

Charity Reorganisation – Summary of Application

Type of Scheme

Livingston Youth Trust SC017112 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).

Livingston Youth Trust SC017112 was established on the 11th November 1969. It was established to improve the conditions of life for young people by giving assistance in providing them with facilities for sport, recreation, cultural or leisure time occupations which the law regards as charitable and (ii) to devote a proportion of the funds available for distribution (such amount not to exceed one third of the sum available for distribution) to assist in the further education of any young person resident in Livingston who has entered on a career in or connected with the oil industry, which was the main industrial activity in the area in the past years, and in fact Livingston appears to be the area from which oil fuel was first extracted from the ground for commercial purposes.

Reasons for reorganisation/Background to Reorganisation

The Trust Deed requirement if fully audited accounts is outdated and not in line with current regulations.

The trustees are seeking to make two changes

1. Accounts can be independently examined rather than fully audited as original trust deed states. This is to bring the Trust in line with current rules and regulations. The Trust has been unable to find an accountant willing to provide a full audit of such a small charity.
2. Allow trustees to make such changes in future without having to seek OSCR's approval.

Reorganisation conditions

The trustees suggest that the following reorganisation conditions are met:

42(2)(c) that a provision of the charity's constitution (other than a provision setting out the charity's purposes) can no longer be given effect to or is otherwise no longer desirable.

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- The trust deed requirement of fully audited accounts is outdated and not in line with current regulations so this will mean the trust remains compliant.
- This allows trustees to make future amendments to the current trust deed (excluding the trust purpose) without seeking approval from OSCR. The Deed of variation can be prepared and sent to OSCR without further permission being required each time ensuring smoother operating of the trust.

Reorganisation outcomes

The trustees suggest that the following reorganisation outcome is met:

Section 39(1)(b)(ii) of the 2005 Act in that the proposed reorganisation scheme will enable the charity to be administered more effectively.

This will allow the charity to continue to have accounts prepared, reviewed and submitted to OSCR in a timely manner in a way which does not completely diminish trust funds. It will also allow such decisions to be made by trustees in an easier and quicker way.

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 25/05/2025

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
07/04/2025