

LAW ON COLLECTION OF AID

Law No	: 2860
Date of Enactment	: June 23, 1983
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Code of Laws	: Array: 5 Volume: 22 Page: 43

CHAPTER ONE

General Provisions

Purpose:

Article 1 – The purpose of this Law is to determine the persons and entities entitled to collect aid, the purposes for which such aid may be collected and to set forth the principles and procedures applicable to the collection, usage and inspection of aid.

Scope:

Article 2 – This Law regulates the principles applicable to the collection of aid by persons and entities entitled to collect aid in accordance with the collector's aim and public benefit.

The Turkish Armed Force's internal aid collection activities, donations and aid provided to associations, unions and their parent entities, sports clubs, professional associations and foundations entitled to accept aid from their members and other persons depending on their status and the revenues generated through equity capital of the said entities are not included within the scope of this Law.

Persons and entities entitled to collect aid:

Article 3 – Real persons, associations, institutions, foundations, sports clubs, and publishers of newspapers and magazines may collect aid to assist with the realization of their aims, to assist those persons in need of aid and for the advancement of the public benefit.

Voluntary nature:

Article 4 – Donations are voluntary. No person or entity shall be obligated to make any donations.

Methods of Collection of Aid:

Article 5 –

In accordance with this Law, persons and entities entitled to collect aid may do so by means of [issuing receipts], collecting boxes, bank accounts, printing charity stamps, organizing raffles, cultural events, exhibitions, sports events, shows and trips or by means of using systems subjecting information to automatic or electronic operation. (1)

(1) The expression of “or by way of using systems subjecting information to automatic or electronic operation” is inserted as per Article 38 of the Law numbered 5253 and dated November 4, 2004.

One or more of the abovementioned methods may be used in aid collection activities.

The purpose of the aid collection shall be indicated in the receipts and tickets used in aid collection activities.

Receipts and tickets printed specifically for aid collection shall be used for the aid collection activities performed by real persons.

The principles to the form, printing, usage and distribution of receipts and tickets shall be set forth in a regulation to be issued for such purpose.

CHAPTER TWO

Authorization, Competent Authorities and Application

Requirement to obtain authorization:

Article 6 – No person or entity may collect aid without obtaining the authorization of the competent authority. The Council of Ministers shall determine and announce which institutions and foundations may collect aid for the public benefit without obtaining such authorization upon the proposal of Ministry of Interior.

Security forces shall immediately prohibit the aid collection activities engaged without the required authorization and initiate legal proceedings against the offenders.

Competent authorities:

Article 7 – (Amended by Article 38 of Law No 5253 on November 4, 2004)

If aid collection activity is conducted in more than one district of a province, such authorization shall be obtained from the governor’s office of such province; and if aid collection activity is conducted within the territory of a provincial district, then such authorization shall be obtained from the district governor’s office of such district. If aid collection activity is conducted in two or more provinces, then such authorization shall be obtained from the governor’s office of the province where the real persons or legal entities conducting such activities reside and the governor’s office giving such authorization shall inform the other relevant governor’s offices and the Ministry of Interior. [The procedures regarding the aid collection activities shall be executed by association units.]

Application:

Article 8 – Any person or entity that proposes to engage in aid collection activities shall file an application with the relevant competent authority.

The application petitions of publishers of newspapers and magazines shall be submitted by the competent clerk's offices.

In the event that the collection of aid is proposed to be conducted for the benefit of education institutions or within such institutions, written approval of an authorized person of such institution shall be attached to the application petition.

The matters and documents to be included in application petitions shall be set forth by a regulation.

Evaluation of applications and authorization:

Article 9 – Upon receipt of an application petition, the relevant competent authority shall evaluate the application in terms of the importance of the work to be performed, the capacities of those to engage in such aid collection activities, the suitability of the services for purposes indicated or for the public benefit, the likely success of the proposed aid collection activities, and any other relevant matters; and shall give its response within two months of receipt of the relevant application.

Duration:

Article 10 – The relevant competent authority has the authority to determine the duration of any aid collection activity subject to its authorization. The duration of the aid collection activity shall not exceed one year. However, in the event of a valid reason, the relevant competent authority may, upon the expiry of the period of one year, extend the duration of aid collection activity for a period of up to one year.

