

Charity Reorganisation – Summary of Application

Type of Scheme

R P Milroy Trust (SC014987) has applied to the Office of the Scottish Charity Regulator (OSCR) for approval of a reorganisation scheme for a variation of the constitution of the charity (whether or not in relation to its purposes) under section 42(3)(a) of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

The trust was established by Robert Patrick Milroy on 22 June 1954.

The purposes of the trust are to

“(Primo) to hold the heritable subjects and pertinents of “Woodville” aforesaid, including the dwellinghouse as it stands at that date complete with the whole furniture, carpets, napery, crockery and all articles of domestic use plenishing and ornament therein for the purpose of providing a Home for such persons of good education and respectable character, male or female, married or single, being persons who because of old age or loneliness or for any other reason require companionship and the comforts of a good Home or who in the opinion of my Trustees are incapable of providing for their own comfortable maintenance and support (Secundo) to hold the whole rest residue and remainder of my Estate (including such of the foregoing legacies as may from any cause lapse or become inoperative) and to apply the income therefrom for the establishment and maintenance of the said home with power to my Trustees in their sole discretion to use the Capital should the Income thereof prove insufficient for the due fulfilment of the purposes above mentioned...”.

The trustees propose to make following changes to the constitution: the trustees wish to amend the charitable purposes, and add some administrative powers, including amending the Trust’s wind up clause.

Reasons for reorganisation

The Trustees advise that the current purposes which focus on the use of the property, Woodville are no longer fit for purpose. The property is not occupied and is no longer being used to provide a home. Moreover, it is not suitable to be used for this purpose.

The Trustees have resolved to sell the property in line with the Trust Deed and would like the purposes to reflect the fact that the charity will become fully grant making. The Trust will hold substantial sums following the sale of this asset and the Trustees have resolved that updated charitable purposes are essential to allow the charity to effectively operate going forward. Following the sale of the property, two out of three of the original purposes will no longer be required and the update is therefore required.

The Trustees wish to actively make a difference to those in need by reason of age, ill health, disability, financial or other disadvantage, particularly in the East Lothian area. They have also included reference to community and citizenship, as this sense of belonging was also important to Mr Milroy, particularly in the North Berwick and East Lothian area. The Trustees consider that

including modern purposes and additional administrative powers will allow them to achieve this but will still allow them to have regard to the original spirit of the constitution.

Reorganisation conditions

The trustees suggest that the following reorganisation conditions are met:

42(2)(a)(ii) that some or all of the purposes of the charity can no longer be given effect to (whether or not in accordance with the directions or spirit of its constitution)

And

42(2)(d) that it is desirable to introduce a provision (other than a provision setting out a new purpose) to a charity's constitution

The trustees suggest the conditions are met because:

The property is empty, the cost of upgrading it to make it suitable for its original purpose is not financially feasible for the charity, and it is impossible to carry on Woodville as a home. The purposes can therefore no longer be given effect to and the Trust's property is not being used suitably or effectively. The trustees wish to update the purposes to be more conducive to grant making, in line with the spirit of the original constitution.

The trustees also wish to add in updated administrative provisions to the constitution.

Reorganisation outcomes

The trustees suggest that the following reorganisation outcomes are met:

39(1)(b)(i) that the proposed reorganisation scheme will enable the resources of the charity to be applied to better effect for charitable purposes consistently with the spirit of its constitution, having regard to changes in social and economic conditions since it was constituted

And

39(1)(b)(ii) that the proposed reorganisation scheme will enable the charity to be administered
The trustees suggest the outcome(s) is/are met because:

The original purposes cannot be given effect to as Woodville is no longer being utilised as a home. The trustees wish to amend the purposes and move to a grant making based model with new purposes which are in the spirit of the original constitution. The Trustees advise they are aware that the original intentions were to assist people to find a home, promote companionship /community and reduce loneliness, and they have been exploring ways to use the sale proceeds of the property to find a modern equivalent for the use of these funds. They will engage with other charities etc working in this area to ensure that these aims can be achieved but in a more modern fashion, taking into account the social and economic changes since the charity was established.

The trustees also wish to update the historic powers and administrative provisions to a more modernised standard of wording, which will allow the charity to function better according to modern needs, and avoid any need of future reorganisation.

Further Information

Further information on this application for charity reorganisation may be made available, upon request. Please contact the Office of the Scottish Charity Regulator on 01382 220446 and ask to speak to a member of staff in the Charities Team for further details.

How to make a representation in relation to the proposed reorganisation scheme

Any person may make a representation to OSCR either supporting or opposing this proposed reorganisation scheme. Should you wish to make a representation, you may do so by writing to OSCR providing the following information:

- Your name and address
- The name of the charity concerned
- The nature of the representation and reasons for it

These are the terms of Regulation 5 of the Charities Reorganisation (Scotland) Regulations 2007).

All representations should be sent to OSCR at the following address:

OSCR – Charity Reorganisations

2nd Floor Quadrant House

Riverside Drive

Dundee

DD1 4NY

Representations can be made up to 14 days following the end of the publication period. The latest date for the receipt of representations is 01/10/2024.

A copy of any representations will be provided to the applicant charity for comment. If you do not wish the charity to be provided with your personal details, please indicate this in your representation.

Personal details will otherwise be disclosed to the applicant charity.

OSCR

20/08/2024