
STATUTORY INSTRUMENTS

1997 No. 964 (S.86)

CHARITIES

**The Charities (Dormant Accounts)
(Scotland) Amendment Regulations 1997**

<i>Made</i>	- - - -	<i>16th March 1997</i>
<i>Laid before Parliament</i>		<i>20th March 1997</i>
<i>Coming into force</i>	- -	<i>1st May 1997</i>

The Secretary of State, in exercise of the powers conferred upon him by section 12(10) and (13)(a) (iii) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Charities (Dormant Accounts) (Scotland) Amendment Regulations 1997 and shall come into force on 1st May 1997.

(2) In these Regulations “the principal Regulations” means the Charities (Dormant Accounts) (Scotland) Regulations 1995(2).

Amendment of the principal Regulations

2. After regulation 2 of the principal Regulations there shall be inserted the following regulation:—

“Relevant institutions

2A. The National Savings Bank and a municipal bank (being institutions mentioned in Schedule 2 to the Banking Act 1987(3) are hereby prescribed for the purpose of section 12(13)(a)(iii).”.

3. In regulation 7 of the principal Regulations at the beginning of paragraph (c) there shall be inserted the words “where the aggregate amount standing to the credit of the body in such accounts as are mentioned in section 12(2) exceeds £500.”.

(1) 1990 c. 40.

(2) S.I.1995/2056.

(3) 1987 c. 22; Schedule 2 has been amended by S.I. 1989/125, 1991/66 and 2734 and 1993/953; and by the Friendly Societies Act 1992 (c. 40), Schedule 22 and the Crown Agents Act 1995 (c. 24), Schedule 2.

4. After regulation 7 of the principal Regulations there shall be inserted the following Regulation:—

“7A. Where—

- (a) the nominee is not required to publish notice of his proposal in accordance with regulation 7(c); and
- (b) it appears to him (whether as a consequence of any representations made in pursuance of the notice given in accordance with regulation 7(b) or otherwise) that the aggregate amount standing to the credit of the body in such accounts as are mentioned in section 12(2) exceeds £500,

he shall then publish notice of his proposal in accordance with regulation 7(c) before determining the matters which he is required to determine for the purposes of section 12(3) or, as the case may be, section 12(4).”.

5. In regulation 9 of the principal Regulations—

- (a) for the words from the beginning to “the nominee decides” there shall be substituted the words “Where the nominee decides (whether as a consequence of any representations made in pursuance of the notice given or published in accordance with regulation 7, or otherwise)”;
- (b) in sub-paragraph (i) before the word “publish” there shall be inserted the words “, where notice has been published in accordance with regulation 7,”.

St Andrew’s House,
Edinburgh
16th March 1997

James Douglas-Hamilton
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Charities (Dormant Accounts) (Scotland) Regulations 1995 (“the principal Regulations”).

The Regulations—

- (a) prescribe the National Savings Bank and a municipal bank for the purpose of section 12(13)(iii) of the Law Reform (Miscellaneous Provisions) Act 1990. This will enable the Scottish charities nominee (“the nominee”) to receive information from those institutions in relation to the dormant accounts of Scottish charities (regulation 2);
- (b) amend regulation 7 of the principal Regulations so as to provide that the nominee only requires to publish notice in a newspaper of his proposal to transfer the balances standing to the credit in the accounts of a dormant Scottish charity to another Scottish charity if the aggregate amount in those accounts exceeds £500 (regulation 3);
- (c) provide that where the nominee has not published notice in a newspaper and it appears to him that the aggregate amount standing to the credit of the accounts of the dormant Scottish charity exceeds £500, he must then publish notice of his proposal in a newspaper (regulation 4);
- (d) amend regulation 9 of the principal Regulations so as to provide that where the nominee decides to alter his original proposal—
 - (i) the procedure set out in regulation 9 applies whether the decision was made as a consequence of any representations received or otherwise (regulation 5(a)); and
 - (ii) the nominee only requires to publish notice of his decision in a newspaper if he has already published notice of his original proposal in a newspaper (regulation 5(b)).