
Status: Point in time view as at 01/01/2006. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Charities and Trustee Investment (Scotland) Act 2005, Cross Heading: Creation of SCIO and entry in Register is up to date with all changes known to be in force on or before 30 September 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)



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

PART 1

CHARITIES

CHAPTER 7

SCOTTISH CHARITABLE INCORPORATED ORGANISATIONS

VALID FROM 01/04/2011

Creation of SCIO and entry in Register

54 Application for creation of SCIO

- (1) Any 2 or more individuals may apply to OSCR for a SCIO to be constituted and for its entry in the Register.
- (2) The application must—
 - (a) state the name of the SCIO,
 - (b) state the proposed principal office of the SCIO,
 - (c) be accompanied by a copy of the SCIO's proposed constitution,
 - (d) contain such other information, and be accompanied by such other documents, as may be—
 - (i) required by regulations under section 6(1), or
 - (ii) otherwise required by OSCR.
- (3) OSCR may grant the application only if it considers that the SCIO, if constituted, would meet the charity test.
- (4) OSCR must refuse the application if—

Status: Point in time view as at 01/01/2006. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Charities and Trustee Investment (Scotland) Act 2005, Cross Heading: Creation of SCIO and entry in Register is up to date with all changes known to be in force on or before 30 September 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)

- (a) it considers that the SCIO's proposed name falls within section 10,
 - (b) the SCIO's proposed constitution does not comply with one or more of the requirements of section 50 and any regulations made under that section, or
 - (c) the application must, by virtue of regulations under section 6(1), be refused, but must not otherwise refuse an application if it considers that the SCIO, if constituted, would meet the charity test.
- (5) Sections 4 and 5 do not apply in relation to an application under subsection (1).

55 Entry in Register

- (1) If OSCR grants an application under section 54(1) it must enter the SCIO to which the application relates in the Register.
- (2) On the entry in the Register being made in accordance with subsection (5), subsections (3) and (4) apply.
- (3) The SCIO becomes by virtue of this subsection a body corporate—
 - (a) whose constitution is that proposed in the application,
 - (b) whose name is that specified in the constitution, and
 - (c) whose first members are the individuals who made the application.
- (4) All property for the time being vested in those individuals (or any of them) on trust for the charitable purposes of the SCIO (when constituted) vests by virtue of this subsection in the SCIO.
- (5) The entry for the SCIO in the Register must (in addition to the matters required by section 3(3)) include—
 - (a) the date when the entry was made, and
 - (b) a note stating that the charity is constituted as a SCIO.
- (6) OSCR must send a copy of the entry in the Register to the SCIO at its principal office.
- (7) If a SCIO ceases to be a charity, it ceases to be a SCIO.

Status:

Point in time view as at 01/01/2006. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Charities and Trustee Investment (Scotland) Act 2005, Cross Heading: Creation of SCIO and entry in Register is up to date with all changes known to be in force on or before 30 September 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.