

Status: Point in time view as at 24/02/2006.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Charities and Trustee Investment (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 1

(introduced by section 1)

THE SCOTTISH CHARITY REGULATOR

Membership

- 1 (1) The Scottish Charity Regulator (in this schedule referred to as “the Regulator”) is to consist of such number of members (but not fewer than 4) as the Scottish Ministers think fit.
- (2) It is for the Scottish Ministers to appoint those members from amongst those persons appearing to them to have knowledge and skills relevant to the functions of OSCR.
- (3) An individual is disqualified from appointment as, and from being, a member of the Regulator if the individual is—
 - (a) a member of the Scottish Parliament,
 - (b) a member of the House of Commons,
 - (c) a member of the European Parliament,
 - (d) an office-holder in the Scottish Administration,
 - (e) an individual of such other description as may be prescribed by order by the Scottish Ministers.

Commencement Information

- I1** Sch. 1 para. 1 in force at 1.1.2006 for specified purposes by S.S.I. 2005/644, art. 2(1), Sch. 1
- I2** Sch. 1 para. 1 in force at 24.2.2006 in so far as not already in force by S.S.I. 2006/74, art. 2(e)

Tenure and removal from office

- 2 (1) Each member of the Regulator—
 - (a) is to be appointed for such period as is specified in the appointment,
 - (b) may, by notice to the Scottish Ministers, resign as a member,
 - (c) in other respects, holds and vacates office on such terms and conditions (including remuneration and allowances) as the Scottish Ministers may determine,
 - (d) after ceasing to hold office, may be reappointed as a member.
- (2) The Scottish Ministers may remove a member from office if satisfied—
 - (a) that the member's estate has been sequestered or the member has been adjudged bankrupt, has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract,
 - (b) that the member—
 - (i) has been absent from meetings of the Regulator for a period longer than 6 consecutive months without the permission of the Regulator, or
 - (ii) is unable to discharge the member's functions as a member or is unsuitable to continue as a member, or
 - (c) that it is necessary or expedient to do so in connection with the management of the affairs of the Regulator.

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Commencement Information

- I3** Sch. 1 para. 2 in force at 1.1.2006 for specified purposes by S.S.I. 2005/644, art. 2(1), Sch. 1
I4 Sch. 1 para. 2 in force at 24.2.2006 in so far as not already in force by S.S.I. 2006/74, art. 2(e)

Chairing

- 3 (1) The Scottish Ministers must appoint—
- (a) one of the members of the Regulator to chair the Regulator, and
 - (b) another of those members to act as deputy to that member.
- (2) A member appointed to chair the Regulator or to act as deputy to that member holds and vacates office as such in accordance with the terms of the appointment to that office.
- (3) A member so appointed may, by notice to the Scottish Ministers, resign from office as such.
- (4) A member so appointed vacates office as such on ceasing to be a member of the Regulator.
- (5) Where a member—
- (a) is appointed to chair the Regulator or to act as deputy to that member, or
 - (b) ceases to hold office as such,
- the Scottish Ministers may vary the terms of the member's appointment as a member of the Regulator so as to alter the date on which office as a member is to be vacated.

Commencement Information

- I5** Sch. 1 para. 3 in force at 1.1.2006 for specified purposes by S.S.I. 2005/644, art. 2(1), Sch. 1
I6 Sch. 1 para. 3 in force at 24.2.2006 in so far as not already in force by S.S.I. 2006/74, art. 2(e)

Chief executive and other staff

- 4 (1) The Regulator —
- (a) must appoint a chief executive, and
 - (b) may appoint such other employees as it considers appropriate.
- (2) The terms and conditions of the chief executive and any other employees, and the number of any other employees, require the approval of the Scottish Ministers.

Commencement Information

- I7** Sch. 1 para. 4 in force at 1.1.2006 for specified purposes by S.S.I. 2005/644, art. 2(1), Sch. 1
I8 Sch. 1 para. 4 in force at 24.2.2006 in so far as not already in force by S.S.I. 2006/74, art. 2(e)

Proceedings

- 5 The quorum of the Regulator and the arrangements for its meetings are for the Regulator to determine.

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- I9** Sch. 1 para. 5 in force at 1.1.2006 for specified purposes by S.S.I. 2005/644, art. 2(1), Sch. 1
I10 Sch. 1 para. 5 in force at 24.2.2006 in so far as not already in force by S.S.I. 2006/74, art. 2(e)

Delegation of powers

- 6 (1) Anything authorised or required under any enactment to be done by the Regulator, whether or not as the holder of the Office of the Scottish Charity Regulator, may be done by any member or employee of the Regulator who is authorised (whether generally or specifically) for the purpose by it.
- (2) Nothing in sub-paragraph (1) prevents the Regulator from doing anything that any of its members or employees has been authorised or required to do.

Commencement Information

- I11** Sch. 1 para. 6 in force at 1.1.2006 for specified purposes by S.S.I. 2005/644, art. 2(1), Sch. 1
I12 Sch. 1 para. 6 in force at 24.2.2006 in so far as not already in force by S.S.I. 2006/74, art. 2(e)

Validity of proceedings and acts

- 7 The validity of any proceedings or acts of the Regulator is not affected by any—
- (a) vacancy in its membership, or
 - (b) defect in the appointment of a member.

Commencement Information

- I13** Sch. 1 para. 7 in force at 1.1.2006 for specified purposes by S.S.I. 2005/644, art. 2(1), Sch. 1
I14 Sch. 1 para. 7 in force at 24.2.2006 in so far as not already in force by S.S.I. 2006/74, art. 2(e)

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