



# Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

## <sup>F1</sup>PART 1

### CHARITIES

## <sup>F1</sup>CHAPTER 10

### DECISIONS: NOTICES, REVIEWS AND APPEALS

#### *Appeals*

#### <sup>F1</sup>75 Scottish Charity Appeals Panel

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#### Textual Amendments

- F1** S. 75 repealed (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018 \(S.S.I. 2018/1\)](#), reg. 1(1), [sch. 2 para. 2\(3\)](#)

#### 76 [<sup>F2</sup>Appeals to the First-tier Tribunal]

- (1) Where OSCR—
- (a) confirms a decision under section 74(1), or
  - (b) reconfirms a decision under section 77(1),
- the decision (or, where OSCR varies the decision on confirming or reconfirming it, the decision as varied) may be appealed to the [<sup>F3</sup>First-tier Tribunal] .
- (2) A decision referred to in paragraph (g) or (h) of section 71 (whether or not confirmed with variations) may not, despite subsection (1)(a), be appealed to the [<sup>F4</sup>First-tier Tribunal] .

**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) View outstanding changes

- (3) It is for the person whose request or, as the case may be, earlier appeal under this section caused OSCR to confirm or reconfirm the decision to make an appeal under subsection (1).
- (4) Such an appeal must be made within 28 days of the person entitled to appeal it being given notice of the confirmation or reconfirmation.
- (5) The [<sup>F5</sup>First-tier Tribunal] may—
- confirm a decision appealed to it,
  - quash such a decision and direct OSCR to take such other action, if any, as the [<sup>F6</sup>First-tier Tribunal] thinks fit by such time as may be specified in the direction, or
  - remit such a decision back to OSCR, together with the [<sup>F7</sup>First-tier Tribunal's] reasons for doing so, for reconsideration.

#### Textual Amendments

- F2** S. 76 title substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018 \(S.S.I. 2018/1\)](#), reg. 1(1), **sch. 2 para. 2(4)(d)**
- F3** Words in s. 76(1) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018 \(S.S.I. 2018/1\)](#), reg. 1(1), **sch. 2 para. 2(4)(a)**
- F4** Words in s. 76(2) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018 \(S.S.I. 2018/1\)](#), reg. 1(1), **sch. 2 para. 2(4)(b)**
- F5** Words in s. 76(5) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018 \(S.S.I. 2018/1\)](#), reg. 1(1), **sch. 2 para. 2(4)(c)(i)**
- F6** Words in s. 76(5)(b) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018 \(S.S.I. 2018/1\)](#), reg. 1(1), **sch. 2 para. 2(4)(c)(ii)**
- F7** Words in s. 76(5)(c) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018 \(S.S.I. 2018/1\)](#), reg. 1(1), **sch. 2 para. 2(4)(c)(iii)**

#### Commencement Information

- I1** S. 76 in force at 1.4.2006 by [S.S.I. 2006/189](#), art. 2(1), **Sch. Pt. 1**

## 77 Reconsideration of decision remitted to OSCR

- (1) OSCR must, within 14 days of a decision being remitted to it under section 76(5)(c)—
- reconsider the decision,
  - confirm, vary, reverse or revoke it, and
  - give notice of its decision under paragraph (b) to the person who appealed its earlier decision to the [<sup>F8</sup>First-tier Tribunal] .
- (2) That notice must set out OSCR's reasons for its decision under subsection (1)(b).

#### Textual Amendments

- F8** Words in s. 77(1)(c) substituted (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018 \(S.S.I. 2018/1\)](#), reg. 1(1), **sch. 2 para. 2(5)**

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**Commencement Information**

**I2** S. 77 in force at 1.4.2006 by [S.S.I. 2006/189](#), art. 2(1), **Sch. Pt. 1**

**78 Appeals to Court of Session**

<sup>F9</sup>(1) . . . . .

- (2) Any decision of OSCR (or by a person to whom OSCR's functions are delegated by virtue of section 38) to suspend a person by notice under section 31(4) may be appealed by the person suspended to the Court of Session.
- (3) The Court of Session may—
  - (a) confirm the decision appealed to it, or
  - (b) quash the decision and direct OSCR (or the person to whom OSCR's functions are delegated by virtue of section 38, as the case may be) to take such action, if any, as the Court thinks fit by such time as may be specified in the direction.

