



Charities (Regulation and Administration) (Scotland) Act 2023

2023 asp 5

Inquiries

PROSPECTIVE

16 Notice and obtaining information

- (1) The 2005 Act is modified as follows.
- (2) In section 29 (power of OSCR to obtain information for inquiries)—
 - (a) in subsection (1), the words “by notice” are repealed,
 - (b) in subsection (2), for the opening words substitute “Where OSCR makes such a requirement, it must give a notice to the person specifying—”,
 - (c) after subsection (2), insert—

“(2A) But OSCR must not give notice under subsection (2) unless and until the decision to make the requirement under subsection (1) has effect (see section 73(3)).”.
- (3) In section 72 (notice of decisions)—
 - (a) in subsection (2)—
 - (i) in paragraph (a)—
 - (A) after “(k),” insert “(l),”,
 - (B) after “the”, in second place where it occurs, insert “charity, body or”,
 - (ii) after paragraph (b), insert—

“(ba) in the case of a decision referred to in paragraph (h) of section 71, the charity, body or person with regard to which OSCR is making inquiries under section 28,”.
 - (iii) in paragraph (c), for “that section” substitute “section 71”,
 - (b) after subsection (3), insert—

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Charities (Regulation and Administration) (Scotland) Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“(4) For the purposes of subsection (2)(ba)—

- (a) if OSCR is making inquiries into a body in relation to a period in which the body was a charity, the notice is to be given to the body as required by subsection (2)(ba), but
- (b) if the charity or (as the case may be) body to which notice is to be given has ceased to exist, the notice must be given, to the extent that it is reasonably practicable to do so—
 - (i) in the case of a charity, to each person who was a charity trustee of the charity immediately before it ceased to exist,
 - (ii) in the case of a body, to each person who appears to the person giving the notice to have been concerned in the management or control of the body immediately before it ceased to exist.”

(4) In section 73(3) (effect of decisions), in the opening words, for “the notice” substitute “any notice”.

Commencement Information

II S. 16 not in force at Royal Assent, see [s. 21\(2\)](#)

Status:

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Changes and effects yet to be applied to :

- s. 16 coming into force by [S.S.I. 2024/63 reg. 2\(1\)sch. Pt. 1](#)