

# Application for Transfer of SCIO's Undertaking

## Section 61 of the Charities and Trustee Investment (Scotland) Act 2005

Please read our guidance publication, '[SCIOs: A Guide](#)', when completing this application form.

### 1. Charity registration details

SCIO name

Scottish Charity Number

### Applicant details and correspondence address for this application

Title

First name

Last name

Address

Postcode	

Tel no.

Fax no.

Mobile no.

Email (we will contact you by email unless you ask us not to)

## 2. Assets

Using the headings in Appendix 3, please provide us with full details of the assets held by the SCIO at the time of making this application.

Please tell us whether any of the charity's property or assets were provided for by grant funding. If so, have you sought the permission of the funder to transfer these assets or are you obliged to return any of the assets to a grant-giving body under the terms of the funding agreement. If so, please list these assets and provide details of the body to whom they must be returned.

## 3 (a). Liabilities

Using the headings in Appendix 3, please provide details of all of the SCIO's liabilities at the time of making this application (continue on a separate sheet if necessary).

**3 (b). Liabilities**

Please provide details of contracts with temporary or permanent employees, including arrangements to transfer these to the new SCIO, in accordance (where required) with TUPE (the Transfer of Undertakings (Protection of Employment) Regulations 2006)

#### 4. Proposed recipient of SCIO's undertaking

Please provide the name and charity number of the SCIO to which your members have agreed to transfer the undertaking.

#### 5. Storage of accounting records

Section 44(2) of the Charities and Trustee Investment (Scotland) Act 2005 states that proper accounting records must be preserved by the charity for 6 years from the end of the financial year to which they relate. We therefore ask you to confirm the name and address of the person or organisation who will store these accounting records.

First name

Last name

Address

Postcode

**6. Consent from other regulators**

Please tell us if you are registered with any other regulators or other bodies, and if you require consent from them in relation to the proposed transfer of SCIO's undertaking.

<b>Regulator name</b>	<b>Reference number</b>	<b>Consent required? (Please tick)</b>

## 7. Data protection statement

OSCR is a registered data controller in terms of the Data Protection Act 1998. Any information you give us will be held securely and in accordance with the rules on data protection. OSCR processes information only in accordance with its statutory regulatory functions under the Charities and Trustee Investment (Scotland) Act 2005, and to inform research into the charity sector in Scotland. Information may be shared with other regulatory bodies including HMRC, and selected information will appear on the Scottish Charity Register. Further information about data protection is available on the OSCR website.

### Declaration

**You may be committing an offence if you give an answer that you know is untrue or misleading.**

I certify that the information entered in this form is correct to the best of my knowledge.

I confirm that the information entered has been approved by the charity trustees and I am authorised to submit this information.

Signed by one of the trustees on behalf of all

Print name

Designation

Date

### Document Checklist

Have you:

- Completed all sections of the application form, including Appendices 1 and 2?
- Enclosed a copy of a resolution of the SCIO's members agreeing to the Transfer of Undertaking?
- Ensured that the resolution of the transfer or SCIO has been passed by a two-thirds majority of those voting at general meetings of each SCIO, or unanimously by the SCIOs' members otherwise than at a general meeting?
- Enclosed a copy of a resolution from the recipient SCIO agreeing to accept the properties, rights and liabilities of the SCIO?
- Ensured that the resolution of the transferee has been passed by a two-thirds majority of those voting at general meetings of each SCIO, or unanimously by the SCIOs' members otherwise than at a general meeting?

Please return the completed form and documentation to:

OSCR, 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee DD1 4NY

We will acknowledge your application within 14 days of receipt.

# Resolution to transfer the undertaking of a SCIO

## Section 61 of the Charities and Trustee Investment (Scotland) Act 2005

SCIO name

Scottish Charity Number

Date resolution was passed<sup>1</sup>

D	D	M	M	Y	Y	Y	Y
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Members of the above-named SCIO have resolved that, subject to the consent of OSCR, the SCIO will:

- Transfer the properties, rights and liabilities of the SCIO to

Name of proposed recipient:

Charity Number:

AND

- Be removed from the Scottish Charity Register and dissolved.

The resolution was passed by/supported by (delete as appropriate)

(a) A two-thirds majority of those voting at a general meeting of the SCIO (including those voting by proxy or by post, if voting that way is permitted by the constitution), or

(b) Unanimously by the SCIO's members, otherwise than at a general meeting.

Name of charity trustee	Signature of charity trustee	Date

<sup>1</sup> If the resolution was passed at a general meeting, insert the date of that meeting. If it was passed otherwise than at a general meeting, insert the date on which the last member voted on the resolution.



# Resolution to accept transfer of undertaking of a SCIO

## Section 61 of the Charities and Trustee Investment (Scotland) Act 2005

SCIO name

Scottish Charity Number

Date resolution was passed<sup>1</sup>

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Members of the above-named SCIO have resolved that, subject to the consent of OSCR, the SCIO will:

Accept the properties, rights and liabilities of

Name of transfer or SCIO:

Charity Number:

The resolution was passed by/supported by (delete as appropriate)

- (a) A two-thirds majority of those voting at a general meeting of the SCIO (including those voting by proxy or by post, if voting that way is permitted by the constitution), or
- (b) Unanimously by the SCIO's members, otherwise than at a general meeting.

Name of charity trustee	Signature of charity trustee	Date

<sup>1</sup> If the resolution was passed at a general meeting, insert the date of that meeting. If it was passed otherwise than at a general meeting, insert the date on which the last member voted on the resolution.

## Appendix 3

<b>Type of asset</b>	<b>Statement Required</b>
Cash at bank and in hand	All cash held in pounds sterling
Land and buildings	List of all land and buildings held with most recent valuation if available
Motor vehicles	List of all motor vehicles held with approximate market valuation
Furniture, fixtures and fittings	List of all furniture, fixtures and fittings (including computer equipment) with approximate market valuation
Shares	Name of each company in which shares are held, with number and type of shares held and most recent valuation if available
Investments	List of other investments held (excluding shares) with cash value or most recent valuation
Recoverable grants and loans due to the charity	List of all grants and loans due with their cash value
Tax reclaims due to the charity	Cash value of tax reclaims due (including Gift Aid)
Other debts due to the charity	List of any other amounts due to the charity with their cash value

<b>Type of liability</b>	<b>Statement Required</b>
Loans owed by the charity (including bank loans and loans to other organisations or individuals)	Most recent statement of balance in pounds sterling
Recoverable grants owed by the charity	List of all grants held by the charity which are to be returned to the funder with their cash value
Pension scheme	Most recent statement of pension liability for the charity in pounds sterling. This should be as per the last valuation of the pension scheme
Hire purchase or leases	Most recent statement of balance in pounds sterling
Tax owed by the charity	Cash value of tax owed (including PAYE, National Insurance contributions and VAT)
Other debts owed by the charity	List of any other debts owed with their cash value