

# Scottish Charity Regulator (OSCR)

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

### Introduction

The Scottish Charity Regulator (OSCR) has made inquiries into the charities listed below (“the charities”) under section 28 of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act). The charities are defaulting as they have repeatedly failed to submit their trustees’ annual reports and accounts to OSCR within the statutory timescales. OSCR also has concerns about the lack of activities being carried out by the charities.

It appears to OSCR that the charities do not meet the charity test. OSCR has taken the decision to remove the following charities from the Scottish Charity Register (the Register) on 27/09/2023 in terms of section 30(1)(b) of the 2005 Act.

Charity Number	Charity Name
SC046566	Wee Heroes
SC039222	Pelvic Instability Network Scotland
SC037095	People and Agencies of Cowal Coming Together (Pacct)
SC026677	Phoenix Hall Management Committee
SC016323	Tarves Playgroup and Toddlers
SC038780	Progress Positive (Progressive) Foundation
SC024258	Quarrelwood Woodland Park Association
SC038202	Redburn Toddler Group
SC039589	Saline Community Week Group
SC023252	Scottish Lamé Ducks Angling Club
SC043282	Friends of Rosshall Park and Gardens
SC018523	Funplus
SC034502	Scribblers Picnic Ltd
SC040445	African Pekin Scotland
SC004775	Seaboard Playgroup
SC035476	Gateside Baby and Toddler Group
SC045493	SHOCK Theatre Company
SC033671	Smarter Salsburgh
SC032031	World Mothers & Children Organisation (Womco)

SC013777	Strathclyde Youth Club Association
SC032297	Ballater Toddler Group
SC011561	Accident Awareness Scotland
SC036213	Small Wheels Association (Hawick)
SC033924	Community Help And Resource Information Service (CHRIS)
SC042511	Tayinloan Youth Club
SC033695	Templehall Spiritualist & Healing Centre
SC042529	Burundi Educational Development Association
SC035692	CLANN
SC032880	Colenso Group
SC021979	Dunbartonshire Stage Lights Theatre Company
SC033639	Tarbrax Woolfords and Auchengray Theatrical Society

## The charity test

In order to be registered as a charity in Scotland, an organisation must meet, and continue to meet, the charity test. To meet the charity test and remain on the Scottish Charity Register (the Register), an organisation must:

- I. have purposes that consist only of one or more charitable purposes
- II. provide public benefit in Scotland or elsewhere as a result of the activities it carries out

## How we reached our decision

Charity trustees have a statutory duty to prepare a trustees' annual report and accounts. The preparation of the trustees' annual report and accounts and its submission to OSCR is one of the primary ways of demonstrating that a charity is providing public benefit.

The charities have all repeatedly failed to provide OSCR with this information within the required timeframes. In addition, it appears from OSCR's inquiries that the charities are inactive and as a result are no longer providing public benefit.

## Conclusion

We are satisfied that the charities do not provide, or intend to provide, public benefit as such they no longer meet the charity test.

## OSCR's duties and powers

OSCR maintains the Register. Where it appears that a charity no longer meets the charity test OSCR must, in terms of section 30(1) of the 2005 Act, either:

- direct the charity to take such steps as it considers necessary for the purposes of meeting the charity test; or
- remove the charity from the Register.

We have taken the decision to remove the charities from the Register, as opposed to directing them to take steps to meet the charity test, because it appears that the charities have not been performing activities to advance their charitable purposes for a prolonged period of time.

## Protection of assets

The charities have been made aware that under section 19 of the 2005 Act they continue to be under a duty to apply any charitable assets held at the time they are removed from the Register in accordance with the purposes as set out in their entry in the Register immediately before their removal.

## Review

Where a charity disagrees with OSCR's decision to remove it from the Register under section 30(1)(b) of the 2005 Act it can request a review of the decision. To do so the charity must contact the Review Officer within 21 days of the date of the decision.

None of the charities referred to in this report requested a review.