

Charity Reorganisation – Summary of Application

Type of Scheme

Lockerby Almshouses Charity Trust (SC017783) 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 Lockerby Almshouse Charity Trust (the Trust) was established from the bequest of the will of Thomas Lockerby dated 22 August 1883 and effected by court order dated 29 March 1892.

The Trust is established for “...erecting and endowing twelve or more almshouses in or near the city of Edinburgh after the style of those in London and Croydon for the reception of twelve or more persons, male or female, who have been reduced in their circumstances by no improvidence or extravagance or rash speculation but on the contrary have always been well conducted honest frugal and upright in their conduct and never at any time bankrupt or insolvent when in business but who after acquiring or being left with a competency fully adequate for supporting them in comfort all the days of their lives have been reduced by the conduct or representations of others in the investment of their means and in this way have been defrauded and I hereby declare that the allowance to these persons shall not exceed ten shillings per week and a free house and that a preference shall be given to the natives of south of Scotland Edinburgh and Glasgow.”

The trustees propose to make following changes to the constitution:

The trustees wish to update and modernize the charity’s powers by the inclusion of the following provisions:

- To make further variations to the Deed of Trust;
- To transfer all or any of the Trust Property (with or after settlement of all debts and liabilities relating to the Trust) to Lockerby Almshouses SCIO (charity number SC052993) and/or any other organisation or organisations; and
- To otherwise take any steps necessary to wind up the Trust.

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Reasons for reorganisation

The trustees state that the current Deed of Trust pre-dates modern charity legislation. Further the Deed of Trust does not reflect current best practice or modern charity law. At present, the trustees are unable to amend or update their governing document to fix these issues. Neither can they convert/transfer the assets of the charity to a company limited by guarantee or a SCIO. This limits the options of the trustees. They can only continue doing what they have been doing. The trustees consider this might also make it difficult to attract new trustees in future.

A successor charity – Lockerby Almshouses SCIO (charity number SC052993) – has been established with modern governance arrangements in place. If the assets of the Trust are transferred to Lockerby Almshouses SCIO it is likely that the basis on which housing is offered to both existing and new beneficiaries would change from being free to a subsidised rent model. The level of subsidy is yet to be established. Existing occupants would be assisted to apply for financial support from the Council. Rent would be set at the same level as the financial support provided by the Council so existing occupants would not be financially disadvantaged in any way.

Reorganisation condition(s)

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 Deed of Trust dates from the late Victorian period and as such the provisions contained within the current Deed of Trust predates modern charity law by several decades. The trustees therefore suggest that by introducing these new provisions the charity will be provided with the powers they require to meet the challenges modern charities face. Finally the trustees suggest these powers will also ensure that the charity is always acting within the scope of the charity's purposes and powers.

Reorganisation outcome

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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 believe the proposed scheme will enable the charity to be administered more effectively, as it will give the current trustees options for the future that many other charities already have in place.

The trustees also suggest that if the Supplemental Deed of Trust is adopted, it will allow them to take steps to address problems as they arise and allow them to update and modernise the governing document without having to make a further application to OSCR or to court.

They will also be able to transfer assets to a successor charity, such as Lockerby Almshouses SCIO, to continue the Trust's charitable activities, should that be considered the best option.

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).

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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 10/06/2024.

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
29/04/2024

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