



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

^{F1}PART 1

CHARITIES

^{F1}CHAPTER 5A

REORGANISATION OF RESTRICTED FUNDS

^{F1}43A Reorganisation of restricted funds: applications by charity

- (1) OSCR may, on the application of a charity, approve a restricted funds reorganisation scheme proposed by the charity if—
 - (a) it considers—
 - (i) that any of the conditions specified in subsection (2) is satisfied in relation to the restricted funds, and
 - (ii) that the proposed reorganisation will enable the resources of the restricted funds to be applied to better effect for charitable purposes consistently with the charity's constitution, and
 - (b) it is satisfied that the charity is unable to ascertain the wishes of the donor.
- (2) The conditions are—
 - (a) that some or all of the purposes of the restricted funds—
 - (i) have been fulfilled as far as possible or adequately provided for by other means,
 - (ii) can no longer be given effect to (whether or not in accordance with the directions or spirit of the restricted funds' purposes),
 - (iii) have ceased to be charitable purposes,
 - (iv) have ceased in any other way to provide a suitable and effective method of using the funds, having regard to the spirit of the restricted funds' purposes,

Changes to legislation: There are currently no known outstanding effects for the Charities and Trustee Investment (Scotland) Act 2005, Section 43A. (See end of Document for details)

- (b) that the purposes of the restricted funds provide a use for only part of its property.
- (3) The Scottish Ministers may by regulations make such provision as they think fit in relation to making and determining applications under this section.
- (4) Such regulations may in particular make provision about—
 - (a) the form and manner in which applications must be made,
 - (b) the period within which OSCR must make a decision on an application,
 - (c) publication of proposed restricted funds reorganisation schemes,
 - (d) the action a charity may take in order to satisfy OSCR of the matters described in subsection (1)(b),and may make different provision in relation to different types of charity.]

Annotations:**Amendments (Textual)**

- F1** Pt. 1 Ch. 5A inserted (1.10.2010 for specified purposes, 1.11.2012 in so far as not already in force) by Public Services Reform (Scotland) Act 2010 (asp 8), ss. 125(1), 134(7); S.S.I. 2010/321, art. 3, Sch.; S.S.I. 2012/218, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Charities and Trustee Investment (Scotland) Act 2005, Section 43A.