
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 644 (C.34)

CHARITIES

**The Charities and Trustee Investment (Scotland)
Act 2005 (Commencement No. 1) Order 2005**

Made - - - - 14th December 2005

The Scottish Ministers, in exercise of the powers conferred by sections 103(2) and 107(2) of the Charities and Trustee Investment (Scotland) Act 2005(1), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Charities and Trustee Investment (Scotland) Act 2005 (Commencement No. 1) Order 2005.

(2) In this Order, “the Act” means the Charities and Trustee Investment (Scotland) Act 2005.

Commencement of provisions

2.—(1) The provisions of the Act which are specified in column 1 of the Schedule to this Order and the subject matter of which is described in column 2 of the Schedule shall come into force on 1st January 2006 but, where a particular purpose is specified in relation to any provision in column 3 of the Schedule, that provision shall come into force on that day only for that purpose.

(2) Section 98 of the Act (rate relief for registered community amateur sports clubs) shall come into force on 1st April 2006.

St Andrew’s House, Edinburgh
14th December 2005

MALCOLM CHISHOLM
A member of the Scottish Executive

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2(1)

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1st JANUARY 2006

| <i>Column 1</i> <i>Provision of the Act</i> | <i>Column 2</i> <i>Subject matter</i> | <i>Column 3</i> <i>Purpose</i> |
|--|--|--|
| Section 3 | The Register | Only for the purpose of enabling regulations to be made |
| Section 6 | Applications for entry to the Register – further procedure | Only for the purpose of enabling regulations to be made |
| Section 7 | The charity test | Only for the purpose of enabling orders to be made |
| Section 15 | References in documents | Only for the purpose of enabling regulations to be made |
| Section 19 | Protection of assets on removal of a charity from the Register | Only for the purpose of enabling orders and regulations to be made |
| Section 23 | Entitlement to information about charities | Only for the purpose of enabling orders to be made |
| Section 25 | Removal of restrictions on disclosure of certain information | Only for the purpose of enabling orders to be made |
| Section 35 | Transfer scheme | Only for the purpose of enabling regulations to be made. |
| Section 39 | Reorganisation of charities on applications by charities | Only for the purpose of enabling regulations to be made |
| Section 44 | Duty to keep accounts | Only for the purpose of enabling regulations to be made |
| Section 48 | Dormant accounts of charities | Only for the purpose of enabling regulations to be made |
| Section 79 | Interpretation of Part 2 | |
| Section 83 | Fundraising for benevolent bodies | Only for the purpose of enabling regulations to be made |
| Section 86 | Applications for local authority consent for public benevolent collections | Only for the purpose of enabling regulations to be made |

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| <i>Column 1</i> <i>Provision of the Act</i> | <i>Column 2</i> <i>Subject matter</i> | <i>Column 3</i> <i>Purpose</i> |
|--|---|--|
| Section 90 | Further provision for the regulation of public benevolent collections | Only for the purpose of enabling regulations to be made |
| Section 91 | Collection of goods | Only for the purpose of enabling regulations to be made |
| Section 93 | Extension of general powers of trustees | |
| Section 94 | Exercise of power of investment | |
| Section 95 | Amendments consequential on sections 93 & 94 | |
| Section 97 | Financial assistance for benevolent bodies | |
| Section 106 | General Interpretation | |
| Schedule 1 | Membership of OSCR | Only for the purpose of enabling orders to be made |
| Schedule 2 | Scottish Charity Appeals Panel | Only for the purpose of enabling orders & rules to be made |
| Schedule 3 | Powers of trustees: consequential amendments | |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences various regulation and order making powers contained in the Charities and Trustee Investment (Scotland) Act 2005 (“the Act”). It also commences provisions of the Act dealing with investment powers of trustees (Part 3) and a power to provide financial assistance to benevolent bodies (section 97). The Act received Royal Assent on 14th July 2005.

Article 2(1) of this Order brings into force on 1st January 2006 all of the order, rule and regulation making powers in the Act and section 79 which is the interpretation section for Part 2 of the Act in relation to fundraising for benevolent bodies. It also brings into force sections 93, 94, 95, 97, 106 and schedule 3 of the Act. Sections 93 to 95 amend the Trusts (Scotland) Act 1921 to provide an extension to the investment powers of trustees (of all trusts, whether charities or not). Section 97 allows Scottish Ministers to make payments to benevolent bodies or to any person in connection with work which enables benevolent bodies to implement their purposes better. Section 106 contains the general definition provisions in the Act.

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Article 2(2) of this Order brings into force section 98 of the Act on 1st April 2006, which makes provision for organisations that are registered as a community amateur sports club with the Inland Revenue under section 58 of the Finance Act 2002 to receive 80% mandatory relief from non-domestic rates. Local authorities have discretionary powers to top up this relief to 100%.