**Textual Amendments**

**F9** S. 78(1) repealed (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Scottish Charity Appeals Panel\) Regulations 2018](#) (S.S.I. 2018/1), reg. 1(1), **sch. 2 para. 2(6)**

**Commencement Information**

**I3** S. 78 in force at 1.4.2006 by [S.S.I. 2006/189](#), art. 2(1), **Sch. Pt. 1**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 1 Ch. 7A inserted by [2023 asp 5 s. 13\(2\)](#)
- s. 2(1A) inserted by [2023 asp 5 sch. para. 1\(2\)](#)
- s. 3(3)(aa) inserted by [2023 asp 5 s. 2\(2\)\(a\)](#)
- s. 3(6)(c) and word inserted by [2023 asp 5 sch. para. 3\(2\)\(b\)](#)
- s. 5(2)(aa) inserted by [2023 asp 5 s. 18\(3\)\(a\)](#)
- s. 5(3) inserted by [2023 asp 5 sch. para. 4\(2\)](#)
- s. 5(4)(5) inserted by [2023 asp 5 s. 18\(3\)\(b\)](#)
- s. 10(3) inserted by [2023 asp 5 sch. para. 6\(3\)\(b\)](#)
- s. 11(3A)(3B) inserted by [2023 asp 5 sch. para. 5\(2\)\(b\)](#)
- s. 11(4)(a) words in s. 11(4) renumbered as s. 11(4)(a) by [2023 asp 5 sch. para. 5\(2\)\(c\)\(i\)](#)
- s. 11(4)(b) and word inserted by [2023 asp 5 sch. para. 5\(2\)\(c\)\(ii\)](#)
- s. 11(5) inserted by [2023 asp 5 sch. para. 5\(2\)\(d\)](#)
- s. 12(2A) inserted by [2023 asp 5 sch. para. 6\(4\)\(b\)](#)
- s. 12(3A) inserted by [2023 asp 5 sch. para. 4\(3\)](#)
- s. 12(3B) inserted by [2023 asp 5 sch. para. 6\(4\)\(d\)](#)
- s. 12(6) inserted by [2023 asp 5 sch. para. 6\(4\)\(g\)](#)
- s. 17(1)(ba) inserted by [2023 asp 5 s. 3\(2\)](#)
- s. 19(1)-(1D) substituted for s. 19(1) by [2023 asp 5 sch. para. 9\(2\)](#)
- s. 23(1A) inserted by [2023 asp 5 sch. para. 10\(3\)](#)
- s. 24A inserted by [2023 asp 5 sch. para. 11\(3\)](#)
- s. 25(1)(ba)(bb) inserted by [2023 asp 5 sch. para. 11\(4\)\(a\)](#)
- s. 25(3)(4) inserted by [2023 asp 5 sch. para. 11\(4\)\(b\)](#)
- s. 28(2A) inserted by [2023 asp 5 s. 15\(3\)](#)
- s. 28(4A) inserted by [2023 asp 5 s. 15\(4\)](#)
- s. 29(2A) inserted by [2023 asp 5 s. 16\(2\)\(c\)](#)
- s. 30A inserted by [2023 asp 5 s. 18\(4\)](#)
- s. 30B inserted by [2023 asp 5 s. 17\(3\)](#)
- s. 32(2)(a) words in s. 32(2) renumbered as s. 32(2)(a) by [2023 asp 5 s. 17\(5\)\(a\)](#)
- s. 32(2)(a) words inserted by [2023 asp 5 s. 17\(5\)\(b\)](#)
- s. 32(2)(b) words in s. 32(2) renumbered as s. 32(2)(b) by [2023 asp 5 s. 17\(5\)\(c\)](#)
- s. 32(2)(b) words inserted by [2023 asp 5 s. 17\(5\)\(d\)](#)
- s. 33(1)(a)(ib) inserted by [2023 asp 5 s. 17\(7\)](#)
- s. 33(1)(a)(ia) inserted by [2023 asp 5 s. 18\(5\)](#)
- s. 42(6)-(10) substituted for s. 42(6)(7) by [2023 asp 5 s. 14\(2\)](#)
- s. 44(1)(ca) inserted by [2023 asp 5 s. 10\(2\)\(a\)\(i\)](#)
- s. 44(2A) inserted by [2023 asp 5 sch. para. 12\(3\)](#)
- s. 44(4A) inserted by [2023 asp 5 s. 10\(2\)\(b\)](#)
- s. 45A inserted by [2023 asp 5 s. 12\(4\)](#)
- s. 45B and cross-heading inserted by [2023 asp 5 s. 10\(3\)](#)
- s. 48A and cross-heading inserted by [2023 asp 5 sch. para. 15\(2\)](#)
- s. 52(3A)(3B) inserted by [2023 asp 5 sch. para. 16\(2\)](#)
- s. 64(1) words in s. 64 renumbered as s. 64(1) by [2023 asp 5 sch. para. 18\(2\)\(a\)](#)
- s. 64(2) inserted by [2023 asp 5 sch. para. 18\(2\)\(b\)](#)
- s. 66A and cross-heading inserted by [2023 asp 5 s. 3\(3\)](#)
- s. 69(2)(a)(ai) inserted by [2023 asp 5 s. 4\(2\)\(a\)\(i\)](#)
- s. 69(2)(b)(i) words in s. 69(2)(b) renumbered as s. 69(2)(b)(i) by [2023 asp 5 s. 5\(2\)\(a\)\(i\)](#)

