

Charity Reorganisation – Summary of Application

Type of Scheme

The Iris Spink Fund (SCO29698) 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 charity is governed by the will of Margaret Iris Spink dated 9 February 2000. The charity was created for the purpose of paying the whole free income of the charity to such charitable organisations as the trustees select each year at their discretion, but with a preference for those charitable organisations having their headquarters or a branch in Arbroath.

The trustees propose varying the constitution by adding a general power to amend the constitution and a power to wind up.

Reasons for reorganisation

The trustees state that the constitution does not currently give the trustees these powers and they are necessary for the effective administration of the charity.

Ultimately, if the scheme is approved, the trustees intend to make a further application to wind up the charity. The trustees' rationale for doing so is that the current running costs of the charity are disproportionate to the charitable aims that can be achieved.

Reorganisation conditions

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 existing constitution is restrictive in the sense that it does not give the trustees powers to make amendments to same, to transfer the capital or to wind up the charity. It is therefore desirable to introduce new provisions providing the trustees with these powers.

Reorganisation outcomes

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:

- If the reorganisation scheme is approved by OSCR, then the trustees will be in a position to amend the constitution. They do not currently have the power to do so, which means that they are not able to effectively administer the charity as matters currently stand, i.e. their current powers are too limited to allow them to carry out appropriate modernisation and changes to the constitution.

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 25 June 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
14 May 2026