

Charities (Regulation and Administration) (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Group 1: Minor and technical

4, 5, 9

Group 2: Register of persons holding a controlled interest in land

3

Group 3: Reorganisations etc

6, 7, 8, 12

Group 4: OSCR's communication with charities

1

Group 5: Data Protection

10, 11

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Amendments in debating order

Minor and technical

Shirley-Anne Somerville

- 4 In section 2, page 1, line 23, leave out <subsection> and insert <paragraph>

Shirley-Anne Somerville

- 5 In section 2, page 1, line 25, leave out <subsection> and insert <paragraph>

Shirley-Anne Somerville

- 9 In the schedule, page 24, leave out lines 33 to 36

Register of persons holding a controlled interest in land

Jeremy Balfour

- 3 After section 2, insert—

<Inclusion of names by religious charity on the Register of Persons Holding a Controlled Interest in Land

- (1) The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021/85 are amended in accordance with this section.
- (2) After regulation 3(3), insert—

“(3A) For land owned or tenanted by a religious charity which is registered on the Scottish Charity Register, the RCI is to contain the information required in paragraph (3) (as the case may be) in regards to the religious charity as the charity named on the Scottish Charity Register instead of any individual acting on behalf of the religious charity.”>

Reorganisations etc

Shirley-Anne Somerville

- 6 In section 12A, page 15, line 34, leave out <such a charity’s property> and insert <the property of a charity constituted under an enactment>

Shirley-Anne Somerville

- 7 In section 12A, page 16, line 15, leave out <In subsections (6) to (8),> and insert <For the purposes of subsections (6) to (8)—

()>

Shirley-Anne Somerville

- 8 In section 12A, page 16, line 16, at end insert—

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<() for the avoidance of doubt, income derived from an endowment is to be treated as being part of the endowment.>

Shirley-Anne Somerville

12 In the schedule, page 31, line 32, at end insert—

<Variation of constitution

(1) Section 106 of the 2005 Act (general interpretation) is modified as follows.

(2) In the definition of “constitution”, insert as closing words—

“but where the charity has varied its constitution (by means of a reorganisation scheme or otherwise), a reference to its constitution is a reference to its constitution as so varied.”.>

OSCR’s communication with charities

Jeremy Balfour

1 In the schedule, page 23, line 3, at end insert—

<Annual reports by OSCR: action taken to promote awareness and understanding of the 2005 Act

(1) Section 2 (annual reports) of the 2005 Act is modified as follows.

(2) After subsection (1), insert—

“(1A) A general report must include information about what action OSCR has taken during that year to promote charities’ awareness and understanding of what they need to do to comply with the provisions of this Act.”.

(3) In subsection (3), for “It” substitute “Subject to subsection (1A), it”.>

Data Protection

Shirley-Anne Somerville

10 In the schedule, page 28, line 14, leave out from <25(1)> to end of line 15 and insert <25 (removal of restrictions on disclosure of certain information)—

() in subsection (1), after paragraph (b) insert—>

Shirley-Anne Somerville

11 In the schedule, page 28, line 24, at end insert—

<() after subsection (2), insert—

“(3) Nothing in this section authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would do so, the provision made in this Act enabling or requiring the disclosure of information as mentioned in paragraphs (a) to (e) of subsection (1) is to be taken into account).

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- (4) In this section, “the data protection legislation” has the meaning given by section 3(9) of the Data Protection Act 2018.”.>

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For information on the Scottish Parliament contact
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