinkludu tfal f'ritratti jew *videos*, il-kunsens tal-ġenituri jew tat-tuturi legali jkun meħtieġ il-hin kollu.

(3) Id-*data* personali għandha tingabar b'mod legali, onest u xieraq u kull informazzjoni li tista' tiġi identifikata jew attribwita għal xi persuna waħda jew aktar għandha tiġi ttrattata bħala kunfidenzjali.

(4) L-organizzazzjonijiet volontarji kollha għandhom jiżguraw li donaturi, klijenti, utenti tas-servizz u impjegati jiġu infurmati b'mod ċar dwar id-drittijiet tagħhom taħt l-Att dwar il-Protezzjoni u l-Privatezza tad-*Data* biex jiksbu aċċess għal kopja tad-*data* personali tagħhom. Kap. 586.

(5) Kull informazzjoni miksuba kunfidenzjalment bħala parti mill-proċess ta' ġbir ta' fondi ma għandhiex tinkixef mingħajr l-kunsens espress u mogħti minn qabel tad-donatur.

24. (1) Il-Kummissarju jista' jwaqqaf l-kontinwazzjoni ta' xi attività ta' ġbir ta' fondi jew ġabra pubblika fi kwalunkwe mument, jekk ikun hemm ksur ta' liġijiet jew regolamenti nazzjonali. Ipproċessar u ġbir ta' donazzjonijiet.

(2) Donazzjonijiet u rigali għandhom jintużaw għall-għanijiet li għalihom jkunu ġew mogħtija. Għandhom jiġu provduti miżuri siguri għal riċevituri ta' donazzjonijiet magħmula permezz ta' transazzjonijiet *online* u għandhom jingħataw irċevuti għal dan il-għan.

(3) Il-Kapijiet ta' Skejjel ikunu responsabbli għal ġabriet magħmulin fi skejjel, hekk iżda li l-kollettur ikun kiseb il-permess bil-miktub tal-Kummissarju, u l-Kummissarju ma jkunx responsabbli għall-ġabriet magħmula fil-post attwali tal-ġabra.

(4) L-organizzazzjoni volontarja u, jew is-sid ta' bini fejn fil-fatt isiru ġabriet pubbliċi, ikunu responsabbli għas-saħħa u s-sigurtà tal-kollettur waqt li dan ikun qed jagħmel il-ġabra pubblika, u l-Kummissarju ma jkun responsabbli għal ebda inċident, korriment jew danni mgarba minn kolletturi pubbliċi.

(5) Sabiex isiru ġabriet fi stabbiliment privat, jista' jitwaħħal avviz mal-bini mis-sid ta' tali bini li jipprovdi li kolletturi ma jistgħux jidhlu fl-istess bini, minkejja l-fatt li l-ġbir hu miftuħ għall-pubbliku. Il-ġabriet ma jistgħux isiru fuq xi art jew f'xi bini ta' sid privat mingħajr il-kunsens espress u bil-miktub tas-sid.

(6) Il-kolletturi ma jistgħux ikunu stazzjonati fl-entrata ta' ħanut jew stabbiliment simili, qsim pedonali, f'inqas minn tliet (3) metri bogħod minn makna tal-ATM, posta f'suq jew artisti fit-triq.

Ġabriet
magħmula
b'mezzi diġitali
jew elettronici.

25. (1) Meta jsuru ġabriet pubbliċi b'mezzi diġitali jew elettronici, l-utenti għandhom ikunu mgħarrfa dwar liema *data* tkun qed tingabar, u l-informazzjoni kollha rigward il-ġbir ta' *data* għandha tinghata b'mod ċar permezz ta' polza privata jew dikjarazzjoni.

(2) L-informazzjoni kollha dwar l-għan u kemm ser iddum il-ġabra, l-isem u n-numru ta' reġistrazzjoni tal-organizzazzjoni volontarja u n-numri ta' kuntatt tal-amministraturi għandhom ikunu disponibbli fuq is-sit tal-web tal-organizzazzjoni volontarja jew ta' kolletturi pubbliċi, fejn dawn ikunu individwi.

(3) Kull ġabra pubblika jew attività ta' ġbir ta' fondi permezz ta' mezzi elettronici mwettqa minn organizzazzjoni volontarja barranija għandu jkollha l-awtorizzazzjoni minn qabel bil-miktub tal-Kummissarju. Organizzazzjonijiet volontarji lokali jistgħu jagħmlu tali ġabriet pubbliċi jew attivitajiet ta' ġbir ta' fondi basta dawn ikunu elenkati u konformi.

(4) Ġabriet pubbliċi li jsiru permezz tat-telefon, inkluż billi jiġu mibgħuta messaġġi jistgħu jsiru biss bil-kunsens espress u bil-miktub tal-Kummissarju. Il-messaġġi għandu jkollhom għażla sempliċi ta' tifi li jkunu mingħjar hlas. Ir-rata għal messaġġi *premium* u kull informazzjoni li tirrigwarda l-prezz ta' tali messaġġi għandhom jinghataw b'mod ċar u inekwivol.

(5) *E-mails* bil-massa mhumiex permissibbli sakemm ma jinkisibx minn qabel il-permess tad-donatur u kull *e-mail* ikollha għażla sempliċi ta' tifi li tkun spjegata b'mod ċar.

(6) Organizzazzjonijiet volontarji jistgħu jużaw faċilitajiet ta' ġbir mill-folla, hekk iżda li tali faċilitajiet u akkomodazzjonijiet huma reġistrati u f'konformità mar-regoli, liġijiet u regolamenti applikabbli.

(7) L-ispejjeż kollha wżati għall-*policy* tal-ġbir mill-folla għandhom jiġu żvelati lill-Kummissarju qabel ma jsir il-ġbir mill-folla, u l-ebda parti mid-donazzjonijiet miġbura permezz tal-ġbir mill-folla ma tista' tiġi mqassma mas-sidien tal-*policy*.

