

16 June 2004

Myra Watson
Charity Bill Consultation
Voluntary Issues Unit
Scottish Executive Development Department
2-G, Victoria Quay
Edinburgh
EH6 6QQ

cc Sharon Wheatley, Finance Manager

Dear Myra

DRAFT CHARITIES AND TRUSTEE INVESTMENTS (SCOTLAND) BILL

Thank you for the opportunity to comment on the above.

Our principal concern is that we would prefer to have specific guidance on how the legislation may impact on the College and its Board of Management.

1. We note that we will automatically transfer to the new Scottish Charity Register and that we will be eligible for Charitable status because of our primary objective – the advancement of education (Section 7 (2) (b)).
2. We note however that there will be a review of the existing charities to ensure we comply with the Charities Test and we would suggest that this is done en bloc to minimise the administrative burden on Colleges. We suggest that this could be a fairly routine exercise done by the Charities Regulator using existing published information without having recourse to individual colleges.
3. We note that the College will need to submit annual accounts and we suggest that this requirement can be modified, as our Annual Accounts are required to be laid before Parliament and we already publish accounts to Audit Scotland and the Scottish Further Education Funding Council. We suggest that where accounts are already published for Scottish Public Bodies that the requirement to submit a set of Accounts be waived.
4. We note the requirement for Members of the Board of Management will also be known as our Charity Stewards. The duties listed are commensurate with their duties as Members of the Board. As a general point we suggest that where a Scottish Public Body is regulated by existing legislation, the higher standard or more rigorous legislation is the principal legislative framework under which we will operate and this should be recognised by the new Act.

5. We also note that Members of the Board of Management may also be designated as members of a Scottish Charitable Incorporated Organisation (SCIO). It is not clear whether this will be the status of an Incorporated FE College or not. If an Incorporated College of Further Education becomes a SCIO, we note that there are conditions about specifying who can become a 'member' and who is eligible for 'membership'. In relation to point 4 above, it appears to us that Charity Stewards are to be appointed by the membership and these Stewards may or may not be members. In light of the current status of Incorporated Colleges and their Boards of Management, some clarification on these roles and greater consistency in terminology is required.

Otherwise, the proposals are noted.

I enclose the completed Respondee Information Form.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J C Crooks', written in a cursive style.

J C Crooks
Assistant Principal (Resources)

Enc.