CHAPTER THREE

Working Principles and Procedure

Responsible Committee:

Article 11 – Any real person is required to establish a responsible committee composed of at least three members regarding aid collection activity to be conducted. The responsible committee of a legal entity shall be comprised of the members of such entity's management bodies.

The relevant competent authority shall be informed of identity of the members of the responsible committee, and of any subsequent change of such members, within ten days.

Matters with which publishers of newspapers and magazines must comply:

Article 12 – Monetary aid collected by newspaper and magazine publishers shall be deposited to a designated bank account of such newspaper or magazine publisher to be opened for such purpose

Names of donors and donation amounts shall be published in the newspaper or magazine unless otherwise is consented by the donor. The total amount collected enduring the course of the aid collection activity shall be declared in the relevant newspaper or magazine.

Activities of civil servants:

Article 13 – Civil servants shall not be involved in aid collection activities without the approval of the competent authority.

Civil servants authorized to engage in aid collection activities shall not be paid any fee under any circumstances. However, the Turkish Aeronautical Association may pay a fee to civil servants entitled to collect aid by means of skins and intestines of sacrificial animals, *zakat* or *zakat al-fitr*.

Armed forces, judges and public prosecutors authorized in civil and criminal judiciary, members of security forces and private security forces shall not engage in aid collection activities.

Liabilities:

Article 14 – Persons and entities engaged in aid collection activities shall be liable for the regular and efficient progress of such activities, the completion of the activities within the relevant time limits, the secure protection of donations and properties collected and the usage of the donations in accordance with the relevant purpose.

Duties of authorizing competent authority:

Article 15 – The competent authority authorizing aid collection activities shall keep a separate file for each aid collection activity.

Photographic Collection of Aid Identity Cards shall be issued to those who take part in aid collection activities and such Photographic Collection of Aid Identity Cards shall include details of the nature of the aid collection activity and its permitted duration. Such Photographic Collection of Aid Identity Cards shall be returned upon the conclusion of such aid collection activities and stored in the file of the activity held by the competent authority.

CHAPTER FOUR

Inspection

Inspection of activities

Article 16 – The competent authority which has granted the authorization of the aid collection activity shall be liable for inspection and supervising the aid collection activities to determine whether net revenue generated from such aid collection activities are used in accordance with the purpose of such activities.

The competent authority shall assign a sufficient number of inspectors, comprising civil servants or external advisers, and shall inform any interested parties.

Interested parties shall share all information and documents regarding their aid collection activities upon the request of inspectors.

In the event that authorization is granted for aid collection activities for the purposes of restoration of historical buildings and monuments, the General Directorate of Foundations or the Ministry of Culture and Tourism may also conduct an inspection at its discretion.

Final account:

Article 17 – Responsible committees shall be liable for issuing a statement of final accounts within ten days as of the expiry of the permitted duration of aid collection activities and shall submit a copy to the relevant competent authority. Where necessary, such period may be extended by an additional period of up to thirty days by the relevant competent authority.

The relevant competent authority shall deliver a copy of the final accounts to the inspectors.

Result of inspection:

Article 18 – Inspectors shall review the documents of aid collection activities and final accounts, prepare a report and submit it to the competent authority within the relevant legal term.

Inspection report:

Article 19 – The inspection report shall include the following information:

- a) Gross income of aid collection activities,
- b) Costs of aid collection activities,
- c) Net income generated as a result of aid collection activities,
- d) Determination as to whether net income is sufficient to realize the purpose of the aid collection activities
- e) Explanations of the issues requested to be inspected by the relevant authority.

Inspectors shall include the matters that they deem beneficial in this report as well.

Fees of inspectors:

Article 20 – The fees of inspectors shall be determined by the Ministry of Interior and Finance and such fees shall be paid out of a fund to be allocated within the budget of Ministry of Interior.

