



# Charities (Regulation and Administration) (Scotland) Act 2023

## 2023 asp 5

*Information about charity trustees etc.*

### **2 Inclusion of names of charity trustees in the Scottish Charity Register**

- (1) The 2005 Act is modified as follows.
- (2) In section 3 (Scottish Charity Register)—
  - (a) in subsection (3), after paragraph (a) insert—

“(aa) the name of each of its charity trustees,”
  - (b) for subsection (4) substitute—

“(4) Despite subsection (3)(aa) and (b), OSCR must exclude any information of the type specified in those provisions from a charity’s entry in the Register where—

    - (a) the information is the subject of an application for exclusion (whether as part of the application for the entry of a body in the Register or, subsequently, by a charity or any of its trustees), and
    - (b) OSCR is satisfied that including the information in the entry would be likely to jeopardise the safety or security of any person or premises.”
- (3) In section 17(1) (notification of other changes)—
  - (a) in paragraph (a)(ii), for “of the charity trustee specified in the Register” substitute “specified in the Register in accordance with section 3(3)(b)”,
  - (b) in paragraph (b), at the end insert “(or which would, but for section 3(4), be so specified)”.
- (4) In section 71(b) (decisions), for “3(3)(b)” substitute “3(3)(aa) or (b)”.

### **3 Information about charity trustees for OSCR’s use**

- (1) The 2005 Act is modified as follows.

- (2) In section 17(1) (notification of other changes), after paragraph (b), insert—
- “(ba) any change in relation to its charity trustees which alters the answer to a question specified by OSCR under section 66A(3).”
- (3) After section 66, insert—

*“Information about charity trustees*

**66A Schedule of charity trustees**

- (1) OSCR must keep, in such manner as it thinks fit, a schedule of all charity trustees.
- (2) The schedule must contain a separate entry for each charity trustee entered in it setting out such information as OSCR considers appropriate.
- (3) OSCR must—
  - (a) specify the questions about charity trustees it will require answers to for the purpose of populating the schedule, and
  - (b) publicise the questions so specified.
- (4) Section 22 applies to documents and information which OSCR requires in relation to a charity trustee’s entry in the schedule as it applies to documents and information which OSCR requires in relation to the charity’s entry in the Register.
- (5) It does not matter whether a person continues to be a charity trustee for OSCR to be able to retain information about that person in the schedule, provided the retention of that information is calculated to facilitate, or is conducive or incidental to, the performance of OSCR’s functions.”