

# **SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE**

**7<sup>th</sup> Meeting, 2023 (Session 6), Thursday 16  
March 2023**

## **Charities (Regulation and Administration) (Scotland) Bill**

### **Bill documents**

1. Links to the [Bill and accompanying documents](#) can be found below:
  - [Charities \(Regulation and Administration\) \(Scotland\) Bill as introduced](#)
  - [Charities \(Regulation and Administration\) \(Scotland\) Bill explanatory notes](#)
  - [Charities \(Regulation and Administration\) \(Scotland\) Bill policy memorandum](#)
  - [Charities \(Regulation and Administration\) \(Scotland\) Bill financial memorandum](#)
  - [Charities \(Regulation and Administration\) \(Scotland\) Bill delegated powers memorandum](#)

### **Written evidence**

2. All published written submissions received can be found here: [Published responses for Charities Bill - Detailed consultation - Scottish Parliament - Citizen Space](#)

### **Correspondence**

3. The Cabinet Secretary for Social Justice, Housing and Local Government [wrote to the Committee on 10 March 2023](#) regarding Stage 1 evidence received by the Committee. The letter is attached to this paper (Annexe A)

**Clerk to Committee  
13 March 2023**



Shona Robison MSP  
F/T: 0300 244 4000  
E: [CabSecSJHLG@gov.scot](mailto:CabSecSJHLG@gov.scot)

Natalie Don MSP  
Convener  
Social Justice and Social Security Committee

By email: [sjss.committee@parliament.scot](mailto:sjss.committee@parliament.scot)

10 March 2023

Dear Convener,

**CHARITIES (REGULATION AND ADMINISTRATION) (SCOTLAND) BILL - STAGE 1  
EVIDENCE**

I am writing to clarify a number of points which have arisen during the evidence provided at Stage 1 on the Charities (Regulation and Administration) (Scotland) Bill, which I hope will be helpful to the Committee members in their scrutiny of the Bill.

**Disqualification criteria**

Undischarged bankruptcy is an existing criteria for disqualification under the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act), it is not one of the new criteria introduced by the Bill. In addition, the ability to apply to OSCR for a waiver to the disqualification is already provided for by the 2005 Act. Many of the existing and new criteria for disqualification are time limited, not permanent, the disqualification falls when a specified conviction is spent, or a bankruptcy discharged.

**List of removed persons**

Section 7 of the Bill would require OSCR to maintain a record of those individuals who have been disqualified or removed by the Court of Session from acting as a charity trustee. The list does not apply to all disqualification criteria, just to those individuals who have been removed by the Court of Session, usually due to serious misconduct in their involvement with a charity. OSCR have confirmed that there are 50 people who have been permanently removed by the Court of Session from acting as a charity trustee under the Charities and

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



**INVESTORS  
IN PEOPLE**

Accredited  
Until 2020



Trustee Investment (Scotland) Act 2005 and the proceeding Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

**Interim trustees**

The ability of OSCR to appoint interim trustees is a short-term, emergency measure to be used where there are no trustees, or where they are unwilling or unable to act. This measure is designed to prevent the charity stagnating and where appropriate to keep the charity going until permanent trustees can be appointed.

I hope the above is helpful for the Committee and look forward to speaking with you next week to take forward and carefully consider this important piece of legislation.

Please do not hesitate to contact me should you require further information.

Yours sincerely,



**SHONA ROBISON**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



INVESTORS  
IN PEOPLE

Accredited  
Until 2020

