

Charity Reorganisation – Summary of Application

Type of Scheme

W J Underwood’s Testamentary Trust (SC001625) (“the charity”) 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 charity’s constitution is a Will dated 11 October 1983 and registered in the Books of Council and Session on 11 May 1987. The object of the charity is for the benefit of medical research in Edinburgh directed to achieve prevention of, cure for or relief from pain and illness.

The trustee proposes to make following changes to the constitution:

Introduce new provisions via a supplemental Deed of Trust which will give the trustee new powers to advance capital and have the option to wind up the charity if necessary.

Reasons for reorganisation

The charity trustee has identified the charitable purposes can no longer be effectively and economically fulfilled. The original Deed of Trust requires amendments in order to provide the trustee with a necessary power to advance the capital of the trust. This will allow for a potential future plan to transfer the trusts property to Tenovous Scotland (SC009675) a charitable body which has received the income of the trust for the last few years and has purpose of advancing health by supporting medical research.

Reorganisation condition

The trustee suggests that the following reorganisation condition is met:

S42(2)(d) of the 2005 Act that it is desirable to introduce a provision (other than a provision setting out a new purpose) to a charity’s constitution

The trustee suggests the condition is met because:

The Trust Deed no longer provides an effective method of using the trust property due to low annual income and significant administrative costs. The trustee has recognised the charity’s Deed of Trust does not possess any provisions which would give the trustees the power to consider a transfer of property to another charity or the power to wind up if it so chooses.

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The Scottish Charity Regulator, Quadrant House, 9 Riverside Drive, Dundee DD1 4NY



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Reorganisation outcome

The trustee suggests that the following reorganisation outcome is met:

S39(1)(b) of the 2005 Act in that the reorganisation will enable the charity to be administered more effectively

The trustee suggests the outcome is met because:

By having the additional powers included in the Deed of Trust it ensures the charity can be administered more effectively as it gives the trustees the ability to properly consider their options and ensures they are acting in the best interests of the charity.

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).

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 5 March 2024.

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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
23/01/2024

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