

Mr. Winter

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AN ACT RELATING
TO
WAR CHARITIES

BEING CHAPTER 10 OF THE STATUTES OF CANADA 1939
(FIFTH SESSION)

INCLUDING REGULATIONS AND FORMS



OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

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3 GEORGE VI.

CHAP. 10.

An Act relating to War Charities.

[Assented to 13th September, 1939.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The War Charities Act, 1939*. Short title.

2. In this Act,

Definitions.

(a) "Minister" means the Secretary of State of Canada or such Minister as the Governor in Council may select to exercise and perform the powers and duties under this Act;

"Minister".

(b) "War Charity Fund" means any fund having for its objects or among its objects the supplying of needs or comforts or the relief of suffering or distress for the benefit of the personnel of the armed forces of Canada or the families or dependents of any of them or of any other sufferers from the present war, or any other charitable purpose connected with the war.

"War Charity Fund."

3. (1) It shall be an offence under this Act,

Offences.

(a) directly or indirectly to solicit or make any appeal to the public for donations or subscriptions in money or in kind for any War Charity Fund, or to raise or attempt to raise money for any War Charity Fund by promoting or conducting any bazaar, sale, entertainment or exhibition, or by soliciting for advertising or by any other means, unless the War Charity Fund is registered under this Act;

(b) to make or attempt to make any collection for any War Charity Fund unless with the authorization in writing of the officer duly designated in accordance with paragraph (d) of subsection two of section four of this Act to authorize collections for such War Charity Fund;

(2) This section shall not apply to any collection at Divine Service in a place of public worship. Exception.

Registration
required.

4. (1) The Minister, on application of any person, association or institution under whose auspices it is proposed to raise a War Charities Fund, may grant registration thereof upon his being satisfied:—

- (a) that adequate provision has been made for its establishment and control in accordance with such regulations as may be made from time to time under the authority of section eight of this Act;
- (b) that there is reason to believe that its specific purpose is not already satisfied;
- (c) that the application for registration is made in good faith;

Register.

(2) The Minister shall keep a register of all War Charities Funds registered under this Act in which shall be entered:—

- (a) the name of the War Charity Fund;
- (b) the date of registration and of the termination thereof;
- (c) the name of the person, association or institute under whose auspices the War Charity Fund is to be raised;
- (d) the name of an officer or officers by whom alone authorization may be given in writing to persons or organizations to solicit or make collections for such War Charity Fund for the purposes of paragraph (b) of subsection one of section three of this Act;

Certificate.

(3) The Minister shall issue a certificate of registration of every War Charity Fund registered under this Act.

No applica-
tion or
registration
fee.

(4) No fee shall be payable upon application for registration of a War Charity Fund or upon the issue of a certificate of such registration.

Conditional
requirements.

5. Every War Charity Fund registered under this Act shall comply with the following conditions:—

- (a) It shall be administered by a committee or other body consisting of not less than three persons, the nomination of which shall be subject to the approval of the Minister;
- (b) Minutes shall be kept of each meeting of such committee or other body in which shall be recorded the names of the members thereof attending such meeting;
- (c) Proper books of account shall be kept, and such accounts shall include the total receipts and the total expenditure of any collection, bazaar, sale, entertainment or exhibition held with the approval of the governing body of the War Charity Fund, and the accounts shall be audited at such intervals as may be prescribed by regulations under this Act by some person or persons approved by the Minister, and copies of the accounts so audited shall be sent to the Minister;
- (d) All moneys received by the War Charity Fund shall be paid into a separate account at such bank or banks as may be specified as respects the War Charity Fund in the register;

(e) Such particulars with regard to accounts and other records as the Minister may require, shall be furnished to the Minister, and the books and accounts of the War Charity Fund shall be open to inspection at any time by any person duly authorized by the Minister.

6. The Minister may appoint any person or persons Reports.
whom he may designate to report to him concerning any War Charity Fund or any application for the registration thereof or any matter pertaining thereto.

7. (1) The registration of any War Charity Fund under the provisions of this Act shall be subject to termination by the Minister whenever, in his discretion, he may consider that effective co-ordination of public subscriptions for the relief of suffering or distress, whether connected with the war or otherwise, renders such termination desirable in the public interest. Registration
termination.

(2) The Minister may appoint such number of persons, Charities:
not less than three, as he may designate to constitute a Co-ordination
Board.
Charities Co-ordination Board in which all monies and other assets of any War Charities Funds, the registration of which may have been terminated by the Minister as aforesaid, shall become vested immediately upon the termination of such registration, such monies and assets thereafter to be administered by such Charities Co-ordination Board in such manner as the Board may recommend to be in the public interest and as the Minister may approve.

