Restricted Fund Reorganisation – Summary of Application

Introduction to Proposed Scheme

Culross & Torryburn Church of Scotland, SC015149 has applied to the Office of the Scottish Charity Regulator (OSCR) for approval of a restricted funds reorganisation scheme for:

- The variation of the purpose for which restricted funds may be used

  and

- 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).

The name of the fund is 'The Miss Halkerston Trust' ("the fund") and it was established in 1825 by Miss Halkerston (deceased) to provide a poor fund to benefit those of the Parish who would otherwise not apply for poor funds. The fund was to be administered by the Minister of Parish.

Reasons for reorganisation

The trustees of the charity have advised that it is no longer viable to identify suitable recipients who may benefit from the income of the fund. They also advise that there is no longer a Parish Minister.

The trustees wish to have the restricted fund transferred to a designated fund to enable the income from the fund to be used for mission purposes and so benefit the community. The trustees are currently unable to do this and advise that the fund will lie in perpetuity if it is not reorganised.

Reorganisation conditions

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

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

i. have been fulfilled as far as possible or adequately provided for by other means.

The trustees suggest that this condition is met because provision of funds to the poor is provided for by other means such as state benefits.

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 this outcome is met because:

by reorganising the fund into a designated fund, it can be used for the benefit of the local community through the church's mission activities.

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

(i) The donor is no longer living

How to make a representation in relation to the proposed reorganisation scheme

Any person may make a representation to OSCR either supporting or opposing this proposed reorganisation scheme. Should you wish to make a representation, you may do so by writing to OSCR providing the following information:

- Your name and address (or email address)
- The name of the charity concerned
- The nature of the representation and reasons for it

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

Representations should be sent to OSCR by post or email

Postal: OSCR
2nd Floor Quadrant House
Riverside Drive
Dundee
DD1 4NY

Email: info@oscr.org.uk

Representations can be made up to 14 days following the end of the publication period. The latest date for the receipt of representations is 09 October 2026

We cannot accept representations via social media channels.

Copies of any representations will be provided to the applicant charity for comment. If you do not wish the charity to be provided with your personal details, please indicate this in your representation.

Personal details will otherwise be disclosed to the applicant charity.

Please contact us by email or by telephone on 01382 220446 if you have any questions about the submission of a representation.

OSCR
28 August 2026