

Charity Reorganisation – Summary of Application

Type of Scheme

Avenel Trust– F.K.A. Edinburgh Home For Babies And School Of Mothercraft (SCO14080) ('the charity') has applied to the Office of the Scottish Charity Regulator (OSCR) for approval of a reorganisation scheme for a transfer of the property of the charity (after satisfaction of liabilities) to another charity under section 42(3)(b) of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

The charity operates under a Trust Deed which was put into place by way of a Scheme for the administration of the Trust by Interlocutor of the Court of Session on 3 July 1980. The current purposes are:

- (i) *“to benefit individual children in necessitous circumstances by providing articles or services for them, that are necessary or desirable or otherwise by paying money for their benefit; provided that no benefit shall be provided hereunder unless the trustees are of the opinion that it is one that the child or his parents or guardians could not reasonably afford otherwise;*
- (ii) *to benefit any trust, association or other organisation having charitable status for the purposes of the Income and Corporation Taxes Act, 1970, which in the opinion of the trustees exists primarily for the benefit of children; and in particular but without prejudice to the foregoing generality to benefit any trust, association or other organisation (a) carrying out research into the medical problems of children or medical treatment for children or (b) providing benefits for children in necessitous circumstances;*
- (iii) *to benefit children’s homes and schools of nursery nursing or mothercraft;*
- (iv) *to provide financial assistance for students of nursery nursing or mothercraft;*
- (v) *to provide nurses to look after children in necessitous circumstances;*
- (vi) *to provide benefits for mother, fathers or guardians who require such benefits in order to be able to care properly for their children and in particular but without prejudice to the foregoing generality to provide or pay for day nursery facilities for their children; and*

(vii) to provided pensions or grants of reasonable and proper amount for former employees of The Edinburgh Home for Babies and School of Mothercraft.

In the foregoing trust purposes, "children" means children up to 18 years of age, and includes unborn children".

The trustees propose to transfer the assets of the charity to The Avenel Trust SCIO (SC055288).

Reasons for reorganisation

The trustees advise that the charity has difficulty in fulfilling its existing charitable purposes, to the extent that the majority of the existing purposes as are set out within the Scheme are not given effect to. The existing Scheme was put into place in 1980 and, since its adoption, there have been changes of economic conditions that have, in part, rendered the Avenel Trust unable to fulfil most of its specific purposes.

Reorganisation conditions

The trustees suggest that the following reorganisation condition is met:

Section 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).

The trustees suggest the condition is met because:

they are unable to fulfil the following purposes:

iii – following restructuring and changes in the law surrounding children's social care since the scheme was adopted, and the closure of Schools of Nursery Nursing or Mothercraft, the trustees have been unable to fulfil this specific purpose;

iv – following the closure of Schools of Nursery Nursing or Mothercraft, the trustees have been unable to fulfil this specific purpose;

v – following changes in the law surrounding children's social care since the 1980 Scheme was adopted, the trustees have been unable to fulfil the specific purpose of providing nursery nurses (changes in economic conditions mean that

most are now employed within the private sector, for instance; or young children are placed instead within foster families);

vi – changes in economic conditions, children’s social care and increased state nursery provision since the Scheme was adopted, mean that the purpose of paying for day nursery facilities is no longer able to be fulfilled by the trustees;

vii – this purpose has failed, given that there are very few employees surviving of The Edinburgh Home for Babies and School of Mothercraft, none of whom require financial support.

Reorganisation outcomes

The trustees suggest that the following reorganisation outcome is met:

Section 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.

The trustees suggest the outcome is met because the purposes of the replacement charity, The Avenel Trust SCIO (SC055288), will allow the charity’s assets to be applied appropriately given the changes to children’s social care since the 1980 Scheme was adopted. The purposes of The Avenel Trust SCIO are:

- the prevention or relief of poverty;
- the advancement of education;
- the advancement of health;
- the relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage generally in support of children who are aged up to and including 18 years, and who are living in Scotland.

These purposes will be achieved through the provision of support to children up to and including 18 years of age, who are living in Scotland, through the award of grants to any body, incorporated or unincorporated, any group, organisation or association.

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 **19/08/2026**.

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
08/07/2026