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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 219**

**CHARITIES**

**The Charity Test (Specified Bodies) (Scotland) Order 2006**

*Made* - - - - - *21st April 2006*

*Coming into force* - - - - - *24th April 2006*

The Scottish Ministers, in exercise of the powers conferred by section 7(5) of the Charities and Trustee Investment (Scotland) Act 2005<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 103(5) of that Act, been laid before and approved by resolution of the Scottish Parliament:

**Citation and commencement**

1. This Order may be cited as the Charity Test (Specified Bodies) (Scotland) Order 2006 and shall come into force on the 24th April 2006.

**Specified Bodies**

2. Sections 7(4)(a) and 7(4)(b) of the Charities and Trustee Investment (Scotland) Act 2005 are disapplied in relation to the bodies specified in the Schedule to this Order.

St Andrew's House,  
Edinburgh  
21st April 2006

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Article 2

### SPECIFIED BODIES

- (a) The National Galleries of Scotland;
- (b) The National Library of Scotland;
- (c) The National Museums of Scotland;
- (d) The Royal Botanic Garden, Edinburgh;
- (e) The Royal Commission on the Ancient and Historical Monuments of Scotland.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

By this Order, Scottish Ministers have disapplied paragraphs (a) and (b) of section 7(4) of the Charities and Trustee Investment (Scotland) Act 2005 (“the 2005 Act”) in relation to the National Library of Scotland, the National Galleries of Scotland, the National Museums of Scotland, the Royal Commission of Ancient and Historical Monuments of Scotland and the Royal Botanic Garden, Edinburgh.

Section 7(4)(a) of the 2005 Act provides that if a body’s constitution allows it to distribute or otherwise apply any of its property for a non charitable purpose, it will not meet the charity test in the 2005 Act. Section 7(4)(b) of the 2005 Act provides that if a body’s constitution expressly permits the Scottish Ministers or a Minister of the Crown to direct or otherwise control its activities, it will not meet the charity test in the 2005 Act.