8. The Minister may make regulations:— Regulations.

- (a) prescribing the forms for applications under this Act and the particulars to be contained therein;
- (b) prescribing the form of the registers to be kept under this Act;
- (c) providing for the inspection of registers and lists kept under this Act, and the making and furnishing and certification of copies thereof and extracts therefrom;
- (d) prescribing forms and particulars for returns to the Minister and periods covered by such returns;
- (e) requiring notification to the Minister of any changes requiring alterations in the particulars entered in the register;
- (f) generally for carrying this Act into effect.

9. The Minister, if satisfied that any War Charity Fund registered under this Act is not being carried on in good Termination
for cause.
faith, or is not complying with any of the conditions imposed under this Act, or is not being properly administered, may terminate the registration thereof and shall give public notice of such termination.

Offence.
False
pretences.

10. If any person, in any application for registration or in any notification of any change requiring alterations in the registered particulars, makes any false statement or false representation, or if any person falsely represents himself to be an officer or agent of a War Charity Fund, or if he fails to send any notification which he is required under this Act to send, he shall be guilty of an offence against this Act.

Offence.
Unauthorized
emblems.

11. In any case where the Governor in Council has authorized any War Charity Fund to issue and confer any brassard, button, emblem or device, it shall be an offence against this Act for any unauthorized person to manufacture, import into Canada, sell, offer for sale, purchase or wear such brassard, button, emblem or device, or any colourable imitation thereof.

Penalty.

12. (1) Any person guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding five hundred dollars, or to imprisonment with or without hard labour for a term not exceeding three months.

(2) Proceedings for offences against this Act, other than offences against section two, shall not be instituted except with the consent of the Minister.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

THE DOMINION OF CANADA

THE WAR CHARITIES ACT, 1939

Whereas section 8 of the War Charities Act, 1939, provides that the Secretary of State of Canada may make regulations respecting the matters therein referred to and generally for carrying the said Act into effect and whereas for the due administration of the said Act certain regulations and forms are necessary,

Now, therefore, I, Ernest Lapointe, Acting Secretary of State of Canada, by and under the powers conferred upon me by the said Act as well as any other power me thereunto enabling do make and constitute the regulations and forms hereunto attached as regulations and forms under the War Charities Act, 1939.

Given under my hand the twentieth day of September, A.D. 1939.

ERNEST LAPOINTE,
Acting Secretary of State of Canada.

REGULATIONS

1. In these regulations the word "Act" shall mean the War Charities Act, 1939, and the word "Fund" shall mean a War Charities Fund as defined in said Act.

2. (a) When an application for registration of a Fund is made by a company, association or institution having branches, there shall be shown therein the same, location and street address of each branch to which authority is intended to be given by the parent body for the raising of funds under this Act, and the name and address of the officer or officers of such branch who are to be authorized under Section 4 (ii) (d) of the Act. The Fund of every such branch shall be subject to the provisions of the Act and to all regulations made or to be made thereunder and a separate certificate of registration may be issued with respect to the Fund of said branch. Nothing herein, however, is to prevent any such branch from making separate application, as if it were a separate entity, for the registration of a Fund.

(b) When registration is made by a parent organization, as aforesaid, of the Fund of any branch thereof, the parent organization and the Fund of said branch shall be jointly and severally responsible for the furnishing to the Secretary of State of the Statement of

Accounts required under regulations numbers 7 (a) and (b) and 8; only receipt by the Minister of a Statement of Accounts in form and substance satisfactory to the Minister will relieve the parent organization of such obligation.

3. (a) The application for registration shall be in writing, addressed to the Minister in form "A" of the schedule hereto, or to like effect, and shall be accompanied in the case of a company, association or institution which was in existence on the 3rd day of September, 1939, by a certified copy of its Letters Patent or Charter, and constitution and by-laws and a certified copy of its last annual Financial Statement. The said Financial Statement shall be for a period ending not more than six months prior to the date of the application for registration.

(b) The said application must clearly show,

- (i) Methods to be followed in the establishment and administration of the said Fund.
- (ii) The total moneys expected to be collected.
- (iii) The estimated detailed cost of collecting said moneys.
- (iv) The principal objects upon which expenditures from said Fund are to be made.

4. The application shall be signed, in the case of individuals, by the persons under whose auspices the Fund shall be raised, and in the case of companies, associations or institutions by at least two of the chief officers thereof under their official designation.

5. (a) The certificate of registration which may be issued by the Minister shall be in form "B" of the schedule hereto, or to like effect.

(b) Such registration shall be effective for a period of one year only but may be renewed by the Minister for a further like period, if the Minister is satisfied that the Fund so registered has fully complied with the Act and regulations and that such renewal is in the public interest.

6. All registers kept by the Minister shall be open for inspection, during office hours, by any person and on request copies thereof may be obtained on payment therefor at the rate of 10 cents for every hundred words.