(8) Id-dhul kollu generat u kull *income* ieħor miġbur mill-ġbir mill-folla għandu jiġi reġistrat permezz ta' prospetti bankarji, fejn il-ġbir mill-folla jista' jiġi faċilment skopert u rintraċċabbli. Donazzjonijiet ta' iżjed minn għoxrin euro (€20) kuljum mill-istess donatur ma jkunux permissibbli.

Proċeduri ta'
reviżjoni mill-
Kummissarju.

26. (1) Il-Kummissarju jkollu d-dritt, sabiex jinvestiga kwistjonijiet, jew it-tmexxija tal-affarijiet ta' organizzazzjoni

volontarja, skont is-setgħat mogħtija lilu permezz tal-artikoli 7(g), 7(h) u l-artikolu 34 tal-Att, li jitlob kwalunkwe informazzjoni, dokumenti u, jew kjarifiki minn xi entità jew awtorità pubblika jew privata u minn xi persuna, inklużi iżda mhux limitat għal amministraturi, membri, kolletturi, persuni li jiġbru l-fondi, donaturi jew voluntiera ta' xi organizzazzjoni volontarja jew persuni li għandhom pretensjoni jew jallegaw li għandhom tali status, kif jidhirlu neċessarju fiċ-ċirkostanzi.

(2) Il-Kummissarju jkun jista' wkoll jikxef kull informazzjoni lil tali entità jew awtorità jew persuna sabiex jiġu investigati affarijiet ta' organizzazzjoni volontarja, meta jkollu suspett li tali organizzazzjoni volontarja jew amministratur jew membru tagħha jkunu qed iwettqu xi attività illegali, inkluż iżda mhux limitat għal *money laundering* u ffinanzjar ta' terroriżmu, jew xi attività oħra illeċita jew kriminali.

(3) Bla ħsara għad-dispożizzjonijiet tas-subregolament (2), il-Kummissarju jista' jikseb kull informazzjoni minn entitajiet jew awtoritajiet oħra, inkluż iżda mhux limitat għal, ir-Registratur għal Persuni Ġuridiċi, is-Servizz ta' Sigurtà ta' Malta, Jobsplus, il-Kummissarju tal-Pulizija, il-Kummissarju tat-Taxxi, il-Korp għall-Analisi ta' Informazzjoni Finanzjarja, l-Uffiċċju għall-Irkupru tal-Assi, l-Awtorità tas-Servizzi Finanzjarja ta' Malta u l-Qrati tal-Ġustizzja, kif ukoll li jikxef kull informazzjoni lil tali entitajiet u awtoritajiet:

Iżda dik l-informazzjoni tista' tinkludi wkoll kull informazzjoni mir-Registratur tal-Qrati u, jew mill-Uffiċċju tal-Avukat Ġenerali jew mill-Uffiċċju tal-Avukat tal-Istat rispettivament, li tirrigwarda proċeduri kriminali jew ċivili pendenti, b'referenza partikolari għal kull informazzjoni li tirrigwarda s-sekwestru, l-iffriżar, il-konfiska jew il-qbid ta' assi:

Iżda wkoll kull informazzjoni privileġġata miksuba mill-Kummissarju wara li tkun saret tali talba, għandha tintuża esklussivament għall-għanijiet tas-setgħat mogħtija lilu skont id-dispożizzjonijiet ta' dawn ir-regolamenti u ma tkunx aċċessibbli għall-pubbliku.

(4) Il-Kummissarji jista' jitlob ukoll lil kull membru, amministratur, kollettur, persuna li tiġbor il-fondi, donatur jew voluntier tal-organizzazzjoni volontarja, jew dawk li għandhom pretensjoni jew jallegaw li għandhom tali status, biex jissottomettu ċertifikat tal-kondotta maħruġ taħt l-Ordinanza dwar Ċertifikati tal-Kondotta u jista' jirrifjuta li johroġ ċertifikat ta' iskrizzjoni lil tali membru jew amministratur tal-organizzazzjoni volontarja, jew jirtira

ċertifikat ta' iskrizzjoni maħruġ, jekk tali membru jew amministratur tal-organizzazzjoni volontarja jonqos milli jipprovdi tali ċertifikat tal-kondotta.

Kap. 77.

(5) Bla ħsara għad-dispożizzjonijiet tal-artikolu 3(3) tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, il-Kummissarji jista', waqt l-investigazzjonijiet tiegħu, jitlob *record* shiħ tal-kundanni kriminali ta' kull membru, amministratur, kollettur, persuna li tiġbor il-fondi, donatur jew voluntier tal-organizzazzjoni volontarja kkonċernata. Il-Kummissarju jista' jirrifjuta li joħroġ ċertifikat ta' iskrizzjoni, jew jirtira kull ċertifikat ta' iskrizzjoni maħruġ, jekk il-persuna lil lilha jirreferi *r-record* ta' kundanni kriminali tirrifjuta milli tagħti l-kunsens tagħha kif mehtieg taht l-artikolu 3(3) tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta.

(6) Għall-finijiet ta' dawn ir-regolamenti, u waqt investigazzjoni magħmula taht l-artikolu 7(1)(g) tal-Att, il-Kummissarji jkollu s-setgħa li jsejjaħ xhieda u li jagħti l-ġurament lil kull persuna kkonċernata fl-investigazzjoni u jordnalhom jixhdu.

(7) Fil-każ fejn tali persuna tirrifjuta li tipproduci l-informazzjoni mitluba, il-Kummissarju jista' jimponi multa amministrattiva ta' mhux iżjed minn ħames mitt euro (€500) u penali addizzjonali ta' tlett euro (€3) għal kull ġurnata li jkompli tali rifjut.

Disponimenti testamentari.

27. (1) Organizzazzjonijiet volontarji jew kolletturi individwali ma għandhomx jitolbu lil ebda persuna biex tagħmel disponimenti testamentari favur tagħhom. Meta persuna tixtieq tagħmel disponimenti testamentari favur organizzazzjonijiet volontarji, tali disponimenti jistgħu jsiru biss lil organizzazzjonijiet volontarji iskritti li jkunu konformi.

