



**ASSOCIATION
FOR INTERNATIONAL
CANCER RESEARCH**

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20th August 2004

Ms Jane Ryder
Scottish Charity Regulator
Argyll House
Marketgait
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Dear Ms Ryder

CONSULTATION DRAFT
Charities and Trustee Investment (Scotland) Bill

Herewith the comments of the Association for International Cancer Research (AICR) on the above-noted consultation draft

1. AICR welcomes whole-heartedly the moves by the Scottish Executive to enact legislation and regulation to govern charity and trust investment matters. It recognises that the Scottish Charities Office has had inadequate powers and that such moves are essential to provide a clear framework for those active in such fields, to protect against fraud and to give "stewards" an even clearer understanding of their rights and responsibilities.
2. The draft is not particularly easy to follow, partly because many definitions are not given until Section 81. Would it be possible to move "Definitions" or "General Interpretations" to the beginning of the document? In particular, the use of the word "steward" occurs frequently throughout the document and it would be helpful to understand its meaning *ab initio*.
3. In a similar vein to the comments at 2 above, in a number of Sections (e.g. Section 20) applicability of the Section is described at the end of the Section. Might it not be better at the beginning?
4. Section 19 (2) enables Scottish Ministers to exempt certain charities from the requirement to provide copies of their constitutions and accounts. Exemptions of this nature might give rise to opportunities for abuse of charitable status and it is to be hoped that regulation under this clause will be rigorous.
5. With reference to Section 22, whilst item (1)(a) thereof is eminently sensible, item (1)(b) seems totally erroneous. Scrutiny of this Section is recommended.

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6. In Section 24(1)(e) there is a typographical error in that the clause should read "...any particular type of charity , or bodies falling...."
7. Section 25(1)(a) seems too broadly worded in that it would enable OSCR to require the production of any documents whatsoever, whether relevant or not to the charity or OSCR.
8. With reference to Section 27, the last clause of item (4) should surely be entitled "(c)".
9. With reference to item (5) of Section 54, could some more generally understood term than "cy pres" be used? This is suggested because, presumably, the Bill is intended to be understood by lay persons.
10. In Section 50 item (5) might it not be sensible to make more specific reference to web-based representation or solicitation?
11. In general, the Bill is understandably Scottish in its focus. Recourse to the law is via Sheriff Courts or the Court of Session. However, many Scottish charities raise funds or are active in other ways firth of Scotland. Does the Bill have adequate provision to enable regulation of such activities?

Thank you for the opportunity to comment on the draft.

Yours sincerely



John Matthews
Chairman
Board of Directors

20th August 2004