

**THE OFFICE OF THE SCOTTISH CHARITY REGULATOR**

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

**Yell Public Halls Association, SC027498**

**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 Yell Public Halls Association no longer meets the charity test. We will therefore remove Yell Public Halls 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**

Yell Public Halls Association is an Unincorporated Association that was granted charitable status with effect from 29 January 1998. It was entered in the Scottish Charity Register under the provisions of section 99 of the 2005 Act<sup>1</sup>). The charity’s purposes are:

‘The purpose/objectives of the Association shall be to promote the benefit of the inhabitants of the island of Yell without distinction of sex or of political, religious or other opinions by advancing education and in the interest of social welfare, providing or assisting in the provision of facilities for recreation and other leisure time occupation so that the conditions of life of the afore mentioned inhabitants may be improved and in furtherance thereof:-

- i. to develop the local network of halls and the opportunities they provide for the community;
- ii. to seek to maximise the use of hall facilities;
- iii. to access and manage resources and equipment useful to halls;
- iv. to co-ordinate and promote the various activities and events which take place in local halls;
- v. to support and assist individual committees as appropriate; and
- vi. to liase with other organisations as appropriate in furtherance of YPHA’s purposes and objectives’.

**Inquiry summary**

- The charity has failed to submit accounts to OSCR since 2007.

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



Telephone:  
01382 220446



Fax:  
01382 220314



Email:  
info@oscr.org.uk



Twitter:  
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- Searches have been conducted for the charity on the internet and social media sites. There is no information relating to this charity online and we are unable to find any publically available evidence to show the charity is providing any benefit to the public.
- Previous warning letters have been issued to the charity; however, there has been no response.

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.<sup>ii</sup>.

As a result of this inquiry it appears to OSCR that Yell Public Halls 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.

Yell Public Halls 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 14 December 2016.

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<sup>i</sup> Section 99 (1) of the Charities and Trustee Investment (Scotland) Act provided for the Scottish Charity Register to be populated, on 1<sup>st</sup> 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

<sup>ii</sup> 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.