
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedure to be followed by the trustees of a public trust having an annual income not exceeding #5000 (“a small trust”) who resolve, under section 10(3), (8) or (10) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (“the 1990 Act”) to modify the trust purposes, to wind up the trust and transfer its assets or to amalgamate the trust with one or more other trusts, namely—

- (a) regulation 3 requires the trustees not less than 28 days after the date of the resolution to publish a notice of the resolution in the form set out in Schedule 1, 2, 3, 4, or 5 as the case may be, or in a form substantially to the like effect;
- (b) regulation 4 requires the trustees not less than 7 days after the date of publication of such a notice to notify the Lord Advocate and to send him various documents;
- (c) regulation 5 makes provision with regard to objections being made to the proposal contained in the resolution; and
- (d) regulation 6 requires the trustees to notify the Commissioners of Inland Revenue when their resolution takes effect.

Section 11 of the 1990 Act empowers the trustees of a public trust, which has an annual income not exceeding #1000 and which prohibits the expenditure of the trust capital, to expend such capital in certain circumstances. Regulation 7 makes provision as to how, for the purposes of section 11(3) of that Act, the trustees of such a public trust are to notify their intention to expend such capital. It requires the trustees to publish in a newspaper a notice of their intention in the form set out in Schedule 6 to these Regulations or in a form as near thereto as circumstances permit.

Regulation 8 makes provision as to where any document, which is required by these Regulations to be sent to the Lord Advocate, is to be sent.