(2) Jekk fil-ħin tal-mewt tat-testatur, organizzazzjoni volontarja titneħħilha l-iskrizzjoni jew ma tibqax konformi, jew jekk l-għan ta' tali organizzazzjoni volontarja seħħ jew intlaħaq, tali disponimenti jiġu kkunsidrati bħala nulli u mingħajr effett.

Ilmenti.

28. (1) L-Uffiċċju tal-Kummissarju għandu jistabbilixxi proċedura dwar ilmenti li għandha tkun ċara, inekwivoka u aċċessibbli għall-pubbliku.

(2) Ilmenti magħmulin minn xi persuna, irrispettivament jekk min jilmenta u kollettur pubbliku, persuna li tiġbor il-fondi, amministratur, membru, organizzazzjoni volontarja, individwu, donatur jew riċevitur.

(3) Il-Kummissarju jkollu s-setgħa, sal-limitu li tali lmenti mhumiex ta' natura kriminali, li jagħti deċizzjonijiet dwar ilmenti, u

jkollu setgħat kważi ġudizzjarji fejn l-ilmenti huma ta' natura ċivili. Ilmenti għandhom jiġu investigati mill-Kommissarju mingħajr dewmien u d-deċiżjoni tiegħu tkun finali u tista' tiġi attakkata fil-qorti biss.

(4) Ir-rimedju li jingħata mill-Kommissarju għal tali lmenti għandu jkun reali, inkluż iżda mhux limitat għal, l-għoti lura ta' assi lis-sid prinċipali jew rifiżjoni tad-donazzjoni lid-donatur.

29. (1) Kull individwu jew organizzazzjoni volontarja li jiksru d-dispożizzjonijiet ta' dawn ir-regolamenti jkunu ħatja ta' reat u jeħlu, meta jinsabu ħatja, il-pieni stabbiliti taħt l-artikolu 31 tal-Att. Reati u pieni.

(2) Meta waqt ġabra pubblika jew avvenimenti jew attivitajiet ta' ġbir ta' fondi, xi membru tal-organizzazzjoni jew jikkommetti jew jiġi kommess fuqu att ta' fastidju sesswali, inkluż esponiment indiċenti, segwiment ta' persuna bil-moħbi, attack sesswali u komunikazzjonijiet oxxeni jew ta' theddid, l-organizzazzjoni volontarja għandha tirrapporta l-t lill-pulizija u, fejn ikun neċessarju, tippovdi kull appoġġ u assistenza lill-vittma.

(3) Id-dispożizzjonijiet tas-subregolament (1) għandhom jgħoddu ukoll f'każijiet ta' diskriminazzjoni kontra persuna b'diżabilità.

(4) Meta jkun hemm ksur tad-dispożizzjonijiet tas-subregolament (1), il-fondi kollha li jkunu ngabru permezz tal-attività tal-ġabra pubblika għandhom jiġu kkonfiskati u depożitati fil-Fond għal Organizzazzjonijiet Volontarji.

30. L-Ordinijiet dwar Ġbir fit-Toroq huma b'dan revokati, mingħajr preġudizzju għal dak kollu li sar jew naqas milli jsir taħthom. Revoka tal-Ordinijiet dwar Ġbir fit-Toroq. L.S. 10.14

L.N. 371 of 2020

**VOLUNTARY ORGANISATIONS ACT
(CAP. 492)**

Voluntary Organisations (Public Collections) Regulations, 2020

IN EXERCISE of the powers conferred by article 41(1)(s) of the Voluntary Organisations Act, the Minister for Education and Employment has made the following regulations:-

Citation and scope.

1. (1) The title of these regulations is the Voluntary Organisations (Public Collections) Regulations, 2020.

Cap. 279.

(2) The scope of these regulations is to establish, promote and conduct public collections by means of public events and fundraising activities held by enrolled voluntary organisations in accordance with the provisions governing public collections in terms of article 4(2) and (3) of the Act and in terms of the provisions of the Public Collections Act.

Interpretation.
Cap. 279.

2. (1) The definitions prescribed in the Act and in the Public Collections Act shall *mutatis mutandis* apply, unless they are inconsistent with these regulations.

(2) For the purpose of these regulations and unless the context otherwise requires:

Cap. 492.

"the Act" means the Voluntary Organisations Act;

Cap. 279.

"collector" shall have the same meaning assigned to it in the Public Collections Act and the term "public collector" and "public collectors" shall be construed accordingly;

"compliant" means any voluntary organisation which has been declared to be in conformity with the Act and any subsidiary legislation made thereunder;

"Commissioner" means the Commissioner for Voluntary Organisations;

"crowd funding" means any form of collection made through any media including but not limited to the internet, whereby any type of credit and, or money is raised by means of deposits or transfers made by the general public;

"financial year" means the financial year in respect of which

annual accounts are prepared by voluntary organisations;

"harassment" means any form of aggressive pressure or intimidation, persecution, annoyance, inconvenience, nuisance, pestering or bothering, force or coercion caused by collectors to the public when conducting any form of public collections and includes sexual harassment;

"promoter" shall have the same meaning assigned to it in the Public Collections Act;

Cap. 279.

"public" means any natural or legal person from the community other than any existing founders, administrators, members, fund raisers, management, beneficiaries or donors of a voluntary organisation and shall not include less than fifty persons in one or more public event or fundraising activities;

"public collection" shall have the same meaning assigned to it in the Public Collections Act and includes any form of collection, whether in cash or in kind, tangible or intangible, corporate or incorporate, movable or immovable, by any means or in any manner whatsoever;

Cap. 279.

"voluntary organisation" means an enrolled voluntary organisation established in terms of article 3 of the Act;

"Voluntary Organisations Fund" means the foundation established by article 37 of the Act;

"VO number" means the enrolment number or reference given to enrolled voluntary organisations.

3. (1) These regulations shall apply to all enrolled and compliant voluntary organisations.

Applicability.

(2) A non-enrolled voluntary organisation may not carry out a public collection.

4. (1) A public collection or a fundraising activity shall have a legal cause.

