

2016 No. 76

CHARITIES

**The Charities Accounts (Scotland) Amendment Regulations
2016**

<i>Made</i>	- - - -	<i>2nd February 2016</i>
<i>Laid before the Scottish Parliament</i>		<i>4th February 2016</i>
<i>Coming into force</i>	- -	<i>1st April 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 44(4) and (5) of the Charities and Trustee Investment (Scotland) Act 2005(a) and all other powers enabling them to do so.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Charities Accounts (Scotland) Amendment Regulations 2016 and come into force on 1st April 2016.

(2) These regulations do not apply to any accounts covering a financial year which begins before 1st January 2016.

Amendments to the Charities Accounts (Scotland) Regulations 2006

2.—(1) Regulation 1(2) (interpretation) of the Charities Accounts (Scotland) Regulations 2006(b) is amended as follows.

(2) In the definition of “registered social landlord”, for the words from “means” to the end substitute—

“means—

- (a) a body included in the register kept under section 20(1) of the Housing (Scotland) Act 2010(c);
- (b) a private registered provider of social housing or a subsidiary or associate of such a provider, as defined in Part 2 of the Housing and Regeneration Act 2008(d);

(a) 2005 asp 10.

(b) S.S.I. 2006/218; as relevantly amended by S.S.I. 2007/136, S.S.I. 2010/287, S.S.I. 2012/38 and S.S.I. 2014/335.

(c) 2010 asp 17.

(d) 2008 c.17; “registered provider of social housing” is defined by section 80 of that Act, subsection (3) of which was inserted by S.I. 2010/844. Definitions of “subsidiary” and “associate” are provided in section 271 of that Act which was amended by the Co-operative and Community Benefit Societies Act 2014 (c.14) (“the 2014 Act”), Schedule 4, Part 2.

- (c) a social landlord registered in the register maintained under section 1(1) of the Housing Act 1996^(a) or a subsidiary or associate of such a person as defined in that Act^(b);
 - (d) a housing association registered in the register maintained under Article 14 of the Housing (Northern Ireland) Order 1992^(c).
- (3) In the definition of “the SORP”, for the words from “either” to the end substitute—
- “the Statement of Recommended Practice entitled “Accounting and Reporting by Charities: Statement of Recommended Practice applicable to charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102)”, published by the Chartered Institute of Public Finance and Accountancy, London, in 2014^(d) as read with the Update Bulletin entitled “Charities SORP FRS 102 Update Bulletin”, published by the Chartered Institute of Public Finance and Accountancy, London, in 2016;”.

ALEX NEIL

A member of the Scottish Government

St Andrew’s House,
Edinburgh
2nd February 2016

(a) 1996 c.52; section 1 was amended by the Government of Wales Act 1998 (c.38), Schedule 18; the Housing and Regeneration Act 2008 (c.17), section 61 and Schedule 16 and the 2014 Act, Schedule 4, Part 2.

(b) “associate” and “subsidiary” are defined by sections 60 and 61 of the Housing Act 1996, which were amended by the 2014 Act, Schedule 4, paragraphs 56, 62 and 63, and by S.I. 2009/1941.

(c) S.I. 1992/1725 (N.I.15).

(d) ISBN 978-1-84508-421-9.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Charities Accounts (Scotland) Regulations 2006 (“the principal Regulations”).

Regulation 2(2) amends the definition of “registered social landlord” to extend its application to charities who are registered as social landlords in England, Wales and Northern Ireland. The effect of extending the definition is to ensure that bodies which are registered as charities in Scotland but are also registered social landlords in England, Wales or Northern Ireland prepare their statements of account in accordance with their own specialist industry statements of recommended practice.

As a result of changes by the Financial Reporting Council to accounting standards in the UK and the Republic of Ireland, from 1st January 2016, all charities in the UK and the Republic of Ireland must apply the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) when preparing their accounts on an accruals basis. The Financial Reporting Standard for Smaller Entities (FRSSE) previously applicable to qualifying charities has been withdrawn by the Financial Reporting Council.

The Statement of Recommended Practice providing guidance to charities on how to apply the FRSSE (ISBN 978-1-84508-422-6) is therefore no longer applicable and has been withdrawn by the Charity Commission for England and Wales and the Office of the Scottish Charity Regulator. The Statement of Recommended Practice to provide guidance to charities on how to apply the FRS 102 (ISBN 978-1-84508-421-9) has been updated by the Charities SORP FRS 102 Update Bulletin.

Regulation 2(3) updates the definition of “the SORP” in the principal Regulations to take into account the above changes.

Both the Statement of Recommended Practice on how to apply the FRS 102 (ISBN 978-1-84508-421-9) and the Update Bulletin are available from the Chartered Institute of Public Finance and Accountancy or can be downloaded free of charge from www.charitySORP.org.

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