

## The charity reorganisation process and Shetland Charitable Trust

### What is charity reorganisation?

Charities may not always have the power to make changes which they would like to make to their constitutions (the documents which set the charity up, say what it is for, and lay out the rules for how it goes about its business). The charity reorganisation process is a way of allowing charities in this situation to apply to the Office of the Scottish Charity Regulator (OSCR) for permission to make these changes.

### How does it work?

The charity applies to OSCR to have a reorganisation scheme approved. In Shetland Charitable Trust's (SCT's) case, the scheme it has put forward proposes a number of changes to its constitution, so as to change the rules on who its charity trustees (the people who manage and control it) must be, the way these trustees are recruited, and the rules for their meetings, among other things .

### What does a reorganisation have to do?

The law sets out **conditions** and **outcomes** which the scheme must meet for OSCR to be able to approve it. In SCT's case the charity is suggesting that:

1. there are provisions in its constitution which are no longer desirable (the reorganisation **condition**)
2. the scheme will enable the charity to be administered more effectively' (the reorganisation **outcome**).

### What is the public's role?

A key part of the process is that the public should be informed of what the charity is proposing to do and have an opportunity to object to the proposed scheme. OSCR will therefore publish a summary of the scheme on its website for up to 42 days, and SCT are also required to publish a notice of the scheme in a newspaper.

### What if I want to object to a reorganisation scheme?

Anyone can object to a proposed reorganisation scheme. **Objections must be made in writing**, and you can send them to OSCR by letter, fax or email while the summary is on our website or for up to 14 days after it is removed. Your objection must include:

- Your name and address
- The nature of your interest in the charity (if any)
- What your objection is and your reasons for it

OSCR must inform the charity when we receive objections to a proposed scheme, and ask for its comments on the issues raised. We will normally provide names and addresses of objectors to the charity, unless you ask us to withhold them and we think it is right to do so.

### **How does OSCR decide?**

We will look at all the relevant information including any objections and the charity's responses to these. For objections, we need to decide whether these make any difference to whether the reorganisation scheme meets the **conditions** and **outcomes** it has to meet. If they are not relevant to these we will not take them into account.

### **What happens then?**

We can either approve the scheme or refuse it. If we approve it then it will be for SCT to put the scheme into effect. If we refuse, we will explain to SCT why we do not consider the scheme has met the conditions or outcomes. SCT has the right to ask us to review a refusal decision. There is no right for third parties to make us review our decision or to appeal it.