General provisions.

(2) Fundraising activities shall be carried out for voluntary organisations either for a general or specific purpose and voluntary organisations shall ensure that fundraising materials do not imply that the money collected is for a restricted purpose, where it may be used for different purposes or for funding in general.

Cap. 279.
S.L. 279. 01.

(3) An individual who performs a public collection may be considered as a collector in terms of these regulations upon obtaining authorisation by means of a permit issued by the Commissioner in accordance with the provisions of the Public Collections Act and the Public Collections Regulations:

Provided that the Commissioner shall have the discretion to authorize or refuse an application for such permit submitted by an individual and shall determine the grounds for granting such a permit, which grounds shall have a social and philanthropic purpose:

Provided further that, if there are overriding reasons relating to health or other extraordinary or urgent matters, the Commissioner may grant such permit to that particular individual.

(4) The authorisation requirement contained in sub-regulation (3) shall be valid for three (3) months.

Cap. 279.

(5) An individual or a non-enrolled voluntary organisation which fails to obtain a permit from the Commissioner when this is required shall be guilty of an offence and shall, on conviction, be liable to the penalties established under article 10 of the Public Collections Act.

(6) Any money, objects or any assets collected without such permit by any person not entitled to perform a public collection shall be confiscated and deposited in the Voluntary Organisations Fund.

(7) A voluntary organisation shall monitor the financial good standing and reputation of the collector before engaging a collector, who shall have a good-standing conduct certificate and shall not be declared bankrupt:

Provided that collectors shall be at least sixteen years of age prior to carrying out any public collection:

Provided further that collectors subject to any criminal records or convictions may still be allowed to carry out public collections subject to the discretion of the Commissioner.

Methods used to
carry out public
collections.

5. (1) The methods which may be used by voluntary organisations or collectors to carry out public collections shall include but are not limited to:

(a) conducting visits in public places including streets or door-to-door visits;

(b) public collections on the broadcasting media,

including broadcasting services, such as television broadcasting services and radio broadcasting services;

(c) any printed material which is communicated by means of publication including the publication of magazines;

(d) any means of electronic media communications including telephone services and the use of the internet;

(e) public collections carried out at public concerts, events and other functions, auctions, car-booth sales and, or fundraising activities, including any gift awarding schemes and, or lotteries carried out for such purpose;

(f) any type of crowd funding; and, or

(g) any donation to a voluntary organisation of any assets following a confiscation or decree by any competent court.

(2) Any other methods used to carry out public collections which are not included in the list mentioned under sub-regulation (1) shall also be governed by these regulations:

Provided that the Broadcasting Act and the Requirements as to Standards and Practices as to Advertisements, Methods of Advertising and Directions on Public Collections on the Broadcasting Media Regulations, the provisions relating to any printed material and publication in terms of the Press Act, the provisions relating to lotteries, games or any relative fundraising which require authorisation in terms of the Gaming Act, the provisions relating to auctions in terms of the Auctioneers Act are adhered to where applicable.

Cap. 350.
S.L. 350.31.

Cap. 248.

Cap. 583.

Cap. 342.

6. (1) Collectors shall be in possession of a tag issued by the Commissioner.

Identification tags.

(2) The tag shall include:

(a) the name, surname and passport size photo of the collector;

(b) the identity card number or passport number and the name of the country issuing the passport or identity card;

(c) in the case of voluntary organisations carrying out public collections, the name, registered address, contact number of the voluntary organisation and the name of the collector;

(d) the VO number of the enrolled voluntary organisation;

(e) the purpose of the public collection.

(3) Where applications for such tags are made by a voluntary organisation, such voluntary organisation shall take full responsibility on the good standing and credibility of its collectors who shall be in compliance with article 22B of the Act.

(4) A voluntary organisation shall recommend a public collector in writing and shall apply for a collector's tag to the Commissioner, who shall approve collectors solely after their application is endorsed or approved by at least three (3) administrators of the organisation.

(5) In the case of an organisation performing the collection, the tag shall be signed by both an administrator of the voluntary organisation and the Commissioner or a representative acting on his behalf, and where the collector is an individual, the tag shall bear his signature together with that of the Commissioner or a representative acting on his behalf.

(6) The tag issued by the Commissioner shall be made visible at all times during the public collection and be kept in a clean and legible state. Tags shall be displayed on the upper body of the public collector, made visible and identifiable and shall not be obscured in any way.

(7) The tag shall be marked with an expiry period of six (6) months.

(8) Collectors who fail to exchange a tag upon its expiry period, or to return it to the Commissioner upon his request, or upon termination of a collection, shall be subject to a penalty of fifty euro (€50) payable to the Office of the Commissioner. Each collector shall be responsible for the safe custody of his tag and shall return the tag to the Commissioner immediately upon ceasing to be a collector.

Collection
containers.

8. (1) Collectors shall have a sealed collection container provided by the Commissioner.

(2) Any containers collected and received directly by voluntary organisations shall be opened in front of two administrators of the voluntary organisation in the presence of a warranted professional person:

Provided that the Commissioner may reserve the right to

send a representative or public official acting on his behalf when such containers are opened.

(3) A declaration form shall be duly filled and signed by the two administrators of the voluntary organisation and the warranted professional person who opened the containers and counted the money collected. Such declaration form shall specify that the containers have been collected and received directly by the voluntary organisation concerned, the number of containers collected and the amount of money collected and shall be duly submitted to the Commissioner.

(4) The container shall have the name of the voluntary organisation, its VO number, whichever is applicable, and the purpose of the public collection, and all other relevant information which shall correspond to the details on the tag.

(5) All donations found in the said container must be counted in the Office of the Commissioner by a public officer within the Office of the Commissioner and a document shall be signed by both the administrator and the public officer, indicating the amount of donations collected and the period during which the collection was made.

(6) The container shall be returned to the Commissioner within one month upon termination of the collection, allowing for sufficient time prior to the date of submission of the relevant annual returns, in order that the total of donations collected may be appropriately included in the annual returns.

