

Restricted Fund Reorganisation – Summary of Application

Introduction to Proposed Scheme

Dumfries & Galloway Health Board Endowment Funds (SC001116) 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).

The name of the restricted fund is 'The Vascular Laboratory Fund.' The fund was established as a result of a legacy. The purpose of the fund was to support the establishment of a vascular laboratory with Dumfries and Galloway Royal Infirmary.

Reasons for reorganisation

The trustees wish to reorganise the restricted fund and remove the existing restriction so that funds can be applied more broadly to other charitable activities in line with the charity's purpose.

The trustees have explained that retaining the restriction would result in the continued inability to utilise funds, which they believe is not in the best interests of the charity or its beneficiaries. By reorganising the fund, the trustees suggest the charity will be able to apply these resources to areas of current need, such as enhancing patient care, supporting staff and enhancing services across the region.

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 core NHS funding provides a very limited vascular laboratory activity service for the region. The majority of investigative and treatment is provided through tertiary health boards working out of the region. The Vascular Laboratory Fund has not been

utilised for its specific purpose and therefore, the charity is not able to utilise its funds in the spirit of the donor's wish.

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 the fund cannot be used for the current vascular service because the service is very limited in its scope and is fully funded through NHS Dumfries and Galloway core funding. This means there is no unmet need or funding gap within the service that would allow charitable funds to be applied in a meaningful or additional way.

The trustees suggest that reorganisation of the fund is necessary to prevent the continued stagnation of funds and to maximise their impact in a way that reflects both current healthcare needs and the charity mission.

The trustees have declared that they have been unable to ascertain the wishes of the donor(s) in respect of the restricted fund. This is because the donor/donors is/are no longer living.

The trustees have explained that as the fund was a legacy, they contacted the original solicitor with regards to contacting the executors of the Will. The trustees were informed by the solicitor that the executors were no longer alive. In addition the deceased family were not involved in the original legacy.

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 **25/08/2026**.

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
14/07/2026