

Charity Reorganisation – Summary of Application

Introduction to Proposed Scheme

The Scottish Forestry Trust (SC008465) has applied to the Office of the Scottish Charity Regulator (OSCR) for approval of a reorganisation scheme for a: variation of the constitution of the charity under section 42(3)(a) of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

Scottish Forestry Trust was established by Timber Growers Scotland Limited under a Minute of Agreement registered in the Books of Council and Session in June 1983 to *“promote education, training and research in forestry and silviculture and to promote the application of science and the results of research to aid technical efficiency in forestry.”*

Reorganisation Conditions

The charity is applying for reorganisation because it considers that:

- A provision of the constitution of the charity can no longer be given effect to or is otherwise no longer desirable (section 42(2)(c) of the 2005 Act.

The trustees suggest that this condition is met because the current power of appointment of trustees vests in the elected members of Timber Growers Scotland Limited and this organisation no longer exists.

Outline of Proposed Scheme

The trustees propose:

- To amend the constitution of the charity to provide the trustees with powers to appoint new trustees and make changes to the constitution in the future.

The trustees suggest that the proposed changes will enable the charity to be administered more effectively, make it easier to appoint new trustees and also ensure the future flexibility of the charity in respect of its governance and complying with future legislation and regulations.

Reasons for Reorganisation

The constitution of the charity currently provides power of appointing new trustees to the elected members of Timber Growers Scotland Limited. This organisation no longer exists but has subsequently become the Confederation

of Forest Industries (UK) Limited after various amalgamations with other organisations.

Confederation of Forest Industries (UK)(ConFor) Limited is a UK organisation and not a Scottish organisation. Due to the impracticalities of having ConFor appoint or approve all appointments the trustees wish to amend the constitution of the charity to vary the constitution of the charity to provide the trustees with new powers to appoint trustees with the Confederation of Forest Industries (UK) Limited being informed of the nominations and given 21 days to provide Scottish Forestry Trust with their comments.

The trustees advise that the proposed amendment has the approval of ConFor and Confor will remain in the election process of new Trustees and a Memorandum of Understanding between Scottish Forestry Trust and ConFor to this effect.

The trustees also wish to clause SEVENTH of the constitution of the charity to allow the trustees to make changes to the constitution in the future as follows:

“The Trustees may from time to time by Deed or Deeds revocable or irrevocable supplement or alter or amend the provisions of this Deed of Trust to the extent (and to such extent only) as may in the opinion of the Trustees be requisite for the purpose of conferring on the Trustees such further or other powers as may be necessary for the better administration of the Charity and the more effectual execution of the Purposes; PROVIDED ALWAYS that nothing in this Clause shall authorise or be deemed to authorise any departure from or modification of the objects declared in Clause Second of this Deed of Trust or the application of any part of the Trust Fund or the income thereof for any purpose which is not an exclusively charitable purpose”.

The trustees consider that that expanding the power granted to them under Clause Seventh will enable the Trust Deed to be updated in accordance with the future requirements of any charity law legislation will ensure that the charity continues to comply with the charitable regulations and provide flexibility in relation to the future application of the constitution.

The trustees suggest that charity reorganisation will enable the charity to be administered more effectively (section 39(1)(b)(ii) of the 2005 Act).

Further Information

Further information on this application for charity reorganisation may be made available, upon request. Please contact the Office of the Scottish Charity Regulator on 01382 220446 and ask to speak to a member of staff in the Charities Team for further details.

How to object to the proposed reorganisation scheme

Should you wish to object to this proposed reorganisation scheme, you may do so by writing to OSCR providing the following information:

- Your name and address
- The nature of your interest in the charity (if any), and
- The nature of your objection and the reasons for it.

These are the terms of Regulation 5 of the Charities Reorganisation (Scotland) Regulations 2007).

All objections should be sent to OSCR at the following address:

OSCR – Charity Reorganisations
2nd Floor Quadrant House
Riverside Drive
Dundee
DD1 4NY

Objections can be made up to 14 days following the end of the publication period. The latest date for the receipt of objections is **27 October 2009**.

A copy of any objections will be provided to the applicant charity for comment. If you do not wish the charity to be provided with your personal details, please indicate this in your objection.

Personal details will otherwise be disclosed to the applicant charity.

OSCR
16 September 2009

