



# Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

## PART 1

### CHARITIES

#### CHAPTER 10

##### DECISIONS: NOTICES, REVIEWS AND APPEALS

###### *Appeals*

#### **75 Scottish Charity Appeals Panel**

- (1) The Scottish Ministers must, from time to time, constitute a panel to be known as the Scottish Charity Appeals Panel (in this Act referred to as “the Panel”) to exercise functions conferred on it by section 76.
- (2) Schedule 2 makes further provision about the Panel.

#### **76 Appeals to Scottish Charity Appeals Panel**

- (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 Panel.
- (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 Panel.
- (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 Panel may—
  - (a) confirm a decision appealed to it,
  - (b) quash such a decision and direct OSCR to take such other action, if any, as the Panel thinks fit by such time as may be specified in the direction, or
  - (c) remit such a decision back to OSCR, together with the Panel’s reasons for doing so, for reconsideration.

## **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)—
  - (a) reconsider the decision,
  - (b) confirm, vary, reverse or revoke it, and
  - (c) give notice of its decision under paragraph (b) to the person who appealed its earlier decision to the Panel.
- (2) That notice must set out OSCR’s reasons for its decision under subsection (1)(b).

## **78 Appeals to Court of Session**

- (1) Any decision of the Panel under section 76(5) may be appealed by—
  - (a) the person who appealed to the Panel, or
  - (b) OSCR,to the Court of Session.
- (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.