
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

**The Scottish Charitable Incorporated Organisations
(Removal from Register and Dissolution) Regulations 2011**

Accompanying documents

5.—(1) The application referred to in regulation 4 must be accompanied by a copy, certified by either at least two thirds of the charity trustees of the SCIO or by one trustee only if authorised to sign on behalf of the other trustees, of a resolution of the members of the SCIO that, subject to OSCR being satisfied that the application meets the requirements of these Regulations—

- (a) the SCIO's estate be sequestrated;
- (b) in the event of the SCIO having any surplus assets after settlement of all outstanding debts and liabilities, the surplus assets be transferred to another named body (or bodies) which has purposes which are the same as or which resemble closely the purposes of the SCIO set out in its constitution; and
- (c) the SCIO be removed from the Register and dissolved.

(2) A resolution referred to in paragraph (1) must be passed by at least two-thirds of its members voting at a general meeting or otherwise than at a general meeting of the SCIO (including those voting by proxy or by post, if voting that way is permitted) and must have been passed not more than 21 days before the making of the application.

(3) The application referred to in regulation 4 must also be accompanied by the following documents:—

- (a) a copy of the constitution of the SCIO including any amendment;
- (b) a copy of the register of the charity trustees of the SCIO;
- (c) a declaration of insolvency of the SCIO signed by at least two thirds of the charity trustees of the SCIO or by one trustee only if authorised to sign on behalf of the other trustees in the form of the form set out in Schedule 3;
- (d) an application by the SCIO (for onward transmission by OSCR) to the Accountant in Bankruptcy for sequestration of the estate of the SCIO signed by at least two thirds of the charity trustees of the SCIO or by one trustee only if authorised to sign on behalf of the other trustees in the form of the application set out in Schedule 4; and
- (e) a notice of application for dissolution of the SCIO in the form of the form set out in Schedule 5.