

EXECUTIVE NOTE

The Charities Reference in Documents (Scotland) Amendment Regulations 2008 SSI/2008/59

The above Regulations were made in exercise of the powers conferred by section 15 of the Charities and Trustee Investment (Scotland) Act 2005 (“the Act”). The Regulations are subject to negative resolution procedure.

Policy Objectives

The purpose of the Regulations is to clarify that the term “bills of exchange” in regulation 4(d) of the Charities References in Documents (Scotland) Regulations 2007 does not include bills of exchange which are cheques and therefore that cheques are not included in list of documents on which specified information in relation to a charity must be included. There are specific conditions in the Bills of Exchange Act 1882 which must be met before a bill of exchange could be considered to be a cheque. Therefore as there are circumstances when a cheque might be caught by the reference to Bills of Exchange, the Regulations have been amended to clarify that bills of exchange which are cheques are not included. This amendment does not represent a change in policy but to clarify and deliver our previously stated position to exclude cheques from the Regulations and therefore relieving charities of any extra burden.

Consultation

These Amendment Regulations have been drafted following consultation with the Office of the Scottish Charity Regulator.

Financial Effects

The Regulations are deregulatory as they remove a document from the list that would cause both charities and banks time and money to add the required information.

Scottish Executive, Justice Department
February 2008