

## Restricted Fund Reorganisation – Summary of Application

### Introduction to Proposed Scheme

NHS Lothian Charity (SC007342) has applied to the Office of the Scottish Charity Regulator (OSCR) for approval of a restricted funds reorganisation scheme for:

- The variation or removal of any condition imposed on the charity in relation to the use of the restricted funds

under section 43A of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

Name of Fund: Urology Fund

The restricted fund was established in September 1987 as a result of a legacy left from the will of Rev. Archibald Eunson. The Rev. Eunson left a one-half share of the residue of his estate to the Urology Department of the Eastern General Hospital, Edinburgh. The fund was established for the purpose of: *'that monies hereby bequeathed shall be used for the purchase of machines and equipment.'*

### Reasons for reorganisation

The trustees state that since the fund was established in 1987, the Eastern General Hospital closed in 2007 with the urology services now being supported from the East Lothian Community Hospital. Over the years the management of the Urology Services within the Hospital has changed and there is no longer a dedicated Urology Services active within the Hospital. The trustees believe the removal of the restrictions would enable the charity to make this fund available to all patients attending East Lothian Community Hospital..

### Reorganisation conditions

The charity is applying for reorganisation because it considers that the following condition from Section 43A(2) of the 2005 Act apply:

#### Charities you can trust and that provide public benefit

The Scottish Charity Regulator, Quadrant House, 9 Riverside Drive, Dundee DD1 4NY



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(a) That some or all of the purposes of the restricted funds:

(ii) can no longer be given effect to (whether or not in accordance with the directions or spirit of the restricted funds' purposes)

The trustees suggest that this condition is met because:

Over the years, the Urology Services at the Hospital have changed and as such there is no longer a dedicated Urology Service. Due to this and the purposes being restricted to the purchase of equipment, this fund has been underutilised and dormant for the last 15 years.

### **Reorganisation Outcome**

The trustees suggest that the restricted fund reorganisation will enable the resources of the restricted fund to be applied to better effect for charitable purposes consistently with the charity's constitution.

The trustees suggest that by removing the restrictions the charity will be able to invite applications for different purposes which will in turn allow better utilisation of the fund for the benefit of the patients and staff of the Hospital, while retaining the donors wishes that the funds benefit the people attending the Hospital.

The trustees have declared that they have been unable to ascertain the wishes of the donor in respect of the restricted fund. This is because

(i) The donor is no longer living

The Urology Fund was established by a specifically worded residual legacy from the estate of the Rev. Archibald Eunson in September of 1987.

### **Further information**

Further information on this application for charity reorganisation may be made available, upon request. Please contact OSCR on 01382 220446 and ask to speak to a member of staff in the Charities Team for further details.

### **How to make a representation in relation to the proposed reorganisation**

You may make a representation in relation to this proposed reorganisation scheme by writing to OSCR providing the following information:

- Your name and address (or e-mail address)
- The name of the charity concerned as it appears in the notice on OSCR's website or in the notice published in a newspaper or periodical and
- The nature of the representation and the reasons for it.

These are the terms of Regulation 7 of the Charities Restricted Funds Reorganisation (Scotland) Regulations 2012.

All representations should be sent to the following address:

OSCR – Charity Reorganisations  
2<sup>nd</sup> Floor Quadrant House  
Riverside Drive  
Dundee  
DD1 4NY

Alternatively, representations can be e-mailed to the following e-mail address:

[info@oscr.org.uk](mailto:info@oscr.org.uk)

We **cannot** accept representations through Twitter.

Representations can be made up to 14 days following the end of the publication period. The latest date for the receipt of representation is **9/05/2024**.

A copy of any representation may be provided to the applicant charity for comment. If you do not wish us to provide the charity with your personal details, please indicate this in your representation. Otherwise, personal details may be disclosed to the applicant charity.

**OSCR**  
**28/03/2024**