

Charity Reorganisation – Summary of Application

Type of Scheme

Bristo Baptist Church (SC008175) 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 current constitutional document (the Church Handbook) from 1954 contains no provisions permitting amendment or dissolution. This document focuses on matters of faith and theology and church governance and practice, set in the context of 70 years ago.

The trustees propose to make following changes to the constitution which:

The change will involve the Church Handbook which forms the existing Constitution of the Charity, and which currently does not include provisions permitting the amendment of the Constitution or the dissolution of the Charity, being extended by the addition of Supplementary Rules which will include provisions to the following effect:

- Permitting amendments to the terms of the Church Handbook (but not so as to alter the purposes of the Charity) if approved by a resolution of a two-thirds majority of the members of the Charity voting at a duly convened meeting; and
- Permitting the dissolution of the Charity if approved by a resolution of a two-thirds majority of the members of the Charity voting at a duly convened meeting, but only on the basis that (after settling or providing for all the debts and liabilities of the Charity) all the surplus assets of the Charity are transferred to a charity or charities having similar objects to those of the Charity.

Reasons for reorganisation

The trustees suggest that the administration of the Charity would be enhanced if there was in place the ability to modify or supplement the terms of the Church Handbook as and when required to meet the various challenges and demands of operating the work of the Charity in the modern context.

The trustees also suggest that having in place a proper dissolution clause would also enhance the administration of the Charity in establishing a clear and straightforward procedure to be followed if dissolution were the appropriate option, and avoiding the requirement for another costly,

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time-consuming and complex charity reorganisation process to be undertaken at that time.

Reorganisation condition(s)

The trustees suggest 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 trustees suggest the condition is met because:

- It is desirable to introduce provisions permitting amendment of the Church Handbook forming the Constitution of the Charity (but not so as to alter the purposes), and also permitting the dissolution of the Charity. This will allow the Charity to modify its operating procedures as needed to meet modern demands and requirements, and also enable a dissolution to be administered in a more appropriate, straightforward and cost-effective manner if this were to be required.

Reorganisation outcome(s)

The trustees suggest that the following reorganisation outcome is met:

39(1)(b)(ii) of the 2005 Act that the proposed reorganisation scheme will enable the charity to be administered more effectively.

The trustees suggest the outcome is met because:

- Introducing provisions permitting amendment of the Church Handbook means the administration of the Charity will be enhanced and made more flexible if there is in place the ability to modify or supplement the terms of the Church Handbook as and when required to help fulfil the purposes of the Charity and meet the various challenges and demands of operating the work of the Charity in the modern context.
- Having in place proper dissolution clause will also facilitate the administration of the Charity in establishing a clear and straightforward procedure to be followed if dissolution is the appropriate option.

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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 07 April, 2023.

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
22 February 2023

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