Charities (Regulation and Administration) (Scotland) Act 2023

2023 asp 5

Inquiries

16   Notice and obtaining information

(1) The 2005 Act is modified as follows.

(2) In section 29 (power of OSCR to obtain information for inquiries)—

(a)   in subsection (1), the words "by notice" are repealed,

(b)   in subsection (2), for the opening words substitute "Where OSCR makes such a requirement, it must give a notice to the person specifying—",

(c)   after subsection (2), insert—

"(2A) But OSCR must not give notice under subsection (2) unless and until the decision to make the requirement under subsection (1) has effect (see section 73(3)).".

(3) In section 72 (notice of decisions)—

(a)   in subsection (2)—

(i) in paragraph (a)—

(A) after "(k)," insert "(l),",

(B) after "the", in second place where it occurs, insert "charity, body or",

(ii) after paragraph (b), insert—

"(ba)   in the case of a decision referred to in paragraph (h) of section 71, the charity, body or person with regard to which OSCR is making inquiries under section 28,",

(iii) in paragraph (c), for "that section" substitute "section 71",

(b)   after subsection (3), insert—

"(4) For the purposes of subsection (2)(ba)—

        (a)   if OSCR is making inquiries into a body in relation to a period in which the body was a charity, the notice is to be given to the body as required by subsection (2)(ba), but

        (b)   if the charity or (as the case may be) body to which notice is to be given has ceased to exist, the notice must be given, to the extent that it is reasonably practicable to do so—

            (i)   in the case of a charity, to each person who was a charity trustee of the charity immediately before it ceased to exist,

            (ii) in the case of a body, to each person who appears to the person giving the notice to have been concerned in the management or control of the body immediately before it ceased to exist.".

(4) In section 73(3) (effect of decisions), in the opening words, for "the notice" substitute "any notice".