

Scottish Charity Regulator (OSCR)

Inquiry Report made under Section 33 of the Charities and Trustee Investment (Scotland) Act 2005

Introduction

The Scottish Charity Regulator (OSCR) has made inquiries into the charities listed below (“the charities”) under section 28 of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act). The charities are defaulting as they have repeatedly failed to submit their trustees’ annual reports and accounts to OSCR within the statutory timescales. OSCR also has concerns about the lack of activities being carried out by the charities.

It appears to OSCR that the charities do not meet the charity test. OSCR has taken the decision to remove the following charities from the Scottish Charity Register (the Register) on 11/01/2024 in terms of section 30(1)(b) of the 2005 Act.

Charity Number	Charity Name
SC049649	Phoenix Theatre Company
SC043261	Equality Insaaf
SC010047	The Goal Foundation
SC044542	Tarek Ramzi Cyberknife Fund
SC041237	The Sacred Educational Society of Ladakh (SESOL) UK
SC040373	Bedari Scotland
SC019256	Clydebank Forum on Disability
SC045111	The Well
SC039069	Alive Ministry
SC040190	LGBT Network
SC016942	North Road Playgroup
SC049714	Muirkirk Youth Support and Development Team
SC030670	Calder Pre 5 Playgroup
SC009483	Noah's Ark Playgroup
SC043421	Computers4Education
SC046941	Roots To Return
SC033368	National Postgraduate Committee Of The United Kingdom
SC005342	Bill Adams Memorial Award
SC018855	Mount Florida Mother & Toddler Group
SC016494	Larkhall East Pre School Playgroup

SC022154	Govanhill Youth Project Management Committee
SC041543	Greenlaw Community First Responders
SC044186	Coatdrie Colts Football Club
SC041256	Edinburgh Orchestral Ensemble
SC042280	Live for Life Foundation
SC041515	Edinburgh Incidental Orchestra
SC017325	Hilton Road Toddler Group
SC038617	Preston Lodge Community Rugby Trust
SC044506	Save Lives Foundation
SC036629	Fuaran Nan Ealan (Am Fuaran)
SC026181	Midlothian Youth Theatre
SC045063	East Africa Community Centre of Glasgow
SC003093	Limekilns Church Toddlers & Playgroup
SC039617	Paisley Childrens Centre Fund Raising Committee
SC031613	Hyndland Toddler Group
SC008179	Kelvin Hall Sports Education Trust
SC034348	Helmsdale Youth Project
SC043955	Motherwell African Refugee Community Association

The charity test

In order to be registered as a charity in Scotland, an organisation must meet, and continue to meet, the charity test. To meet the charity test and remain on the Scottish Charity Register (the Register), an organisation must:

- I. have purposes that consist only of one or more charitable purposes
- II. provide public benefit in Scotland or elsewhere as a result of the activities it carries out

How we reached our decision

Charity trustees have a statutory duty to prepare a trustees' annual report and accounts. The preparation of the trustees' annual report and accounts and its submission to OSCR is one of the primary ways of demonstrating that a charity is providing public benefit.

The charities have all repeatedly failed to provide OSCR with this information within the required timeframes. In addition, it appears from OSCR's inquiries that the charities are inactive and as a result are no longer providing public benefit.

Conclusion

We are satisfied that the charities do not provide, or intend to provide, public benefit as such they no longer meet the charity test.

OSCR's duties and powers

OSCR maintains the Register. Where it appears that a charity no longer meets the charity test OSCR must, in terms of section 30(1) of the 2005 Act, either:

- direct the charity to take such steps as it considers necessary for the purposes of meeting the charity test; or
- remove the charity from the Register.

We have taken the decision to remove the charities from the Register, as opposed to directing them to take steps to meet the charity test, because it appears that the charities have not been performing activities to advance their charitable purposes for a prolonged period of time.

Protection of assets

The charities have been made aware that under section 19 of the 2005 Act they continue to be under a duty to apply any charitable assets held at the time they are removed from the Register in accordance with the purposes as set out in their entry in the Register immediately before their removal.

Review

Where a charity disagrees with OSCR's decision to remove it from the Register under section 30(1)(b) of the 2005 Act it can request a review of the decision. To do so the charity must contact the Review Officer within 21 days of the date of the decision.

None of the charities referred to in this report requested a review.