

# Charity Reorganisation – Summary of Application

## Type of Scheme

Fordyce Memorial Bequest Trust (SC005547) 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 Trust was set up in Charles Fordyce's Will dated 30 September 1924. Following his death on 6 September 1925, the Scheme of Administration and purposes as set out in the Will were varied under the Cy-Pres procedure of the Court of Session, with the final Decree being issued on 17 July 1930.

The Cy-Pres scheme made provision for the building of a cottage hospital in Gamrie and the employment of one or more district nurses who were available to treat the community in the hospital or in their own homes *'in such a manner as the [trustees] may direct'*.

The trustees wish to update the governing document so that the purposes can be broadened to reflect all aspects of health, with a strong focus on both the provision of physical and mental health as well as the relief of those in need. They also wish to modernise the document to provide the full range of wide and flexible administrative powers available to modern charities.

## Background to the reorganisation

With the advent of the NHS, the local health care provision changed rapidly with universal free access, and the premises ceased to be a cottage hospital, with the local Health Board continuing to use it as a doctor's surgery and dispensing chemist. This use ended when the Health Board decided to cease providing a dispensing surgery in the village.

No provision was made in either Mr Fordyce's Will nor the Court of Session Decree as to what should happen in the event of the closure of the health facility. The Trustees wish to ensure that the Trust Fund can continue to be used to best benefit the Parish of Gamrie in line with the spirit of Charles Fordyce's wishes.

## Reorganisation conditions

The trustees suggest that the following reorganisation conditions are met:

- 42(2)(a)(i) that some or all of the purposes of the charity have been fulfilled as far as possible or adequately provided for by other means
- 42(2)(a)(ii) that some or all of the purposes of the charity can no longer be given effect to (whether or not in accordance with the directions or spirit of its constitution)
- 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 conditions are met because:

- The Will and subsequent Decree provided for the creation of a cottage hospital in the parish of Gamrie in 1930. Since the creation of the NHS, this purpose is adequately provided for by other means.
- Since the creation of the NHS, the building was used as a GPs' surgery and dispensary; however, the local health board no longer offers this service in Gamrie meaning that this purpose can no longer be given effect to.
- The offices that provide some of the *ex officio* trustees no longer exist and the potential inheritors of these officers either declined the opportunity to provide a trustee or ignored the attempts of the Trust to seek a replacement.
- It is desirable to introduce some of the administrative clauses common to other modern deeds of trust such as the power to amend and the power to wind up.

## Reorganisation outcomes

The trustees suggest that the following reorganisation outcomes are met:

- 39(1)(b)(i) that the proposed reorganisation scheme will enable the resources of the charity to be applied to better effect for charitable purposes consistently with the spirit of its constitution, having regard to changes in social and economic conditions since it was constituted
- 39(1)(b)(ii) that the proposed reorganisation scheme will enable the charity to be administered more effectively

The trustees suggest the outcomes are met because:

- The trustees note the nurses would often provide services more akin to a modern day social or support worker. The trustees note that they understand the nurses provided help and support as required to address the needs of local individuals and families. In this way the nurses supported all aspects of health, including both the physical and mental health needs of the community. Considering the wider role played by the nurses, the trustees feel that broadening the charitable purposes of the trust from the provision of a health facility and associated nursing support specifically to more generally advance health, relieve those in need and provide recreational activities to improve the conditions of life of the residents of Gamrie would allow the resources of the Trust to be more effectively used in the spirit of Mr Fordyce's Will.
- The introduction of the new administrative provisions will enable trustees to administer the Trust Deed to better effect by providing a modern and up to date Trust Deed with the full range of wide and flexible powers available.

## 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  
2<sup>nd</sup> Floor Quadrant House  
Riverside Drive  
Dundee  
DD1 4NY

Email: [info@oscr.org.uk](mailto: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 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**  
**14 May 2025**