

Charity Reorganisation – Summary of Application

Type of Scheme

Clappers Trust SC004471 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 Clappers Trust SC004471 was established on the 20th Nov 1975 for the financial support of certain charitable, cultural, educational, religious and welfare organisations and schemes but especially any charitable organisations and schemes (a) for the provision of homes for the aged, infirm or poor people and (b) in the interests of the social welfare of the people of the United Kingdom but especially persons living within a radius of fifty miles of Berwick-upon-Tweed and (c) the preservation of wildlife and public amenities, and having resolved to set aside certain funds and assets for this purpose.

The trustees propose to make following changes to the constitution:

The Trustees are currently required to undertake an audit of their accounts, even though they are below the audit threshold. Therefore, the Trustees want to amend this clause to allow the accounts to be independently examined in the future. While making the changes, the Trustees wanted to generally modernise the Trust Deed and ensure that they can further modernise the trust deed without court or OSCR intervention (unless of course the changes needed OSCR consent under the 2005 Act).

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The Scottish Charity Regulator, Quadrant House, 9 Riverside Drive, Dundee DD1 4NY



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Reasons for reorganisation/Background to Reorganisation

The Trust Deed dates back to 1975 and no amendments have been made since then. The Trust Deed does not benefit from the position under current Scots charity law and the usual terms found in modern Trust Deeds. The Trust Deed requires the charity to have their accounts audited every year even though they fall below the current audit threshold.

Reorganisation condition(s)

The trustees suggest that the following reorganisation conditions are met:

42(2)(c) that a provision of the charity's constitution (other than a provision setting out the charity's purposes) can no longer be given effect to or is otherwise no longer desirable

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 Trustees are required to carry out an audit every year, however, they fall below the current audit threshold. Therefore, the Trustees want to amend this clause so that they are permitted to carry out an independent examination of their accounts, provided they fall within the required thresholds.

The introduction of a power to enable the Trustees themselves to amend certain aspects of the Trust Deed as need arises will promote flexibility in the future and enable the Trust Deed to be kept up to date, subject to any requirement to seek OSCR's prior consent

Reorganisation outcomes

The trustees suggest that the following reorganisation outcomes are met:

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39(1)(b)(ii) that the proposed reorganisation scheme will enable the charity to be administered more effectively.

The trustees suggest the outcomes are met because:

The reorganisation will enable the charity to be administered more effectively because the charity will not have to incur extra expense on carrying out an audit each year. The new Trust Deed contains up to date terms, definitions, provisions and powers from the 2005 Act which will ensure that it is fit-for-purpose and user friendly. This, accompanied by the Trustees' power to make certain amendments in future, will enable the Trust to be administered more effectively and in line with developing law and practice.

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:

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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 22 December 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
18/11/2024

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