(7) Any voluntary organisation or individual who fails to return such container to the Commissioner on the due date shall be liable to a fine of three euro (€3), payable to the Office of the Commissioner, for each day that the failure subsists.

(8) A transitory period may be granted at the discretion of the Commissioner for all containers to be collected and removed from public or private places:

Provided that the Commissioner may give permission to the extent that certain containers may not be removed from public or private places, if such containers are in a fixed position or have an artistic, traditional, architectural or historic value or importance.

9. (1) Collectors may leave envelopes at any premises solely on behalf and in the name of voluntary organisations. Envelopes.

(2) Where collectors leave envelopes at any premises with the

intention of collecting money from the public, all envelopes shall be numbered, bear the name, address and contact number of the voluntary organisation and the date of the collection:

Provided that the envelopes shall bear instructions for the addressee to send the envelope back to the voluntary organisation, also where such envelopes do not contain any money.

(3) Fundraising envelopes may not be left at addresses where there are clear instructions declaring that such envelopes may not be left at such addresses. The term of the public collection shall be provided on the envelopes to be used for the collection.

(4) Any envelopes collected and received directly by voluntary organisations shall be opened in front of two administrators of the voluntary organisation in the presence of a warranted professional person.

(5) A declaration form shall be duly filled and signed by the two administrators of the voluntary organisation and the warranted professional person who opened the envelopes and counted the money collected. Such declaration form shall specify that the envelopes have been collected and received directly by the voluntary organisation concerned, the number of envelopes collected and the amount of money collected and shall be duly submitted to the Commissioner.

Public collections carried out in public places.

10. (1) Public collections shall not be carried out in any part of any street so as to cause any obstruction thereof or any inconvenience to pedestrians.

(2) Unless a fundraising activity is being organised during a collection, collectors shall not be more than two at the same collecting place, and shall occupy a fixed position with a distance of not less than thirty (30) metres between one collector and another.

Public collections carried out by conducting door-to-door visits.

11. (1) When conducting door-to-door visits, collectors shall, upon presenting the tag, introduce themselves by stating their name and surname, the name of the enrolled voluntary organisation on whose behalf they are making public collections and the purpose of the public collection.

(2) Collectors shall not act in such a manner so as to cause or is likely to cause any form of harassment to any person.

(3) Collectors shall not visit residences between 20.30hrs and 08.00hrs.

(4) Collectors may not demand and shall not be entitled to any payment or reward or any other form of remuneration for carrying out their services. Voluntary organisations or their sponsors may however, provide anything which is deemed necessary for the purpose of carrying out the public collection, including beverages or foodstuffs, protective wear or apparatus during the period for which they are performing the public collection.

12. (1) The following rules shall apply solely to public collections carried out in the streets:

Public collections carried out in the streets.

(a) tables for the purpose of any public collection shall not be used by collectors so as to cause actual or possible obstruction;

(b) collectors shall not act in such a manner so as to cause or is likely to cause any form of harassment to any person.

(2) Without prejudice to sub-regulation (1), collectors shall obtain permission in writing:

(a) from the appropriate authority or authorities to enter any governmental premises, any health centres whether public or private, or school or educational premises;

(b) from the owner to enter any shop or other similar premises, including cafeterias, bars, or restaurants, or any other place where products and, or services are sold;

(c) from the owner to enter any other place of entertainment or the owner of premises open to the public.

13. Persons who during a public collection activity render services, which do not include collection of money or assets, against any form of remuneration, whether taxable or otherwise, shall not be considered as carrying out a public collection.

Paid collectors.

14. (1) Saving the provisions of the Requirements as to Standards and Practice as to Advertisements, Methods of Advertising and Directions on Public Collections on the Broadcasting Media and any other applicable law or regulation, voluntary organisations making public collections on the broadcasting media shall provide all the necessary and relevant information to the potential donor.

Public collections carried out on broadcasting media. S.L. 350.31.

(2) The information mentioned in sub-regulation (1) shall include the name and VO number of the voluntary organisation, the purpose of the public collection and the contact details of the enrolled voluntary organisation to which the donations shall be made and the

preferred method of donation.

(3) Methods of donation may be made in cash or in kind or by means of a cheque or bank transfer or by any other means as may be deemed necessary:

Provided that, in case of donations made in kind, these shall be evaluated by a professional person.

(4) Voluntary organisations shall ensure that all the information mentioned in this regulation is made available on the broadcasting media in an appropriate and adaptable manner.

(5) Where the method of advertising on public collections on the broadcasting media is carried out by means of telephone services, and the cost of telephone calls or phone messages is higher than the normal announced tariff, the broadcaster shall inform viewers of the cost of that particular call or message:

Provided that if part of the cost of the telephone calls or phone messages, as the case may be, is intended for any social purpose, then such part shall also be identified.

Public collections carried out through the use of telephone services.

15. (1) When conducting collections through the use of telephone services, collectors shall provide the name of the voluntary organisation on whose behalf the public collection is being made, their age, the VO number and the purpose of the public collection and where premium calls are made by the donor, any information relating to the cost of such calls shall be provided and clearly explained to the donor.

(2) When conducting the public collection, collectors shall not act in such a manner so as to cause or is likely to cause any form of harassment to the recipient of the call and the voluntary organisation shall establish the time within which calls shall be made, which shall not be between 20.30hrs and 08.00hrs, unless authorisation is otherwise obtained from the Commissioner.

(3) Collectors shall not call the same recipients more than once during the same public collection, and they shall not ask personal questions or try to obtain other unnecessary information from the recipients of the call.

(4) Potential donors shall be instructed on the manner in which donations shall be made, whether these are to be made in cash or in kind, or by means of a cheque or bank transfer and shall be provided with all necessary information relating to the manner in which payment shall be effected.

(5) When phone calls are made for the sake of the collection, the number of the incoming call shall not be private and shall be displayed at all times. Collections made by phones shall not be made by random calling and in an automated manner.

(6) Telephone calls shall not be made during times when public collections are not permissible and each call shall have an opt-out service option upon the request of the donor.