7. (a) Every Fund registered under this Act shall, on or before the 30th day of April in each year, file a statement as at the 31st of March preceding, giving particulars of the activities of the Fund during the last year or the part thereof during which said Fund has been in existence; such statement shall be in form "C" of the schedule hereto.

(b) Every Fund which collects money by special projects such as carnivals, bazaars, shows, exhibitions or other entertainments, or under any other contract or arrangement whereby the Fund is to obtain a percentage or proportion of any receipts, must within one month from the date of the conclusion of such event, mail to the Secretary of State a fully itemized statement of gross receipts and expenditures with respect to the said Fund duly certified by at least two members of the committee authorized under Section 5 (a) of the Act.

(c) Registration shall not be granted to any Fund which proposes to make collections under a contract or arrangements whereby an organization or person is to receive remuneration based on a percentage or other scale dependent upon the amount of contributions collected by such organization or person.

(d) Registration shall not be granted to any Fund which makes or proposes or attempts to make any commercial contract for collection by telephonic communication whether by soliciting for the sale of tickets, coupons, advertising contracts or otherwise; the registration of any Fund which violates the provisions of this regulation shall be forthwith terminated by the Minister.

8. The accounts of every Fund shall be audited by a chartered accountant for the period beginning with the registration of said Fund and continuing up to the 31st day of March next following, and regularly thereafter for each succeeding twelve-month period, and a copy of said annual accounts, duly certified as correct by said accountant, shall be filed with the Minister on or before the 30th day of April following; provided, however, that where the total gross receipts, whether in money or in kind, have been less than \$500.00 in any accounting period, said accounts may be audited by two persons who may not be chartered accountants but who are otherwise qualified, and verified by a certificate of such persons and an affidavit by two of the proper officers of said Fund in the form "D" in the schedule hereto, or to like effect.

9. After the registration of the Fund, meetings of the committee or other governing body of the Fund, as provided for in Section 5, ss. (a) of the Act, shall be held at least once a month and at such additional times as such body may determine, for the consideration of the activities of the Fund, and full minutes of all such meetings shall be kept in accordance with the provisions of subsection (b) of said section; provided, however, that this regulation shall not apply to any national or provincial Fund or to other Funds of a similar character or scope, if the constitution or by-laws of said Fund provides for regular meetings in a manner satisfactory to the

Minister and a request is made in the application for registration for exemption by reason thereof from the provisions of this regulation.

10. Whenever any change or variation takes place or is made, subsequent to registration, in matters, particulars of which are given in any application for registration, notice of such change and full explanation as to the reason therefor shall forthwith be given by letter to the Minister.

11. The Minister may at any time demand from the Fund a special return giving such information respecting the status or activities thereof as may be set out in such demand.

12. Upon the termination of the registration of any Fund by the Minister, a notice thereof shall be published in the *Canada Gazette*, and, if deemed expedient by the Minister, in such newspaper as the Minister may direct.

THE WAR CHARITIES ACT, 1939

Schedule of Forms

FORM "A"

DOMINION OF CANADA

APPLICATION FOR REGISTRATION OF A WAR CHARITIES FUND UNDER THE WAR CHARITIES ACT, 1939

To the Honourable the Secretary of State of Canada:

The application of (Give full names and addresses)
.....
.....
.....
respectfully sheweth as follows:—

The undersigned applicants are desirous of obtaining registration of a War Charities Fund to be established under the provisions of The War Charities Act, 1939, and regulations made or to be made thereunder, such Fund to be known as.....
.....
or such other name as may appear proper to you in the premises.

The Head Office of the proposed Fund will be situate at.....
(Give street address) in.....
in the Province of.....

The undersigned have satisfied themselves that there is need for the establishment of such a War Charities Fund. The proposed Fund is to be raised under the auspices of the applicants.

(1) That the committee to be charged with the administration of said proposed Fund shall consist of the following persons: (At least three persons to be named).

Full Name	Full Address	Occupation
.....
.....
.....
.....
.....

(2) The officer or officers of said proposed Fund, by whom alone authorization may be given in writing to persons or organizations to solicit or make collections for said Fund, shall be:—

Full Name	Full Address	Occupation
.....
.....
.....
.....
.....

(3) NOTE:—(To be completed only by applicants who are a company, an association or institution with branches and who are applying for registration of Funds to be raised by branches.)

- (a) The applicants intend to give authority to certain branches to raise funds under the Act and hereby apply on behalf of the said branches for registration of a Fund thereof in the name of each. The said branches and addresses, and the name and address of the officer or officers so authorized for each branch is hereunder set out:—

Name of Branch	Full Street Address	Officers who are to be authorized under Section 4 (II) (d) of Act.		
		Name	Full Address	Occupation

- (b) The members of the Committee to be charged with the administration of each Branch Fund are as follows:—

Name of Branch Fund	Name of Committee Member	Full Address	Occupation

(4) PARTICULARS REQUIRED BY REGULATIONS

NOTE:—(To be completed by all applicants. Organizations applying for registration of Branch Funds must supply these particulars of each Fund by extra sheets to be attached to form.)

