

CHARITIES (REGULATION AND ADMINISTRATION) (SCOTLAND) ACT 2023

EXPLANATORY NOTES

COMMENTARY ON PROVISIONS

Appointment of interim charity trustees

Section 9 – Review of proposed appointment of interim trustee

61. This section of the Act provides a review/appeal mechanism which will apply where OSCR intends to make an interim trustee appointment (either at the charity's request or of its own initiative) in a case where the appointment is made on the basis that there continue to be trustees who are acting but that number is such that it is still necessary for OSCR to step in and appoint interim trustees. The review mechanism is that provided for under Chapter 10 of the 2005 Act for any reviewable decisions. As such—
- OSCR must give notice of its decision to appoint an interim trustee,
 - in this case, the decision to make the appointment is suspended until the end of the review/appeal window,
 - if the outcome of OSCR's review is to uphold the decision, the person who requested the review can appeal to the First-tier Tribunal.
62. This section also provides that notice must be given to all charity trustees of the charity. However, the modifications made to section 100 of the 2005 Act by paragraph 20 of the schedule allow the notice to be served by publicising it generally if OSCR cannot contact the trustees. The section also makes it clear that any charity trustee can request a review (and then subsequently an appeal); they do not need to act collectively.