16. (1) Sales of donated magazines and, or books, the proceeds of which or part thereof is intended for donation to a particular voluntary organisation, or sales of donated magazines and, or books to the public on behalf of a particular voluntary organisation or group of voluntary organisations, the proceeds of which are intended for the same purpose, shall be subject to the following conditions: Trading activities.

(a) promoters of such donated magazines and, or books shall provide the Commissioner with details as regards their trading activities including a brief description of the policies which apply and the procedures followed during the sale of such magazines and, or books, as well as those applied and followed for the promotion and marketing of their editions;

(b) a written agreement shall be made between the promoter of the donated magazines and, or books prior to their publication and the voluntary organisation receiving donations, and a certified true copy of the agreement shall be endorsed by a lawyer and submitted to the Commissioner; and

(c) the percentage of the donation to be given to the voluntary organisation shall be clearly shown on the front page of the magazine or other published material, and shall be unequivocal, certain and clearly legible.

(2) The written agreement shall be signed by all the parties involved in the trading activity and shall include the following:

(a) the name and address of each party, the date, the duration of the agreement and the terms and conditions applicable to the agreement;

(b) in case of donations exceeding five thousand euro (€5,000) over a period of one financial year, the exact amount of the donation being offered and the source of the said donation, with special reference to donations offered in cash or in kind;

(c) the receipts for every donation received exceeding

five euro (€5) per day;

(d) a brief statement of the principal purpose and objectives of the donation and the methods being used for the donation;

(e) unless there is provided that payment is made directly to the voluntary organisation, a clause stating that the funds received shall be held on behalf of the voluntary organisation and shall be transferred to the voluntary organisation as soon as possible;

(f) that the promoter of the donated magazines and, or books acting on behalf of the voluntary organisation shall inform the public of the details of the voluntary organisation for which public collections are carried out and of the amount of money proceeding from the sales of the magazines and, or books which the voluntary organisation received; and

(g) any other information about the donated magazines and, or books and their promoters which is relevant and necessary and which relates to the voluntary organisation.

Promotion of public collections.

17. (1) Images or descriptions promoting public collections shall be decent and unambiguous, and shall not be misleading, or likely to mislead the public, exaggerating, modified or likely to cause fear, disturbances and distress to the public.

Cap. 415.

(2) All trademarks shall be respected and collectors shall act in conformity with the provisions of the Copyright Act.

(3) Where the subject matter of a public collection in its natural state is likely to cause any of the prohibitions mentioned in sub-regulation (1), a warning shall be issued by the Commissioner against public collectors in this regard.

(4) Public collectors shall not keep a mailing list, both postal and electronic, in order to urge any person to make donations in a frequent and continuous manner.

(5) Beneficiaries shall not be presented in a disrespectful way in promotional activities and, where possible and appropriate, beneficiaries shall have an input into the promotional strategies of the voluntary organisation.

Public collections carried out at other public events.

18. (1) Public collections carried out during public events or other fundraising activities shall be conducted in a professional and organised manner.

(2) Voluntary organisations carrying out any such public collections shall inform the public, prior or during the event, about all relevant and necessary information to which the public has an interest to know. Such information shall include:

(a) the name, the registration number and contact details of the voluntary organisation to which donations shall be made;

(b) the purpose of the public collection;

(c) the percentage of or the amount of the price of the ticket or the participation fee or the amount of the objects sold at an auction or car-booth sale which are actually being attributed to the voluntary organisation.

(3) Where voluntary organisations wish to organise lotteries that may include raffles and other types of games or concerts, auctions and car boot sales in order to make public collections, administrators shall ensure that all relevant laws, regulations and rules are adhered to, where applicable.

(4) Auctions may be carried out solely by a certified public auctioneer in accordance with the provisions of the Auctioneers Act and any proceeds of sale in part or in full which is intended to be used as a public collection shall be clearly provided in the annual returns of the voluntary organisation. Cap. 342.

(5) Lotteries, games and other similar fundraising activity shall be regulated, licensed and in compliance with the provisions of the Gaming Act. Any collector shall be exempted from submitting the proceeds of any lottery, games or similar fundraising activity, if such proceeds are submitted to the Gaming Authority in terms of the Gaming Act. Cap. 583.

19. (1) Administrators of voluntary organisations shall act in a prudent manner in the interest of the voluntary organisation, while keeping a balance between the resources provided and services rendered in the carrying out of public collections activities and the potential risks related to the reputation and credibility of the voluntary organisation. Duties and responsibilities of administrators.

(2) Administrators of a voluntary organisation shall act with reasonable care and exercise due diligence in the carrying out of their responsibilities and shall ensure that:

(a) the voluntary organisation describes the purpose of any fundraising in an accurate manner;

(b) donations received are used to further the voluntary organisation's principal purpose and objectives;

(c) where donations are made for a specific purpose, the donor's request is honoured.

(3) The administrators shall explain to donors and the public about the voluntary organisation's activities, and shall ensure that transactions, operations, information and communications are easily understood by donors and the public alike.

(4) The administrators shall clearly identify to donors and the public the cause for which the fundraising is occurring and the manner in which donations are being used. Administrators shall ensure and exercise due diligence on fund raisers and public collectors, and shall establish that they are fit and proper to carry out public collections and fundraising events and activities.

(5) Administrators shall ensure that the voluntary organisation has a policy for any activities involving volunteers, including how they are contracted and managed. Administrators shall be aware of all relevant legal requirements and conform fully to these requirements, including but not limited to the legal obligations concerning employment, equality and data protection.

(6) Administrators shall be accountable to the beneficiaries, donors, fund raisers and the public. Administrators shall also be responsible for ensuring that their voluntary organisation fulfils its commitment to the best practice in fundraising.

(7) Where administrators decide to delegate the day-to-day management of fundraising to employees, there should be effective systems in place to ensure *inter alia* that:

(a) any delegation is clearly documented, understood and implemented;

(b) clear reporting procedures are in place, which include guidance on any particular matters that are to be reported to administrators;

(c) administrators receive regular and fully documented reports on agreed matters, presented in a way that they can understand and use and which allows them to exercise proper diligence and control.

