

*Status: This version of this provision is prospective.*

**Changes to legislation:** Charities (Regulation and Administration) (Scotland) Act 2023, Paragraph 20 is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

PROSPECTIVE

## SCHEDULE FURTHER MODIFICATION OF THE 2005 ACT

### Notices

- 20 (1) Section 100 of the 2005 Act (notices, applications etc.) is modified as follows.
- (2) After subsection (5), insert—
- “(5A) Subsection (5B) applies where OSCRC has cause to believe that giving or making a formal communication to a charity by the means specified in subsection (4)(b) or (5)(b) will not cause it to be received by the charity or, as the case may be, the charity trustee whose name is set out in the charity’s entry in the Register.
- (5B) The communication may also be given or made by OSCRC sending it by post in a prepaid registered letter, or by the recorded delivery service, addressed to the charity at such address or addresses as OSCRC considers is likely to cause it to be received by the charity or a charity trustee of the charity.
- (5C) Subsection (5D) applies where—
- (a) OSCRC has cause to believe that giving or making a formal communication of a specified notice to a charity, body or person by the means specified in subsection (4)(b) or (5)(b) will not cause it to be received by the charity, body or person, and
- (b) based on the contact details OSCRC holds for the charity, body or person, OSCRC considers that it is not reasonably practicable to give or make the communication by the means specified in subsection (4)(a) or (c) or (5B).
- (5D) The communication may also be given or made by such other means as OSCRC considers appropriate (including, for example, by publishing the notice on its website or in a newspaper).
- (5E) For the purposes of subsection (5C), a specified notice is one given by OSCRC under—
- (a) section 45A(2),
- (b) section 72(1) so far as it relates to a decision referred to in one of the following paragraphs of section 71—
- (i) paragraph (h),
- (ii) paragraph (l) (so far as it relates to a direction under section 31(7) or (9)),
- (iii) paragraph (mb),
- (iv) paragraph (pb).”

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### Commencement Information

**II** Sch. para. 20 not in force at Royal Assent, see [s. 21\(2\)](#)

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**Changes and effects yet to be applied to :**

- sch. para. 20 coming into force by [S.S.I. 2024/63 reg. 2\(1\)sch. Pt. 1](#)