

Application for Approval of a Charity Reorganisation Scheme

Section 39 of the Charities and Trustee Investment (Scotland) Act 2005

Please read '**Reorganisation of your charity**' on the OSCR website at www.oscr.org.uk before completing this application form. Some of the information you give in this form will become publicly available on the Scottish Charity Register. These sections are marked below with an asterisk (*).

Q1. Charity registration details

Charity name*

Scottish Charity Number*

Q1a. Principal contact details*

If the charity has a principal office, please state this address, along with the name of one of the charity trustees (for example, a member of the board of directors or management committee), or other relevant person (for example the manager) as the principal contact. If the charity does not have a principal office you MUST enter the name and address of one of the charity's trustees. If the charity trustee's name and address are given, the name and address will be shown on the Scottish Charity Register (the Register). This is required by the Charities and Trustee Investment (Scotland) Act 2005 ('the 2005 Act'), unless the charity considers that section 3(4) of the Act applies (see Q1d). If you are a Scottish Charitable Incorporated Organisation (SCIO) then your principal office address must be in Scotland.

Principal contact details*

Title First name

Last name

Position in the charity

Principal office or trustee's address

Address*

Postcode*	

Tel no.

Fax no.

Mobile no.

Email (we will contact you by email about your application unless you ask us not to)

Please enter P or T to identify if this is the principal office or charity trustee's address

Q1b. Your organisation's website address (if you have one)*

Q1c. New principal contact details

If the principal contact details (or the principal office if you are a SCIO) entered under question 1a are different from those in the Register, please confirm here and please state when this change took effect.

Q1d. Withholding the principal contact or principal office details from the Scottish Charity Register

Please state if you wish to withhold the principal contact or principal office details from the charity's entry on the Register. We can only exclude the principal office details from the Register if we believe that publishing this information would be likely to jeopardise the safety or security of any person or premises. Please refer to section 3(4) of the 2005 Act.

Continue on a separate sheet if necessary.

Q2a. Applicant details and/or correspondence address for this application

Please only enter details here if the applicant is not the same as the principal contact, or if correspondence for this application should be addressed to a different address from the principal contact address above.

Title	Select...	First name	
		Last name	
Address			
	Postcode		
Tel no.			
Fax no.			
Mobile no.			
Email address (we will contact you by email unless you ask us not to)			

Q2b. Authority of the Applicant

If this application is not being made by a formally recognised charity trustee, please provide details below. Please refer to section 2 of the '**Charity Reorganisation Guidance**' for further information.

Q3a. Type of Reorganisation Scheme

There are 3 types of reorganisation scheme. Please indicate which type of scheme you are applying for:

- ☐ A variation of the constitution of the charity (whether or not in relation to its purposes)- NB you MUST provide a draft copy of the revised constitution
- ☐ A transfer of the property of the charity (after satisfaction of any liabilities) to another charity (whether or not involving a change to the purposes of the other charity)
- ☐ An amalgamation of the charity with another charity

Q3b. Nature of Proposed Reorganisation Scheme

Please explain fully the changes you are seeking to make to the charity through the scheme selected above.

Q4. Reasons for Proposed Reorganisation Scheme

Please explain why you wish to make this change(s) to the charity

Q5. Reorganisation Conditions and Outcomes

OSCR may approve a reorganisation scheme proposed by a charity if it considers that at least one of the specified reorganisation conditions AND the reorganisation outcome associated with these conditions is also met.

Please refer to sections 5 and 6 of the '[Charity Reorganisation Guidance](#)' for further information about conditions and outcomes.

Reorganisation Conditions

Your application should set out the reasons why it is considered that one or more of the reorganisation conditions in section 42(2) of the 2005 Act have been met;

5(a) The following conditions all relate to problems with the charity's **current purposes**. If the charity trustees consider that a condition set out below is met please:

- (i) indicate which condition(s) is met; and
- (ii) explain why the charity trustees consider the condition(s) is met:

	Condition	Reason/s why condition is met
☐	that some or all of the purposes of the charity have been fulfilled as far as possible or adequately provided for by other means	
☐	that some or all of the purposes of the charity can no longer be given effect to (whether or not in accordance with the directions or spirit of its constitution)	
☐	that some or all of the purposes of the charity have ceased to be charitable purposes	
☐	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	
☐	that the purposes of the charity provide a use for only part of its property	

If you have selected any of the above reorganisation conditions, please ensure you complete section 5(c) of this form.

5(b) The following conditions relate to issues with other provisions in the constitution. If the charity trustees consider that a condition set out below is met please indicate:

- (i) which condition(s) is met; and
- (ii) explain why the charity trustees consider the condition(s) is met:

	Condition	Reason/s why condition is met
☐	that a provision of the charity's constitution (other than a provision setting out the charity's purposes) can no longer be given effect to or is otherwise no longer desirable	
☐	that it is desirable to introduce a provision (other than a provision setting out a new purpose) to a charity's constitution	

If you have selected either of the two reorganisation conditions above, please ensure you complete section 5(d) of this form.

Reorganisation Outcomes

Your application should set out the reasons why the charity considers that the proposed reorganisation scheme will achieve one or both of the following outcomes.

5(c) Where the reorganisation condition satisfied is one set out in section 5(a) of this form OSCR must also be satisfied that the **outcome** of the reorganisation 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'. If you did not selected one of the conditions in section 5(a) you do not need to complete this section.

Reasons why the reorganisation 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'

5(d) Where the reorganisation condition satisfied is one set out in section 5(b) of this form OSCR must also be satisfied that the **outcome** of the reorganisation will 'enable the charity to be administered more effectively'. If you did not select one of the conditions in section 5(b) you do not need to complete this section.

Reasons why the reorganisation will 'enable the charity to be administered more effectively'

Q6. Annual Income

Please state the annual income of the charity in the last financial year. A copy of the most recent set of accounts should also be provided.

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If the annual income of the charity was over £250,000 a notice will need to be published in a newspaper. Please see section 7 of the '**Charity Reorganisation Guidance**' for further information. A draft copy of the charity's advert should be provided with this Application Form.

Q7. Statement of assets and liabilities

Please supply details of the assets and liabilities currently held by the charity, and details of the assets which are expected to remain after satisfaction of any liabilities. This section need only be completed if the proposed reorganisation scheme involves the transfer of the property of the charity to another charity or if you are unable to supply a copy of the charity's most recent statement of account.

Data protection statement

OSCR is a registered data controller in terms of the Data Protection Act 2018. Any information you give us will be held securely and in accordance with the rules on data protection. OSCR processes information only in accordance with its statutory regulatory functions under the Charities and Trustee Investment (Scotland) Act 2005, and to inform research into the charity sector in Scotland. Information may be shared with other regulatory bodies including HMRC, and selected information will appear on the Scottish Charity Register. Further information about data protection is available on the OSCR website.

Declaration

You may be committing an offence if you give an answer that you know is untrue or misleading.

I certify that the information entered in this form is correct to the best of my knowledge.

I confirm that the information entered has been approved by the charity trustees and I am authorised to submit this information.

Signed by one of the
trustees on behalf of all

Print name

Designation

Date

D	D	M	M	Y	Y	Y	Y
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Checklist

Have you:

- completed all the sections of the application form?
- included a copy of your current constitution?
- included a copy of the draft constitution?
- signed and dated the form?
- you included a copy of the most recent statement of account?
- included a copy of the draft advert? (if applicable)

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Please scan and email the completed documentation to info@oscr.org.uk or post to:
OSCR, 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee, DD1 4NY.