



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

^{F1}PART 1

CHARITIES

CHAPTER 2

SCOTTISH CHARITY REGISTER

Changes

16 Changes which require OSCR's consent

- (1) A charity may take any action set out in subsection (2) only with OSCR's consent and in accordance with any conditions attached to any such consent.
- (2) Those actions are—
 - (a) amending its constitution so far as it relates to its purposes,
 - (b) amalgamating with another body,
 - (c) winding itself up or dissolving itself,
 - (d) applying to the court in relation to any action set out in paragraphs (a) to (c).
- (3) Subsection (1) does not apply in relation to any action—
 - (a) in pursuance of an approved reorganisation scheme, or
 - (b) for which OSCR's consent is required by virtue of any other enactment.
- (4) Where a charity proposes to take any action set out in subsection (2) it must, not less than 42 days before the date on which the action is to be taken, give notice to OSCR of the proposal specifying that date.
- (5) In the case of an action set out in subsection (2)(a), the charity must not proceed unless and until OSCR has given its consent.

Changes to legislation: There are currently no known outstanding effects for the Charities and Trustee Investment (Scotland) Act 2005, Cross Heading: Changes. (See end of Document for details)

- (6) In any other case, unless OSCRC, within 28 days of the date on which notice is given under subsection (4)—
- (a) refuses its consent, or
 - (b) directs the charity not to take the action for a period of not more than 6 months specified in the direction,
- OSCR is to be taken as having consented to it.
- (7) A direction under subsection (6)(b)—
- (a) may be revoked at any time,
 - (b) may be varied, but not so as to have effect for a period of more than 6 months from the date on which it is given.
- (8) Where OSCRC gives such a direction it must, after making such inquiries as it thinks fit—
- (a) give its consent, whether or not subject to conditions, or
 - (b) refuse its consent.

Annotations:

Modifications etc. (not altering text)

- C1** S. 16(1) excluded (1.4.2011) by [The Scottish Charitable Incorporated Organisations \(Removal from Register and Dissolution\) Regulations 2011 \(S.S.I. 2011/237\)](#), regs. 1(1), **2(1)**

Commencement Information

- II** S. 16 in force at 1.4.2006 by [S.S.I. 2006/189](#), art. 2(1), **Sch. Pt. 1** (with art. 3(2)-(4))

17 Notification of other changes

- (1) A charity must give OSCRC notice of—
- (a) any change in—
 - (i) the principal office of the charity, or
 - (ii) where it does not have such an office, the name or address of the charity trustee specified in the Register (or which would, but for section 3(4), be so specified),
 - (b) any change in any other details set out in its entry in the Register,
 - (c) any change to its constitution,
 - (d) any action set out in section 16(2)(b) to (d) which the charity has taken,
 - (e) any administration order or an order for winding up made by the court in respect of the charity,
 - (f) the appointment of a receiver in respect of any of the charity's property, setting out the date on which the change, action, order or appointment took effect.
- (2) Subsection (1) does not apply in relation to any action which requires OSCRC's consent under section 16.
- (3) A notice under any of paragraphs (a) to (d) of subsection (1) must be given within 3 months of the date of the change or action to which it relates.
- (4) A notice under paragraph (e) or (f) of subsection (1) must be given within 1 month of the date of the order or appointment to which it relates.

Changes to legislation: There are currently no known outstanding effects for the Charities and Trustee Investment (Scotland) Act 2005, Cross Heading: Changes. (See end of Document for details)

Annotations:

Commencement Information

I2 S. 17 in force at 1.4.2006 by S.S.I. 2006/189, art. 2(1), **Sch. Pt. 1**

Changes to legislation:

There are currently no known outstanding effects for the Charities and Trustee Investment (Scotland) Act 2005, Cross Heading: Changes.