



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

PART 1

CHARITIES

CHAPTER 4

SUPERVISION OF CHARITIES ETC.

Powers of Court of Session

36 Powers in relation to English and Welsh charities

- (1) Subsection (2) applies where the Charity Commissioners for England and Wales inform OSCR that a relevant financial institution or other person in Scotland holds moveable property on behalf of a body—
 - (a) which is registered as a charity in England and Wales under section 3 of the Charities Act 1993 (c. 10), or
 - (b) which, by virtue of section 3(5) of that Act, is not required to register as a charity under that section.
- (2) The Court of Session may, on an application by OSCR, make an order requiring the relevant financial institution or other person not to part with the property without the court's consent.
- (3) An order under subsection (2) may be made subject to conditions and may be varied or recalled.
- (4) Where the court has made an order under subsection (2) and, on an application by OSCR, it is satisfied as to the matters set out in subsection (5) it may transfer the property to a charity specified in the application—
 - (a) which has purposes which are the same as or which resemble closely the purposes of the body whose property is transferred, and

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- (b) which has intimated that it is prepared to receive the property.
- (5) Those matters are—
- (a) that there has been misconduct in the administration of the body, and
 - (b) that it is necessary or desirable to transfer the property for the purpose of protecting it or securing a proper application of it for the purposes of the body from which it is to be transferred.