

## Charity Reorganisation – Summary of Application

### Type of Scheme

The Gordonian Association RB Strathdee Trust SC051659 (the Trust) 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 a will on 14 December 1973 and is for the benefit of the pupils of Robert Gordon's College (the College).

The purpose of the Trust is set out as "to apply the income to augment the normal supply of books to the College Library and to make possible the purchase of works, including musical works, not normally available for purchase from College funds and I declare that the said Trustees of the Fund shall have the widest discretion in the application of the income of the Fund both as to how and when the income is to be spent."

### Reasons for reorganisation

The Trustees wish to make the following changes:

1. Put in place a more modern constitution with updated administrative provisions and Trustees' powers

The Trustees consider the existing provisions are very outdated and scant compared to the provisions contained in a modern constitution. They hope that provisions throughout the new Constitution will provide them greater flexibility and enable the charity to operate more efficiently

2. Expand the charitable purposes.

The Trustees feel the current purposes are extremely narrow, as they can only make over funds for the purchase of books out of the Trust's income. The Trustees wish to be able to apply both income and capital for its purposes to enable them to make more meaningful distributions. They also wish to be able to support the library beyond the purchase of physical

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



Telephone:  
01382 220446



Fax:  
01382 220314



Email:  
info@oscr.org.uk



Twitter:  
@ScotCharityReg



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books, including maintenance and renovation of the library and archiving facilities as well as the purchase of electronic and other educational resources for the current pupils of the College.

The proposed new purposes are:

*"For the purposes of benefitting the public and in particular but without prejudice to the generality of that purpose through the provision of financial and/or other assistance to Robert Gordon's College, Schoolhill, Aberdeen, AB10 1FE, for any one or more of the following purposes:-*

- *The purchase of books for Robert Gordon's College's libraries, including purchasing works, including musical works, not normally available for purchase from the school's funds;*
- *The provision and maintenance of electronic educational resources for Robert Gordon's College;*
- *The maintenance and refurbishment of Robert Gordon's College's libraries;*
- *The provision and maintenance of any resources in connection with Robert Gordon's College's archives; and*
- *The provision and maintenance of any other educational resources as may be required or desired by Robert Gordon's College from time to time."*

### 3. Remove the existing ex-officio appointments

The Trustees advise that the current ex-officio appointments lead to a relatively high turnover of Trustees. The Trustees also suggest hoped that removing these appointments and having Trustees appointed on a longer term basis will both provide flexibility and reduce administration expenses within the Trust. It will also enable individuals with appropriate skills and interest to be named.

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## Reorganisation conditions

The trustees suggest that the following reorganisation conditions are met:

42(2)(iv) that some or all of the purposes of the charity have ceased in any other way to provide a suitable and effective method of using its property, having regard to the spirit of its constitution

42(2)(b) that the purposes of the charity provide a use for only part of its property

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 ability to utilise income for the purchase of books only gives the Trustees very limited scope for assisting the College. The requirement to maintain and renovate the library facilities as well as the ability to purchase new resources, such as electronic resources, was not envisaged at the time the original Constitution was prepared but it is felt that this is keeping with the spirit of the Constitution in terms of the provision of academic resources for the College.
- The Trustees do not have power to utilise capital to meet its purposes
- It is felt desirable to introduce an entirely new Constitution containing more modern powers and administrative provisions to enable the charity to operate more efficiently and with greater flexibility.

## 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 more effectively

The trustees suggest the outcomes are met because:

- The settlor could not have envisaged that academic resources beyond printed books could be made available to the College in future years. Enabling the Trustees to utilise both income and capital will enable greater support to be given the College for the purchase of such resources and the maintenance of the library and archiving facilities
- A more modern constitution with expanded Trustees powers and administrative provisions will allow the Trust to operate more efficiently going forward. Removing the ex officio appointments will also enable appropriate individuals to be appointed to the role of Trustee.

### **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

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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  
2<sup>nd</sup> 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 22/12/2024.

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**  
**11/11/2024**

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