CHAPTER FIVE

Articles 21 – 23 – (Abolished: Article 10 of Law No 3294 dated May 29, 1986)

PART SIX

Miscellaneous Provisions

Costs of aid collection activities:

Article 24 – The costs incurred as a result of issuing receipts, distributing collecting boxes, opening bank accounts, printing charity stamps, or using systems subjecting information to automatic or electronic operation, shall not exceed ten percent of the gross income from such aid collection activities. The costs incurred by way of organizing raffles, cultural events, exhibitions, sports events, shows and trips shall not exceed forty percent of the gross income from such aid collection activities.

In the event that the costs incurred exceed the above mentioned rates, the excess shall be paid by the responsible committee members unless there are valid reasons.

Transfer of the remaining aid:

Article 25 – In the event that the donations collected do not reach the amount required to realize the aim of the aid collection activity, or in the event that the donations collected exceed the amount required to realize the aim, all donation collected, or the excess donations collected, respectively, shall be transferred to other entities or institutions whose aims achieve the same or similar purposes.

(1) The expression of “or by way of using systems subjecting information to automatic or electronic operation” is inserted as per Article 38 of the Law numbered 5253 and dated November 4, 2004.

Liability of printing houses:

Article 26 – Printing houses shall inform the competent authority regarding the serial numbers of receipts, tickets, charity stamps that they have printed and submit copies of any prints to the competent authority within seven days.

Collection of aid by foreign representatives:

Article 27 – Collection of aid by foreign representatives in Turkey shall be subject to the authorization of Ministry of Foreign Affairs. This Law shall not be applicable in respect of aid collection activities carried out by foreigners.

Aid deemed as public property:

Article 28 – (Amended: Article 406 of Law No 5728 on January 23, 2008)

Any embezzled donations or goods collected in accordance with aid collection activities shall be punished in accordance with the embezzlement related provisions of the Turkish Criminal Code, irrespective of whether such offense is carried out by a civil servant.

Penalties:

Article 29 – (Amended with Article 407 of Law No 5728 on January 23, 2008)

An administrative fine of seven hundred Turkish Liras shall be imposed on any persons or entities collecting aid without having been duly authorized in accordance with this Law. An administrative fine of five hundred Turkish Liras shall be imposed on any persons or entities carrying out aid collection activities outside of a permitted venue.

An administrative fine of two hundred Turkish Liras shall be imposed on any persons or entities who violate other provisions of this Law, provided that it does not constitute a crime.

The administrative chief of the relevant district shall decide on the penalties regulated under this provision.

Money and goods collected in violation of the above provisions shall be seized and confiscated.

Regulation:

Article 30 – The Ministry of Interior and Finance shall prepare a regulation setting forth the principles and procedures regarding the matters stipulated under Articles 5, 8 and 23 of this Law and the implementation of this Law within six months as of the announcement of this Law, and shall publish such regulations in the Official Gazette.

Reserved Provisions:

Article 31 – The rights and privileges granted to certain associations, foundations and unions in accordance with the provisions of law are reserved.

Abolished Provisions:

Articles 32 – The Regulation on Collection of Aid dated November 23, 1912 is hereby abolished.

Provisional Article 1 – (This provision is the provisional article of the Law No 2860 which is numbered hereby for the purposes of continuity)

The procedures regulated under the regulation issued

Aid collection activities conducted in accordance with the Regulation on Collection of Aid shall be adapted into the procedures regulated under this Law within six months as of the date the regulation issued as per Article 30 of this Law entered into force.

Entry into Force

Article 33 – This Law shall enter into force upon its promulgation.

Enforcement

Article 34 –The provisions of this Law shall be enforceable by the Council of Ministers.

THE LIST INDICATING THE LAWS AND PROVISIONS ABOLISHED BY THE LAW
AMENDING THE LAW NO 2860

Abolished Laws or Provisions of Abolishing Law	Date	Number	Article
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FIFTH CHAPTER of the Law No 2860 and numbered June 23, 1983 and

Articles 21, 22 and 23 in this section and

the second paragraph of Article 29 in the

SIXTH CHAPTER	May 29, 1986	3294	10
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THE LIST INDICATING THE ENFORCEMENT DATE OF THE LAW
AMENDING LAW NO 2860

Amending Law No	Amended articles of Law No 2860	Enactment Date
3294	—	June 14, 1986
4854	—	May 6, 2003
5253	5, 7 and 24	November 23, 2004
5728	28, 29	February 8, 2008