



# Charities (Regulation and Administration) (Scotland) Act 2023

## 2023 asp 5

### *Appointment of interim charity trustees*

PROSPECTIVE

#### **8 Appointment of interim trustees by OSCR**

(1) Section 70A (appointment of charity trustees) of the 2005 Act is modified as follows.

(2) For subsections (1) and (2), substitute—

“(1) OSCR may, on the request of a charity, appoint a person as an interim charity trustee for the charity where—

- (a) the charity has an insufficient number of charity trustees to be able to appoint a charity trustee under its constitution, and
- (b) the charity’s constitution does not provide a mechanism for appointing a charity trustee in such circumstances.

(2) OSCR may, of its own accord or on the representation of any person, appoint a person as an interim charity trustee for a charity where OSCR is satisfied that—

- (a) the charity has no existing charity trustees,
- (b) all of the charity’s existing charity trustees either—
  - (i) cannot be found, or
  - (ii) are not acting and are not expected to resume acting, or
- (c) the number of the charity’s existing charity trustees who fall within sub-paragraph (i) or (ii) of paragraph (b) is such that the charity is unable to make a request under subsection (1).”.

(3) In subsection (3)—

- (a) for “acting” substitute “interim”,
- (b) after “subsection”, insert “(1) or”.

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Charities (Regulation and Administration) (Scotland) Act 2023, Section 8. (See end of Document for details)*

- (c) after “constitution” insert “without requiring involvement from charity trustees who cannot be found or are not acting”.
- (4) In subsection (4)—
  - (a) for “acting” substitute “interim”,
  - (b) after “subsection” insert “(1) or”.
- (5) In subsection (5)—
  - (a) in paragraph (a)—
    - (i) the word “still” is repealed,
    - (ii) for “acting” substitute “interim”,
    - (iii) after “constitution” insert “without requiring involvement from charity trustees who cannot be found or are not acting”,
  - (b) in paragraph (b), for “acting” substitute “interim”,
  - (c) in the closing words, for “acting” substitute “interim”.
- (6) After subsection (5), insert—

“(5A) For the purpose of subsection (5)(b), no account is to be taken of any charity trustees who cannot be found or are not acting.”.
- (7) In subsection (6)—
  - (a) for “acting” substitute “interim”,
  - (b) after “subsection” insert “(1) or”.
- (8) In subsection (7), for “acting” substitute “interim”.
- (9) In subsection (8), for “acting” in both places where it appears substitute “interim”.
- (10) After subsection (8), insert—

“(9) For the purposes of subsection (1), a request is the request of a charity if it is from—

  - (a) the majority of the charity trustees of the charity, or
  - (b) if there are only two charity trustees of the charity, either of them.”.

#### **Commencement Information**

**II** S. 8 not in force at Royal Assent, see [s. 21\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Charities (Regulation and Administration) (Scotland) Act 2023, Section 8.