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EQUALITY CHOICE ACTION SUPPORT

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

06 August 2004

Dear Ms Watson,

Draft Charities and Trustee Investment (Scotland) Bill

I am writing to provide comments on behalf of Ecas on the consultation relating to this Bill. Our comments are as follows:

- There is clearly an enormous amount of work that will fall on OSCR to review the work of every charity in Scotland and decide on their charitable status. Sufficient resources need to be made available to enable this work to be carried out within a reasonable timeframe. Otherwise there is likely to be a prolonged period of uncertainty for charities.
- We recommend that OSCR should produce guidance to charities on difficult areas, such as the issues arising from different structures of charities – e.g. differences in investment powers.
- OSCR should provide guidance as soon as possible on issues that are not clear in the Bill – such as the definition of public benefit. Charities need to be clear as soon as possible whether or not they will fall within the new charitable criteria. It should be borne in mind that long processes are involved in making any necessary changes to a charity's constitution or Memorandum of Association in order to clarify its charitable status.

Yours sincerely,

Mrs Judith Lewis
Executive Secretary

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