

# Restricted Fund Reorganisation – Summary of Application

## Introduction to Proposed Scheme

*NHS Lothian Charity SC007342* 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 trustees wish to reorganise the Margaret MacLeay Harkness Young Chronic Sick Unit Fund. The purpose of the fund is to support the patients of the Young Chronic Sick Unit through patient amenities, research, staff education, and equipment.

The fund was set up on the 11<sup>th</sup> of February 1997 as a result of a specifically worded legacy to the unit from Margaret MacLeay Harkness. Since the legacy was received no other donations have been received into the fund.

## Reasons for reorganisation

The trustees state that since the legacy was received and the fund established in 1997, there was initially a move away from long term hospitalisation to living at home with periodic hospital stays for rehabilitation, and subsequently shorter rehabilitative stays were offered rather than long term care. The trustees explain eventually the unit has closed entirely when all inpatient activity at the Astley Ainslie Hospital ceased in 2025, with patients receiving care and support provided through outpatient appointments or within the patients' own home. The trustees state there is no equivalent in-patient service provided in NHS Lothian, with all support now provided within the community.

## 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:

- 
- ii. can no longer be given effect to (whether or not in accordance with the directions or spirit of the restricted funds' purposes)

The trustees suggest that this conditions is met because over time, the treatment and support of younger adults affected by chronic illness has changed, and as a result the fund was dormant for multiple years prior to the permanent closure of the unit.

## **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 by removing the restrictions on the fund, the charity will be able to invite applications from the teams that currently support those who would have been inpatients in the unit, while retaining the donor's wishes that funds benefit those who become chronically sick in young adulthood.

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:

- (i) The donor/donors is/are no longer living

*The fund was initially established following a 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  
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 05/11/2026.

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**  
**24/09/2026**