

Charity Reorganisation – Summary of Application

Type of Scheme

Scones Lethendy Mortification, SC015545 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 Scones of Lethendy Mortification, was established by the disposition and deed of mortification of Charles Cairnie dated 13 June 1742. There have been several subsequent amendments to the original document.

The charity was set up for the benefit of the poor residing within the Scones Lethendy area of Perth.

The trustees propose to make the following changes to the constitution:

The charity trustees want to have the power to make amendments to the Constitution provided that such amendments are consistent with the spirit of this Constitution. They also want the power to wind up and dissolve the Charity and to transfer funds to another body in a manner that is consistent with and furthers the Charity's purposes.

Reasons for reorganisation

The trustees advised the current constitution is a few centuries old and would now be considered wholly insufficient for a charity as it has no regard for the 2005 Act. The charity trustees wish to take steps towards modernising the constitution.

Reorganisation conditions

The trustees suggest that the following reorganisation condition is met:

S42(2)(d) of the 2005 Act, 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 condition is met because:

- They are currently lacking administrative provisions in the current constitution

- The proposed new administrative provisions will align with modern charity law and constitutions.
- It will include a power to make future amendments via an OSCR consent or notification, which would avoid the need to make further reorganisations applications which is in the interests of the efficient management and administration of the charity.

Reorganisation outcomes

The trustees suggest that the following reorganisation outcome is met:

Section 39(1)(b)(ii) of the 2005 Act, that the proposed reorganisation scheme will enable the charity to be administered more effectively.

The trustees suggest the outcome is met because it will enable the charity to be more effectively administered to have powers framed in a modern way and based on the 2005 Act. It will also be more effective and efficient for the charity to seek consents from and give notifications to OSCR in relation to constitutional amendments rather than making future reorganisation applications.

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).

Representations should be sent to OSCR by post or email

Postal: OSCR
2nd Floor Quadrant House
Riverside Drive
Dundee
DD1 4NY

Email: info@oscr.org.uk

Representations can be made up to 14 days following the end of the publication period. The latest date for the receipt of representations is 10 January 2025.

We cannot accept representations via social media channels.

Copies 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.

Please contact us by email or by telephone on 01382 220446 if you have any questions about the submission of a representation.

OSCR
29 November 2024