



# Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

## PART 1

### CHARITIES

#### CHAPTER 10

##### DECISIONS: NOTICES, REVIEWS AND APPEALS

###### *Notice and effect of decisions*

#### 72 Notice of decisions

- (1) Any person who makes a decision to which this Chapter applies must, as soon as reasonably practicable after doing so, give notice of it to the person specified in subsection (2) and, where the decision is made by a person to whom OSCR's functions have been delegated by virtue of section 38, OSCR.
- (2) That person is—
  - (a) in the case of a decision referred to in paragraph (a), (g), (j), (k), (n) or (p) of section 71, the person in respect of whom the decision was made,
  - (b) in the case of a decision referred to in paragraph (e) of that section, the charity which requested OSCR to conduct a review under section 12, and
  - (c) in the case of any other decision referred to in that section, the charity in respect of which the decision was made.
- (3) A notice given under this section must—
  - (a) set out the decision,
  - (b) give the reasons for the decision, and
  - (c) where the notice is given to a person specified in subsection (2), advise the recipient of—
    - (i) the right to request OSCR to review the decision, and

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*Status: This is the original version (as it was originally enacted).*

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(ii) the period within which such a request must be made.

### **73 Effect of decisions**

- (1) Unless subsection (2) or (3) provides otherwise, a decision to which this Chapter applies (and any direction, requirement, suspension or other act in pursuance of such a decision) has effect from the day on which the notice required by section 72 is given.
- (2) A decision referred to in section 71(d), (i), (o) or (r) (and any direction, requirement, suspension or other act in pursuance of such a decision) is of no effect unless and until the notice required by section 72 is given and—
  - (a) the period within which OSCR must, on request, review the decision expires without a request being made, or
  - (b) where OSCR, on a request made within that period, confirms the decision (with or without variations)—
    - (i) the period within which that decision by OSCR may be appealed under section 76 to the Panel expires without an appeal being made, or
    - (ii) where such an appeal is made, it is abandoned or finally determined (by the Panel or, as the case may be, the Court of Session).
- (3) A decision referred to in section 71(h) (and any corresponding requirement) is of no effect unless and until the notice required by section 72 is given and—
  - (a) the period within which OSCR must, on request, review the decision expires without a request being made, or
  - (b) where such a request is made, the date on which OSCR confirms the decision (with or without variations).