

2006 No. 74 (C. 9)

CHARITIES

**The Charities and Trustee Investment (Scotland) Act 2005
(Commencement No. 2) Order 2006**

Made - - - - *23rd February 2006*

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(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation

1. This Order may be cited as the Charities and Trustee Investment (Scotland) Act 2005 (Commencement No. 2) Order 2006.

Commencement of provisions

2. The following provisions of the Charities and Trustee Investment (Scotland) Act 2005 shall come into force on 24th February 2006:—

- (a) section 1(1) to (4) and (6) to (10);
- (b) section 9;
- (c) section 75;
- (d) section 99(3) and (4); and
- (e) Schedules 1 and 2, in so far as not already in force.

MALCOLM CHISHOLM
A member of the Scottish Executive

St Andrew's House,
Edinburgh
23rd February 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences sections 1(1) to (4) and (6) to (10), 9, 75 and 99(3) and (4) and Schedules 1 and 2 of the Charities and Trustee Investment (Scotland) Act 2005 (“the Act”). Section 1 establishes an office to be known as the Office of the Scottish Charity Regulator and establishes a body corporate, the Scottish Charity Regulator (“OSCR”) which is to be the holder of that office. Schedule 1 provides detailed membership and other constitutional arrangements for OSCR and section 9 gives OSCR a statutory duty to issue guidance on how it determines whether a body meets the charity test.

Section 75 requires Scottish Ministers to constitute the Scottish Charity Appeals Panel, a new tribunal to be set up to provide an independent appeal mechanism for decisions made by OSCR and Schedule 2 sets out further details for the constitution and operation of the Scottish Charity Appeals Panel.

Section 99(3) allows Scottish Ministers to disapply section 3(3) of the Act, by order for up to 18 months. Disapplying section 3(3) allows OSCR time to gather the necessary information on each charity before having to enter details on the Scottish charity register.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by Commencement Order made before the date of this Order:–

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 3 (only for the purpose of enabling regulations to be made).	1st January 2006	2005/644
Section 6 (only for the purpose of enabling regulations to be made).		
Section 7 (only for the purpose of enabling orders to be made).		
Section 15 (only for the purpose of enabling regulations to be made).		
Section 19 (only for the purpose of enabling orders and regulations to be made).		
Section 23 (only for the purpose of enabling orders to be made).		
Section 25 (only for the purpose of enabling orders to be made).		
Section 35 (only for the purpose of enabling regulations to be made).		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 39 (only for the purpose of enabling regulations to be made).		
Section 44 (only for the purpose of enabling regulations to be made).		
Section 48 (only for the purpose of enabling regulations to be made).		
Section 79		
Section 83 (only for the purpose of enabling regulations to be made).		
Section 86 (only for the purpose of enabling regulations to be made).		
Section 90 (only for the purpose of enabling regulations to be made).		
Section 91 (only for the purpose of enabling regulations to be made).		
Section 93.		
Section 94.		
Section 95.		
Section 97.		
Section 106.		
Schedule 1 (only for the purpose of enabling orders to be made).		
Schedule 2 (only for the purpose of enabling orders and rules to be made).		
Schedule 3.		

Section 98 of the Act will come into force on 1st April 2006 in terms of S.S.I. 2005/644 which was made before the date of this Order.

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(Commencement No. 2) Order 2006

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