(8) Administrators shall exercise appropriate control of the funds being collected, in any manner whatsoever, in order to ensure

that all collected funds are subject to transparency and accountability and that the funds collected are only used for the purpose and objectives for which they are intended.

(9) Administrators shall be responsible for ensuring that an appeal for fundraising is intended to promote in the best manner possible the purpose or objectives of the voluntary organisation and that it shall not be such as to materially prejudice the principal purpose and objectives of the voluntary organisation, while taking into account any financial or credibility risks in relation with the fundraising propose.

(10) Any significant appeal for fundraising shall be carefully planned and published before carrying out the fundraising activity. The purposes, credibility and principles of the voluntary organisation shall be made known to the Commissioner before launching any appeal for fundraising.

20. (1) Administrators may delegate certain responsibilities to management, including the responsibility for organising or managing fundraising campaigns. Responsibilities and functions of management.

(2) Where management has responsibility for fundraising by a voluntary organisation, they shall ensure that:

(a) verifications relating to the suitability and credentials of fund raisers to raise funds on behalf of the voluntary organisation are in place;

(b) fund raisers are aware of the specific fundraising efforts in which they are involved and may inform the public about the purpose of the voluntary organisation;

(c) fund raisers shall provide clear and adequate written or verbal information to donors and the public, regarding the nature of the type of contact information from voluntary organisations, such as telephone calls, messages and the frequency of planned communications;

(d) there is no misleading or ambiguous information in any of the voluntary organisation's fundraising communications;

(e) procedures are implemented and safeguards are in place, to ensure that particular attention is exercised as much as possible, when obtaining donations from people who may be considered vulnerable, including minors.

Fundraisers.

21. (1) Fund raisers shall respect the rights and dignity of donors, beneficiaries and the public. Fund raisers shall act with integrity and not misrepresent the voluntary organisation, its need for funds or how they shall be applied.

(2) Fund raisers shall be polite and shall not intrude privacy or be persistent and shall not create undue pressure on donors or on the general public. Public collectors shall not follow a person or attempt to talk to him if no interest is shown by such person to make a donation.

(3) All fund raisers shall:

(a) be trustworthy and conduct themselves at all times with integrity and honesty and shall act in such a manner as to ensure that donors are not misled;

(b) ensure that their actions enhance the purpose and reputation of the voluntary organisation which they represent;

(c) be able to state the purpose for which funds being collected shall be used;

(d) have a general knowledge about the aims and objectives of the voluntary organisation and be able to inform donors from where they can find supplementary information;

(e) not act in any manner which is inconsistent with any guidelines issued by the Commissioner, or cause or permit others to do so;

(f) not exploit any relationship with a donor, volunteer or employee for personal benefit or private interest or misuse their position for personal gain; and

(g) comply with all legal requirements which relate to their activities within the voluntary organisation which employs them or for which they act as volunteers.

Right of donors
to be given a
receipt.

22. (1) Where a public collection is carried out by means of a trading activity or otherwise and the proceeds of sale devolve upon a voluntary organisation, collectors shall give to each donor a receipt, stating the amount of money received from each donor as an acknowledgement of the donation received.

(2) In the case of a donation made in kind, a description of the items received shall be produced to the donor in terms of the valuation process as provided by a professional person.

(3) All receipts shall be numbered and shall include the name, address and contact numbers of the voluntary organisation or the individual, the date of the donation and the details of the collector.

23. (1) When obtaining, processing, retrieving and retaining data, the administrators shall conform with the provisions of the Data Protection Act, and any other applicable laws and regulations regarding data protection. Data protection. Cap. 586.

(2) Where fundraising activities or public collections include children in photos or videos, the consent of the parents or legal guardians is required at all times.

(3) All personal data shall be collected in a legal, fair and appropriate manner and all information which can be identified or attributed to one or more individuals shall be treated as confidential.

(4) All voluntary organisations shall ensure that donors, clients, service users and employees are clearly informed of their rights under the Data Protection Act to gain access to a copy of their personal data. Cap. 586.

(5) Any information obtained in confidence as part of the fundraising process shall not be disclosed without the prior and express consent of the donor.

24. (1) The Commissioner may disallow the continuance of any fundraising activity or public collection at any stage, if there is a breach of national laws and regulations. Processing and collection of donations.

(2) Donations and gifts shall be used for the purposes for which they were donated. Secure measures shall be provided by donees for donations made by means of online transactions and receipts shall be provided accordingly.

(3) Head of schools shall be responsible for collections made in schools, provided that the collector has obtained the written permission of the Commissioner, and the Commissioner shall not be held responsible for collections carried out in the actual place of collection.

(4) The voluntary organisation and, or the owner of a premises where public collections are actually carried out, shall be held responsible for the health and safety of the collector while performing the public collection, and the Commissioner shall not bear any responsibility for any accident, injuries or damages sustained by public collectors.

(5) For the purpose of collections carried out in a private establishment, a notice may be displayed on the premises by the owner of such premises providing that collectors may not enter same premises, notwithstanding the fact that the collection is open to the public. Collections may not be carried out on any land or premises privately owned without the written and express consent of the owner.

(6) Collectors may not be stationed in the entrance of a shop or similar establishment, on a pedestrian crossing, within three (3) meters of an ATM machine, market stall or street performers.

Collections
made by digital
or electronic
means.

25. (1) Where public collections are made by digital or electronic means, users shall be aware of which data is being collected, and all information regarding the collection of data shall be clearly provided by means of a privacy policy or statement.

(2) All information on the purpose and the duration of the collection, the name and the registered number of the voluntary organisation and the contact details of the administrators shall be made available on the website of the voluntary organisation or public collectors, where these are individuals.

(3) Any public collection or fundraising activity through electronic means carried out by a foreign voluntary organisation shall obtain the prior written authorisation from the Commissioner. Local voluntary organisations may carry out such public collections or fundraising activities, provided these are enrolled and compliant.