- s. 69(2)(b)(i) words inserted by 2023 asp 5 s. 5(2)(a)(ii)
- s. 69(2)(b)(ii) inserted by 2023 asp 5 s. 5(2)(a)(iii)
- s. 69(2)(f)-(i) inserted by 2023 asp 5 s. 5(2)(d)
- s. 69(2)(da)(db) inserted by 2023 asp 5 s. 5(2)(c)
- s. 69(2A) inserted by 2023 asp 5 s. 5(3)(b)
- s. 69(3A) inserted by 2023 asp 5 s. 5(3)(c)
- s. 69(7) inserted by 2023 asp 5 s. 5(3)(e)
- s. 69A inserted by 2023 asp 5 s. 4(3)
- s. 69B inserted by 2023 asp 5 s. 6(2)
- s. 70(4)-(6) inserted by 2023 asp 5 s. 5(4)(b)
- s. 70A(5A) inserted by 2023 asp 5 s. 8(6)
- s. 70A(9) inserted by 2023 asp 5 s. 8(10)
- s. 70ZA70ZB inserted by 2023 asp 5 s. 7(3)
- s. 71(ib)(ic) inserted by 2023 asp 5 s. 18(6)
- s. 71(id) inserted by 2023 asp 5 s. 17(9)
- s. 71(mb) inserted by 2023 asp 5 s. 12(5)
- s. 71(pa) inserted by 2023 asp 5 s. 6(5)
- s. 71(pb) inserted by 2023 asp 5 s. 9(2)
- s. 71(pc) inserted by 2023 asp 5 s. 7(4)
- s. 72(2)(ba) inserted by 2023 asp 5 s. 16(3)(a)(ii)
- s. 72(2)(bb) inserted by 2023 asp 5 s. 9(3)
- s. 72(4) inserted by 2023 asp 5 s. 16(3)(b)
- s. 74(1A) inserted by 2023 asp 5 s. 9(5)
- s. 100(5A)-(5E) inserted by 2023 asp 5 sch. para. 20(2)
- s. 103(5)(ba) inserted by 2023 asp 5 s. 18(8)(b)
- s. 103(5)(bb) inserted by 2023 asp 5 s. 14(3)
- s. 103(5)(ca) inserted by 2023 asp 5 s. 5(5)
- s. 103(5)(cb) inserted by 2023 asp 5 s. 4(4)
- s. 103(5)(za) inserted by 2023 asp 5 s. 18(8)(a)