

THE OFFICE OF THE SCOTTISH CHARITY REGULATOR

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

Catrine Old Folks Welfare Association, SC003979

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 Catrine Old Folks Welfare Association no longer meets the charity test. We will therefore remove Catrine Old Folks Welfare Association from the Scottish Charity Register after 21 days from the date of this report, under section 30(1)(b) of the 2005 Act.

Background

Catrine Old Folks Welfare Association is an unincorporated association that was granted charitable status with effect from 12 April 1972. It was entered in the Scottish Charity Register under the provisions of section 99 of the 2005 Act. The charity's purposes are:

- *To promote and assist the general good of all people in the city (burgh etc.) of Catrine by assisting the work of statutory authorities and voluntary organisations engaged in providing facilities improvement, furthering health, relieving poverty, distress or sickness or in pursuing any objects which now are or hereafter may be deemed by law to be charitable.*
- *To promote and organise co-operation in the achievement of the above purposes and to that end bring together in Council representatives of the authorities and organisations engaged in the furtherance of the above purposes or any of them within the city (burgh, etc.) of Catrine Parish.*
- *To assist any further charitable body or bodies financially or otherwise in the furtherance of the above purposes or any of them.*
- *To promote and carry out, or assist in promoting and carrying out surveys relating to the needs of old people and arrange for forwarding to the proper authorities and organisation the relevant facts regarding such cases and causes of distress as are within the power of those authorities and organisations to alleviate.*
- *To arrange and provide for or join in arranging and providing for the holding of exhibitions, meetings, lectures and classes in furtherance of the objects of the Committee or any of them.*

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Inquiry summary

- The charity has failed to submit accounts to OSCR since 2010.
- There is no active websites for the charity and we are unable to trace any social media pages.
- The charity no longer has an active bank account as it is now closed.

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.ⁱⁱ

As a result of this inquiry it appears to OSCR that Catrine Old Folks Welfare Association 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.

Catrine Old Folks Welfare Association 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 **18 November 2016**.

ⁱ Section 99 (1) of the Charities and Trustee Investment (Scotland) Act provided for the Scottish Charity Register to be populated, on 1st April 2006, with the details of bodies which were, at that time, entitled to call themselves a Scottish charity by virtue of Section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

ⁱⁱ 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.