

Restricted Fund Reorganisation – Summary of Application

Introduction to Proposed Scheme

The Church of Scotland (SC011353) (“the charity”) 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).

Name of Fund: Cowan Memorial Fund (“the restricted fund”)

The restricted fund originated from Dr Agnes Cowan in a bequest in 1940. A copy of the document which imposes the conditions as to the restricted fund’s use is not available however it is believed and has become practice that the income is to be paid to Women’s Foreign Mission. In practice the income of the restricted fund is paid into the charity’s Faith Impact Fund for women’s foreign mission purposes.

Reasons for reorganisation

The trustees state that the intention of the reorganisation is to allow the both the capital and income, to be used to further the charitable purposes of the charity and will continue to be used for foreign mission purposes.

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:
 - (iv) have ceased in any other way to provide a suitable and effective method of using the funds, having regard to the spirit of the restricted funds’ purposes

The trustees suggest that this condition is met because:

- the income only is paid into the Faith Impact Fund for women's foreign mission purposes however the income generated is significantly below what is required each year to provide these foreign missions and is considered so small as being unlikely to provide significant benefit.

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:

At present the income only is transferred to the Faith Impact Fund where it is used for women's foreign mission.

The intention of this reorganisation scheme is to allow, both the capital and income, to be used to further the charitable purposes of the charity by transferring the Fund to the Faith Impact Fund with the ability to spend capital from the Fund for the foreign mission purposes.

The trustees have declared that they have been unable to ascertain the wishes of the donor in respect of the restricted fund. This is because the donor is no longer living. The fund was created through a legacy received as part of a will.

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 02 April 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
19/02/2025