



# Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

## PART 1

### CHARITIES

#### CHAPTER 1

##### OFFICE OF THE SCOTTISH CHARITY REGULATOR

#### **1 Office of the Scottish Charity Regulator**

- (1) There is to be an office to be known as the Office of the Scottish Charity Regulator.
- (2) There is established a body corporate, to be known as the Scottish Charity Regulator, which is to be the holder of that office.
- (3) That office-holder is referred to in this Act as “OSCR”.
- (4) OSCR has the functions conferred on it by or under this Act and any other enactment.
- (5) OSCR’s general functions are—
  - (a) to determine whether bodies are charities,
  - (b) to keep a public register of charities,
  - (c) to encourage, facilitate and monitor compliance by charities with the provisions of this Act,
  - (d) to identify and investigate apparent misconduct in the administration of charities and to take remedial or protective action in relation to such misconduct, and
  - (e) to give information or advice, or to make proposals, to the Scottish Ministers on matters relating to OSCR’s functions.
- (6) OSCR may do anything (whether in Scotland or elsewhere) which is calculated to facilitate, or is conducive or incidental to, the performance of its functions.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Subsection (6) does not enable OSCR to do anything in contravention of any express prohibition, restriction or limitation on its powers which is contained in any enactment (including this Act).
- (8) OSCR must perform its functions in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements.
- (9) In performing its functions OSCR must, so far as relevant, have regard to—
  - (a) the principles under which regulatory activities should be proportionate, accountable, consistent, transparent and targeted only at cases in which action is needed, and
  - (b) any other principle appearing to OSCR to represent best regulatory practice.
- (10) Schedule 1 makes further provision about the Scottish Charity Regulator.

## **2 Annual reports**

- (1) As soon as practicable after the end of each financial year, OSCR must—
  - (a) prepare and publish a general report on the exercise of its functions during that year,
  - (b) send a copy of the report to the Scottish Ministers, and
  - (c) lay a copy of the report before the Scottish Parliament.
- (2) A general report may include, in particular, any general recommendations which OSCR may have arising from the exercise of its functions during that year and any previous financial year.
- (3) It is for OSCR to determine the form and content of a general report and by what means it is to be published.