

Scottish Charity Regulator (OSCR)

Application for Approval of a Charity Reorganisation Scheme under Section 39 of the Charities and Trustee Investment (Scotland) Act 2005

Summary of Application – Perth College Development Trust 2004

Type of Scheme

Perth College Development Trust 2004 (SC036655) (“The Trust”) has applied to the Office of the Scottish Charity Regulator (OSCR) for approval of a reorganisation scheme for a variation of the constitution of the charity (whether or not in relation to its purposes) under section 42(3)(a) of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

The Trust was established on the 13 September 2004 by Deed of Trust. The Trust was established for the following purposes:

‘It is hereby declared that the Trustees shall apply the net income or the accumulated income or the capital of the Trust Fund:

- (1) In providing financial assistance towards the purchase, leasing, building, maintenance, repair, refurbishment, renewal, replacement, extension or improvement of any heritable premises to include camps/grounds forming part of the College and any plant, furnishing, fitting, machinery, equipment, teaching aids or materials which may be used for or in support of educational purposes from time to time within the College.
- (2) In awarding scholarships, grants, maintenance or travel allowances on such terms and conditions as the Trustees may in their sole discretion from time to time decided to:
 - a. Persons who are students of the College at the time of making the awards to them for the purpose of furthering their education in respect of subjects of study prescribed by the Trustees while remaining enrolled students of the College or to enrolled students of such or other similar educational establishments either in the United Kingdom or abroad as may be approved by the Trustees from time to time for the purpose of furthering their education in respect of subjects of study prescribed by the Trustees while remaining enrolled students of such other educational establishments.
 - b. Persons who are prospective students of the College at the time of making the awards (but who shall only be entitled to receipt of the awards when enrolled as students of the College) and who because

of their personal circumstances are considered by the trustees to be in need of financial assistance to enable their courses of study to be undertaken.

- c. Persons who are students at the College who during the course of study are experiencing financial hardship and who are considered by the Trustees to be in need of financial assistance to enable them to complete their study at the College.
- d. Persons who are graduates of the College or who have completed satisfactorily their courses of study at the College in order to enable them to pursue courses of further study at the College or elsewhere either a) by way of post-graduate study or research or practice or b) by way of travel whether in the United Kingdom or abroad in the furtherance of their education.

The trustees propose to make following changes to the constitution:

The Trustees are seeking to add the following powers to ensure an orderly winding up of the charity.

Firstly, the powers to amend the Deed of Trust, transfer the assets of the charity, and to wind up the charity.

Secondly the trustees are seeking to clarify the position in relation to general Trustee liability.

Finally, the Trustees are seeking to update the definition of 'Charitable purpose and institution' under the 2005 Act and clarify the position in relation to general Trustee liability.

Reason for reorganisation background to reorganisation

The Trustees wish to wind up the charity, however the existing Trust Deed predates the 2005 Act and does not contain the powers to amend or transfer assets and windup. The proposed reorganisation scheme would insert these modern clauses into the existing Trust Deed and allow the Trustees to ensure an orderly winding up of the charity.

Reorganisation Condition

The trustees suggest that the following reorganisation condition is met:

42(2)(d) that it is desirable to introduce a provision (other than a provision setting out a new purpose) to a charity's constitution

The trustees suggest the condition is met because:

The Trustees state that the current Trust Deed pre-dates modern charity law and the Trust Deed does not contain the powers to amend, transfer, and wind up that are common in modern Trust Deeds. The trustees suggest that by introducing these provisions the charity will have the powers required for an orderly wind up of the charity.

Reorganisation outcome(s)

The trustees suggest that the following reorganisation outcome is met:

39(1)(b)(ii) that the proposed reorganisation scheme will enable the charity to be administered more effectively.

The trustees suggest the outcome is met because:

The Trustees suggest that these additional powers are normal, modern powers found in almost all post-2005 Trust Deeds. The powers would allow the trustees to meet the needs of the charity.

Further Information

Further information on this application for charity reorganisation may be made available, upon request. Please contact the Office of the Scottish Charity Regulator 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 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).

All representations should be sent to OSCR at the following address:



OSCR – Charity Reorganisations
2nd Floor Quadrant House
Riverside Drive
Dundee
DD1 4NY

Representations can be made up to 14 days following the end of the publication period. The latest date for the receipt of representations is **26 May 2025**.

We **cannot** accept representations through Twitter.

A copy 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.

OSCR
14 April 2025