

FOUNDATION FOR SCIENCE AND TECHNOLOGY

10 Carlton House Terrace, London SW1Y 5AH. Tel: 020 7321 2220 Fax: 020 7321 2221

e-mail: dougal.goodman@foundation.org.uk Web site: www.foundation.org.uk

Vice Presidents: The Earl of Shannon, The Lord Flowers FRS, Dr Richard J Haas CBE LLD Hon ScD,
The Earl of Selborne KBE FRS, Sir Brian Jenkins GBE, Viscount Runciman of Doxford CBE PBA

COUNCIL

Chairman: The Rt Hon the Lord Jenkin of Roding

The President of the Royal Society
The Lord May of Oxford OM AC KT PRS FMedSci

The President, The Royal Academy of Engineering
The Lord Broers FRS FREng

The President, The Academy of Medical Sciences
Sir Keith Peters FRS PMedSci

The President, The Science Council
Sir Gareth Roberts FRS

Chairman, The Arts and Humanities Research Board
Professor Sir Brian Follett FRS

Chairman, The Engineering and Technology Board
Sir Peter Williams CBE FREng FRS

Chairman, The Biotechnology and Biological Sciences Research Council
Dr Peter Ringrose

Chairman, The Council for the Central Laboratory of the Research Councils
Professor Sir Graeme Davies FRSE FREng

Chairman, The Economic and Social Research Council
Ms Frances Cairncross CBE FRSE

Chairman, The Engineering and Physical Sciences Research Council
Professor Julia Higgins DBE FRS FREng

Chairman, The Medical Research Council
Sir Anthony Cleaver

Chairman, The Natural Environment Research Council
Mr Rob Margetts CBE FREng

Chairman, The Particle Physics and Astronomy Research Council
Mr Peter Warr

Dr Robert Hawley CBE FRSE FREng (Deputy Chairman)
Mr Patrick McHugh (Honorary Secretary)
Mr Tony Quigley (Honorary Treasurer)

Professor Polina Bayvel FREng

The Lord Browne of Madingley FREng
Sir Geoffrey Chipperfield KCB

The Lord Haskel

Dr Geraldine Kenney-Wallace FRSC

Sir John Krebs FRS

Sir Hugh Laddie

The Lord Oxburgh KBE FRS

Sir Martin Rees FRS

The Lord Soulsby of Swaffham Prior FMedSci

Professor Sir William Stewart FRS FRSE

The Lord Sutherland of Houndwood KT FBA PRSE

Professor Mark Walport FMedSci

The Baroness Wilcox

10 August, 2004

Ms Myra Watson

Charity Bill Consultation

Voluntary Issues Unit

Scottish Executive Development Department

2-g, Victoria Quay

Edinburgh

EH6 6QQ

Dear Ms Watson

I am writing on behalf of the two hundred and more learned and professional societies who subscribe to the Foundation, many of which are charities registered with the Charity Commission for England and Wales and many of which have some – although not a majority of – members practising in Scotland. Most do not own or rent property in Scotland.

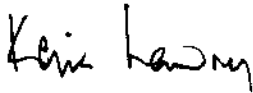
At a recent seminar, the matter was raised that your Consultation paper on the Draft Charities and Trustee Investments (Scotland) Bill records, on page 13, that all bodies wishing to operate as charities in Scotland must register with the Office of the Scottish Charity Regulator and that they cannot call themselves charities in Scotland unless they are so registered. I have not found the actual reference in the draft Bill so providing but I respond to the Consultative paper as follows:

- (i) Does a society registered as a charity in England but with some Scottish members, and perhaps with a Scottish Branch holding its own regular or occasional meetings, count as operating in Scotland for charity registration purposes? (Such societies would be educational charities and would not make the public collections associated with many charities.)
- (ii) If you deem such charities to be operating in Scotland, am I correct in my understanding that you require them to be dually registered? If so, some of those societies have commented that they would find that duality unnecessarily burdensome and costly (despite your light dismissal of 'not unduly' burdensome) and would object

strongly.

- (iii) If such charities did not also register in Scotland, what would be the effect? As I understand it, their income tax and rate relief would be dependent upon their English registration and their headed notepaper – used in Scotland as in England and elsewhere - would identify them as charities in England and Wales. Those dealing with such societies would clearly understand the position: English charities operating in Scotland which had chosen not to register additionally in Scotland because there was no further advantage.
- (iv) An alternative, for societies that would not wish to ignore the law, might be for them to withdraw from any operation in Scotland. Have you considered this possibility particularly in respect of grant-making trusts registered in England from which Scotland also currently benefits?
- (v) Why is it that the Charities and Trustee Investments (Scotland) Bill appears to require dual registration while the proposed England/Wales legislation does not and (according to my information) will not? I understand that one of the purposes of the Bills was to harmonise both sets of charity laws.

Yours sincerely



Keith Lawrey
Learned Societies' Liaison Officer