

SCOTTISH CHARITY REGULATOR

Inquiry Report made under Section 33 of the Charities and Trustee Investment (Scotland) Act 2005

Charity Mission 09, SC040595

Introduction

As a result of an inquiry under section 28 of the Charities and Trustee Investment (Scotland) Act 2005 (from this point referred to as 'the 2005 Act') it appears to OSCR that Charity Mission 09 no longer meets the charity test. We will therefore remove Charity Mission 09 from the Scottish Charity Register after 21 days from the date of this report, under section 30(1)(b) of the 2005 Act.

Background

Charity Mission 09 is an Unincorporated Association that was granted charitable status with effect from 19 June 2009.

The objects of the charity are to hold several music events and raffles. These events shall be held throughout the year and will be funded by charitable donations from local businesses. The proceeds from the smaller events shall then fund the major events which will hopefully be held annually. The smaller events shall be held approximately once a month at small venues such as:

- Lemon Tree (West North Street – Aberdeen)
- Moshulu (Windmill Brae – Aberdeen)
- Cafe Drummonds (Belmont Street – Aberdeen)

The major event shall hopefully at either Aberdeen Music Hall (Union Street) or Aberdeen Exhibition & Conference Centre (Ellon Road).

Inquiry summary

- The charity has failed to submit accounts to OSCR since 2008;
- All attempts made to contact the charity have failed;
- The charity was issued a section 30(1)(b) of the 2005 Act letter, however, this was not responded to.

If a charity is inactive over a sustained period and there is no evidence that this inactivity is a consequence of the charity exercising its functions it is unlikely that it is fulfilling its charitable purposes or providing public benefit.¹

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As a result of this inquiry it appears to OSCR that **Charity Mission 09** is inactive and is not fulfilling its charitable purposes or providing public benefit.

Decision

Section 7(1) of the 2005 Act requires that to pass the charity test, a body must have only charitable purposes and provide public benefit.

Under section 30 of the 2005 Act OSCR must, where it appears that a charity no longer meets the charity test, direct the charity to take such steps as OSCR considers necessary for the purposes of meeting the charity test or remove the charity from the Register.

Charity Mission 09 has failed to provide any evidence of current or planned activity and it appears to OSCR that this charity is no longer providing public benefit and does not meet the charity test.

OSCR has, therefore, given the charity notice under section 30(1)(b) of the 2005 Act that it will be removed from the Register after 21 days from the date of this decision.

Review

The charity has the right to request OSCR to review the decision. To do so the charity must contact the Review Officer within 21 days of the date of the decision (12 October 2016).

Where a review is requested, OSCR will not remove the charity from the register while the review is taking place.

¹ There are some exceptions to this that are outlined in OSCR's 'Apparently Inactive Charities' guidance issued in October 2009 that is published on the OSCR website.