

Charity Reorganisation – Summary of Application

Type of Scheme

Nivison Trust (SC019380) ('the Trust') has applied to the Office of the Scottish Charity Regulator (OSCR) for approval of a reorganisation scheme for a transfer of the property of the charity (after satisfaction of liabilities) to another charity under section 42(3)(b) of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

The Trust was established by Robert Nivison in 1899. An extract of the Deed of Trust states the purpose of the Trust is:

'That the income shall be distributed by the Town Council amongst the poor of Sanquhar according to their discretion. No part of the Income shall be applied directly or indirectly in aid of Rates for the relief of the Poor or in aid of Rates for any other purpose but this shall not prevent poor people in receipt of parochial relief receiving benefit from the Trist, if the Town Council in their discretion think proper to confer such benefit in any particular case'

The Trust is one of several trusts that were transferred to Dumfries and Galloway Council in 1996. To facilitate the best use of the various trusts, a new SCIO was set up – Sanquhar Enterprise Company (SC049742) ('the SCIO'). The intention is to transfer all the Trust's assets to the SCIO.

The SCIO's purposes are:

- 4.1 The advancement of community development including the advancement of rural regeneration.
- 4.2 The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.
- 4.3 The provision of recreational activities with the object of improving conditions of life for the persons for whom the activities are primarily intended.

Any funds transferred from the Trust to the SCIO will be ringfenced to only be used for the financial hardship aspect of the SCIO's relief of those in need purpose

Reasons for reorganisation/Background to Reorganisation

The Nivison Trust was set up for the benefit of the poor of Sanquhar. The SCIO operates within the same community the Trust was set up to benefit. The transfer of the Trust's assets to the SCIO will offer the opportunity for the funds

to be made available to a wider group of beneficiaries while still respecting the original purposes of the Trust.

Reorganisation conditions

The trustees suggest that the following reorganisation condition is met:

- 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

The trustees suggest the condition is met because due to the introduction of the benefits system the beneficiaries already have access to funds. The Trust's assets could be used to benefit the beneficiaries in other ways and the grouping together of assets held by a number of trusts will provide a more effective means of providing benefit to the beneficiaries having regard to the current societal conditions.

Reorganisation outcomes

The trustees suggest that the following reorganisation outcome is met:

- that the proposed reorganisation scheme 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

The trustees suggest the outcome is met because the transfer of assets to the SCIO will offer the opportunity for the funds to be made available to a wider group of beneficiaries whilst remaining consistent with the original purposes of the Trust. The Trust's resources can be better applied by the SCIO to fulfil the Trust's purpose of the prevention or relief of poverty within the spirit of the original trust deed.

As set out above, the funds transferred from the Trust to the SCIO will be ringfenced to only be used for the financial hardship aspect of the SCIO's relief of those in need purpose. The SCIO structure and its activities are better served to assist the needs of the local community, having regard to changes in social and economic conditions since the Trust was constituted in 1899.

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
- The name of the charity concerned
- The nature of the representation and reasons for it

These are the terms of Regulation 5 of the Charities Reorganisation (Scotland) Regulations 2007).

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 5 September 2025.

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
25/07/25