



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

PART 1

CHARITIES

CHAPTER 5

REORGANISATION OF CHARITIES

40 Reorganisation of charities: applications by OSCR

- (1) Where OSCR considers—
- (a) that any of the reorganisation conditions is satisfied in relation to a charity, and
 - (b) that a reorganisation scheme proposed by it or by the charity trustees of the charity will—
 - (i) where the condition satisfied is that set out in paragraph (a) or (b) of section 42(2), 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, or
 - (ii) where the condition satisfied is that set out in paragraph (c) of that section, enable the charity to be administered more effectively,

OSCR may, of its own accord or on the application of the charity trustees of the charity, apply to the Court of Session for approval of the scheme.

- (2) The Court of Session may, on an application under subsection (1), approve the proposed reorganisation scheme if it considers that the matters set out in paragraphs (a) and (b) of that subsection are satisfied in relation to the charity to which the application relates.
- (3) The charity trustees of a charity may enter appearance as a party in proceedings on an application under subsection (1) in relation to the charity.

Status: Point in time view as at 31/05/2007. This version of this provision has been superseded.

Changes to legislation: Charities and Trustee Investment (Scotland) Act 2005, Section 40 is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) OSCR must, not less than 28 days before making an application under subsection (1), notify the charity in question of its intention to do so.

Commencement Information

I1 S. 40 in force at 31.5.2007 by S.S.I. 2007/117, art. 2(2)

Status:

Point in time view as at 31/05/2007. This version of this provision has been superseded.

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