
EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences various regulation and order making powers contained in the Charities and Trustee Investment (Scotland) Act 2005 (“the Act”). It also commences provisions of the Act dealing with investment powers of trustees (Part 3) and a power to provide financial assistance to benevolent bodies (section 97). The Act received Royal Assent on 14th July 2005.

Article 2(1) of this Order brings into force on 1st January 2006 all of the order, rule and regulation making powers in the Act and section 79 which is the interpretation section for Part 2 of the Act in relation to fundraising for benevolent bodies. It also brings into force sections 93, 94, 95, 97, 106 and schedule 3 of the Act. Sections 93 to 95 amend the Trusts (Scotland) Act 1921 to provide an extension to the investment powers of trustees (of all trusts, whether charities or not). Section 97 allows Scottish Ministers to make payments to benevolent bodies or to any person in connection with work which enables benevolent bodies to implement their purposes better. Section 106 contains the general definition provisions in the Act.

Article 2(2) of this Order brings into force section 98 of the Act on 1st April 2006, which makes provision for organisations that are registered as a community amateur sports club with the Inland Revenue under section 58 of the Finance Act 2002 to receive 80% mandatory relief from non-domestic rates. Local authorities have discretionary powers to top up this relief to 100%.