(4) Public collections carried out by telephone including by transmitting messages may only be carried out with the prior and express consent of the Commissioner. Messages shall have a simple opt-out option which shall be free of charge. Premium rate messaging and any information relating to the cost of such messages shall be provided in a clear and unequivocal manner.

(5) Bulk emails shall not be permissible unless the prior consent of the donor is obtained and each email shall have a simple opt out option which is clearly explained.

(6) Voluntary organisations may use crowd funding facilities, provided that such facilities or accommodations are registered and in conformity with applicable rules, laws and regulations.

(7) Any expenses used for crowd funding policy shall be disclosed to the Commissioner before crowd funding is made, and no part of the donations raised through such crowd funding may be shared with policy owners.

(8) All generated revenue and other income raised through the crowd funding shall be recorded by means of bank statements, where the crowd funding is easily distinguished and traceable. Donations exceeding twenty euro (€20) each day made by the same donor shall not be permissible.

26. (1) The Commissioner shall, in order to investigate matters, or the conduct of affairs of a voluntary organisation, in terms of the powers vested in him by means of articles 7(g), 7(h) and article 34 of the Act, have the right to request any information, documents and, or clarifications from any public or private entity or authority and from any person, including but not limited to administrators, members, collectors, fund raisers, donors or volunteers of any voluntary organisation or those claiming or alleging to have such status, as he may deem necessary in the circumstances.

Review
Procedures by
the
Commissioner.

(2) The Commissioner shall also be entitled to disclose any information to such entity or authority or person for the purpose of investigating matters of a voluntary organisation, when he has a suspicion that such voluntary organisation or an administrator or member thereof is carrying out any illegal activity, including but not limited to money laundering and financing of terrorism, or any other illicit or criminal activity.

(3) Saving the provisions of sub-regulation (2), the Commissioner is entitled to obtain any information from other entities or authorities, including but not limited to, the Registrar for Legal Persons, the Malta Security Service, Jobsplus, the Commissioner of Police, the Commissioner for Revenue, the Financial Intelligence Analysis Unit, the Asset Recovery Bureau, the Malta Financial Services Authority and the Courts of Justice and also to disclose any information to such other entities or authorities:

Provided that such information may include any other information from the Registrar of Courts and, or the Office of the Attorney General or the Office of the State Advocate respectively, relating to any pending criminal or civil proceedings, with particular reference to any information concerning the attachment, freezing, confiscation and seizure of assets:

Provided further that any privileged information obtained by the Commissioner upon such request, shall be used exclusively for the purposes of the powers vested in him in terms these regulations and shall not be made accessible to the public.

Cap. 77. (4) The Commissioner may also request any member, administrator, collector, fund raiser, donor or volunteer of the voluntary organisation, or those claiming or alleging to have such status, to submit a conduct certificate issued under the Conduct Certificates Ordinance and may refuse to issue an enrolment certificate to such member or administrator of the voluntary organisation, or withdraw any issued enrolment certificate, if such member or administrator of the voluntary organisation fails to provide such conduct certificate.

Cap. 77. (5) Subject to the provisions of article 3(3) of the Conduct Certificates Ordinance the Commissioner may, in the course of his investigations, request a complete record of criminal convictions of any member, administrator, collector, fund raiser, donor or volunteer of the voluntary organisation concerned. The Commissioner may refuse to issue an enrolment certificate, or withdraw any issued enrolment certificate, if the person to whom the record of criminal convictions relates refuses to give his consent as required under article 3(3) of the Conduct Certificates Ordinance.

(6) For the purpose of these regulations and in the course of any investigation made under article 7(1)(g) of the Act, the Commissioner shall have the power to summon witnesses and to administer an oath to any person concerned in the investigation and require them to give evidence.

(7) In the event that such person refuses to produce the requested information, the Commissioner may impose an administrative fine not exceeding five hundred euro (€500) and an additional penalty of three euro (€3) for each day such refusal subsists.

Testamentary dispositions.

27. (1) Voluntary organisations or individual collectors shall not demand from any person to make testamentary dispositions in their favour. Where a person wishes to make testamentary dispositions in favour of voluntary organisations, such dispositions may only be made to enrolled voluntary organisations which are compliant.

(2) If at the time of death of the testator, a voluntary organisation is dis-enrolled, non-enrolled or not compliant, or if the purpose of such voluntary organisation has been fulfilled or achieved, such dispositions shall be considered null and void.

Complaints.

28. (1) The Office of the Commissioner shall establish a complaints procedure which shall be clear, unambiguous and made accessible to the public.

(2) Complaints may be made by anyone, irrespective whether the complainant is a public collector, a fund-raiser, an administrator, a member, a voluntary organisation, an individual, a donor or a donee.

(3) The Commissioner shall, to the extent that such complaints are not of a criminal nature, have the power to decide on complaints and shall be vested with quasi-judicial powers where such complaints are of a civil nature. Complaints shall be investigated by Commissioner without delay and his decision shall be final and may only be challenged in Court.

(4) The remedy awarded by the Commissioner to such complaints shall be real, including but not limited to the return of assets to the principal owner or a refund of the donation to donor.

29. (1) Any individual or voluntary organisation which is in breach of these regulations is guilty of an offence and shall, on conviction, be liable to the penalties established under article 31 of the Act. Offences and penalties.

(2) Where during a public collection or fundraising events or activities, any member of the organisation either commits or suffers from an act of sexual harassment including indecent exposure, stalking, sexual assault and obscene or threatening communications, the voluntary organisation shall report the matter to the police and, where necessary provide any support and assistance to the victim.

(3) The provisions of sub-regulation (1) shall also apply in cases of discrimination against any person with disability.

(4) Where a breach occurs in terms of sub-regulation (1), any funds which have been raised by means of the public collection activity shall be confiscated and deposited in the Voluntary Organisations Fund.

30. The Street Collections Orders are hereby being repealed, without prejudice to anything done or omitted to be done thereunder. Revocation of the Street Collections Orders.
S.L. 10.14
