



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

PART 1

CHARITIES

CHAPTER 4

SUPERVISION OF CHARITIES ETC.

Powers of Court of Session

35 Transfer schemes

- (1) The Court of Session may, on an application by OSCR, approve a scheme prepared by OSCR in accordance with regulations made by the Scottish Ministers for the transfer to a charity specified in the scheme of any assets of—
 - (a) another charity,
 - (b) a body which is controlled by a charity (or by two or more charities, when taken together),
 - (c) a body which is not a charity but which is or has been representing itself as a charity.
- (2) The court may approve a scheme in relation to a charity only if it is satisfied—
 - (a) that there is or has been misconduct in the administration of the charity,
 - (b) that it is necessary or desirable to act for the purpose of protecting the property of the charity or securing a proper application of such property for its purposes, and
 - (c) that the charity's purposes would be better achieved by transferring its assets to another charity.
- (3) The court may approve a scheme in relation to a body falling with paragraph (b) of subsection (1) only if it is satisfied—

Status: This is the original version (as it was originally enacted).

- (a) that there is or has been misconduct in the administration of the body or any of the charities which control it,
 - (b) that it is necessary or desirable to act for the purpose of protecting the property of the body or any such charity, and
 - (c) that the transfer provided for by the scheme is reasonable.
- (4) The court may approve a scheme in relation to a body falling within paragraph (c) of subsection (1) only if it is satisfied—
- (a) that the body falls within that paragraph, and
 - (b) that the transfer provided for by the scheme is reasonable.
- (5) The court may approve a scheme under this section subject to modifications.
- (6) A charity receiving property in pursuance of a scheme approved under this section may apply that property for its purposes as it thinks fit.