- (a) The methods to be followed in the establishment and administration of the Fund (or each branch Fund) are as follows:— (Here give name and address of Bank where monies to be deposited, and other particulars)

.....

- (b) The total money expected to be collected by said Fund (or by each branch Fund) is \$..... made up as follows:

(i) Subscriptions\$
 (ii) Membership
 (iii) Donations
 (iv) Special projects (specify).....
 (v) Miscellaneous
 Total.....\$

- (c) The estimated cost of collecting said Fund (or each branch Fund) is \$..... made up as follows:

(Give full details)

(i) Salaries\$

 (ii) Honoraria

 (iii) Office and General Operating Costs.....

 (iv) Travelling

 (v) Publicity

 (vi) Special Financing projects

 Total.....\$

- (d) The principal objects upon which expenditures from said Fund are to be made and the amount expected to be expended in each case are as follows:

(i) Specific services (itemize fully)\$

 (ii) Contributions to other Funds (if any)

- (iii) Unallocated Emergencies (indicate nature)
-
-
-
- (iv) Items not elsewhere mentioned
(specify)\$
-
-
-
- Total.....\$

Your applicants therefore ask that a Certificate of Registration may be issued with respect to the said Fund (and each branch Fund) under the provisions of The War Charities Act, 1939.

Dated at.....in the Province of
this.....day of.....A.D. 19....

Witness

.....
.....
(Full address to be given)

.....
.....
(Full address to be given)

.....
.....
(Full address to be given)

NOTE.—Any married woman is to be described herein by her Christian name followed by her address and the full name and occupation of her husband, e.g., Mary Doe of Ottawa, in Ontario, wife of John Doe, of the same place, Merchant.
Certified copy of Letters Patent (or Charter) and of constitution, by-laws and Financial Statement must in certain cases be forwarded with application. See Regulation No. 4 (a).

FORM "B"

DOMINION OF CANADA

THE WAR CHARITIES ACT, 1939

I, the undersigned, Secretary of State of Canada, the registration authority under the provisions of The War Charities Act, 1939, do certify that

situate at

in the Province of
under said Act.

, is a Fund duly registered

Dated this

day of

19 .

Acting Secretary of State.

FORM "C"

WAR CHARITIES ACT, 1939

Statement of accounts for period ending March 31, A.D. 194
required under Regulation 7 (a)

(NOTE—To be furnished by all Funds including Branch Funds)

1. Name of War Charities Fund (if Branch Fund, so indicate).
.....
2. Address (street number, city, town, village or post office).
.....
3. Names, full addresses and occupations of members of governing body.
.....
.....
.....
4. Name and address of auditor.....
5. Date of commencement of operations of Fund.....
6. Receipts from all sources (without deductions of any kind).
 - (a) Subscriptions.....\$
 - (b) Membership.....
 - (c) Collections.....
 - (d) Donations.....
 - (e) Special projects (specify).....
.....
 - (f) Miscellaneous.....

Total \$ \$
7. Expenditures. (give full particulars).
 - (a) Salaries (if any).....\$
 - (b) Honoraria.....
.....
 - (c) Office and general operating costs.....
.....
 - (d) Travelling.....\$
 - (e) Publicity.....\$

(f) Special Financing Projects.....

(g) Specific charitable services (itemize).....

(h) Contributions to other Funds (if any).....

(i) Items not mentioned elsewhere.....

Total \$ \$

8. Balance on hand..... \$
(State name and address of Bank)

(a) Particulars of expected use of balance on hand
.....
.....

9. (a) Subscriptions not yet due.....\$

(b) Subscriptions past due.....\$

CERTIFIED CORRECT this day of A.D. 194 .

.....
(official designation of person signing)

.....
(official designation of person signing)

NOTE—Auditor's statement required under Regulation 8 to be filed with
within statement of accounts.

FORM "D"

DOMINION OF CANADA

The War Charities Act, 1939

CANADA } In the matter of the accounts of.....
Province of }
To Wit: } (State name of Fund)

I, of the.....
of in the Province of
and I, of the.....
of in the Province of
severally make oath and say:—

1. That we are respectively the.....
and of the above-named
..... Fund,
and as such have a full and personal knowledge of the facts herein
deposed to.

2. That hereto attached and marked Exhibit "A" to this affidavit is a
true copy of the statement of accounts of the said Fund, prepared and
certified by auditors duly appointed for that purpose, as at the 31st day
of March, 19.... and I say that the contents of said statement are true.

SEVERALLY SWORN BEFORE ME }
at in the Province }
of this day }
of 19 }

A Commissioner for taking oaths in and for the Province of.....

A Notary Public in and for the Province of.....

