

# Call for evidence – Charities Bill

## Response from the Scottish Charity Regulator

### 1. Background

#### 1.1 The Scottish Charity Regulator

The Scottish Charity Regulator (OSCR) is established under the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act) as a Non-Ministerial Office and part of the Scottish Administration. We are independent of Scottish Government and report directly to the Scottish Parliament.

We are the independent regulator and registrar for around 25,000 Scottish charities including community groups, religious charities, schools, universities, grant-giving charities and major care providers. Our work as Regulator ultimately supports public trust and confidence in charities.

### 2. Consultation response

We are supportive of the proposed reforms. We have noted the extensive consultation carried out prior to the Law Commission's report.

We understand that this Bill removes some of the complexity and inconsistencies which have made English charity law difficult both to apply and to regulate. It is very positive for the charity sector in England and Wales that the UK Government is proceeding with this legislation.

Charity Law is a devolved matter and as such this Bill does not apply to Scotland, It will however apply to the cross border charities registered with both the Charity Commission for England and Wales and OSCR. We welcomed the opportunity to discuss the proposals with the Charity Commission for England and Wales before the Bill was introduced to Parliament. Following these discussions we are content that the Bill will not have any adverse impacts on cross border charities.

There are certain improvements in terms of this legislation which could be beneficial to the sector in Scotland and which the Scottish Government may wish to replicate going forward in Scotland. The Charities and Trustees Investment (Scotland) Act 2005 is overdue for review and ten key proposals for amendment were consulted on in 2019 with a follow up consultation in 2020. In the Scottish Government's recently published *Programme for Government 2021-22* they have committed to bringing forward legislation to improve Charity Law in Scotland.

### **3. Conclusion**

OSCR is grateful for the opportunity to respond to this consultation.

We are content for the information provided to be released in full, including contact details. Should you wish to discuss any aspect of the response please contact:

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