

Extract from the OSCR guide to SCIOs

(As applicable to Crathes Public Hall Trust [SCIO])

Duty to keep registers of charity trustees and of members

Register of charity trustees

All SCIOs have a duty to keep a register of their charity trustees which must be updated within 28 days of any change being notified to the SCIO. The register must contain specific information about current charity trustees.

Additionally, the SCIO's register must also retain some information about former charity trustees for at least six years from the date the person ceased to be a charity trustee.

There is no set format for the register of charity trustees but it must contain the information summarised in the table below:

Information required	Current charity trustee	Publish on Website	Former charity trustee
Name	✓	✓	✓
Address	✓		
Date of appointment	✓	✓	
Details of any office held	✓	✓	✓
Date on which he/she ceased to be a charity trustee			✓

Duty to provide a copy of the register of charity trustees

Any person may request a copy of the SCIO's register of charity trustees and, if the request is reasonable, will be entitled to be given a copy by the SCIO within 28 days.

In considering a request for a copy of the register, a SCIO should reflect on whether the request itself is reasonable, rather than whether the motivation for the request is reasonable.

Whether or not a request can be said to be reasonable will depend on the specific circumstances of each individual case. In general terms, however, OSCR considers the following to be examples of unreasonable requests:

- A request for the document if it is already publicly available, e.g. on the SCIO's website

- A request for documents that the requester already has, e.g. documents which have previously been provided by the SCIO to the requester.

If the person making the request is not a charity trustee, the SCIO is permitted to omit the address of any of its charity trustees.

SCIOs should note, however, that they are required to publish in the trustees' annual report to their annual accounts the names of charity trustees who have served during the financial year, and that they have a duty to provide a copy of those accounts to any person making a reasonable request for them.

Register of members

Where the members of a SCIO are not identical to its charity trustees (that is, where it has a two-tier structure), it also has a duty to keep a register of its members, which is to be updated within 28 days of any change being notified to the SCIO.

The register of members must also retain some information about former members for at least six years from the date the person ceased to be a member of the SCIO.

There is no set format for the register of members but it must contain the information summarised in the table below:

Information required	Current member	If issued to a member	Former member
Name	✓	✓	✓
Address	✓		
Date of registration as a member	✓	✓	
Date on which he/she ceased to be a member			✓

Duty to provide a copy of the register of members

Only a member or charity trustee of a SCIO may request a copy of that SCIO's register of members. If the request is reasonable the member or charity trustee will be entitled to be given a copy of the register by the SCIO within 28 days.

If the person making the request is a member but not a charity trustee, the SCIO is permitted to omit the address of any of its members from the copy of the register it supplies.

References to SCIO Status

Section 52 of the 2005 Act sets out how SCIOs must refer to their name and their status as a SCIO on a number of specified documents which are issued or signed by the SCIO or on its behalf. This includes:

- Any of the specified documents which are hosted on a webpage of a website operated by or on behalf of the SCIO
- Any of the specified documents which are issued or signed by a third party on the SCIO's behalf, for example, by a solicitor who is acting on the SCIO's behalf or an accountant who is requesting payment from another body on behalf of the SCIO.

SCIOs and their agents are required to state on the specified documents the SCIO's name and, if the name does not include the terms 'Scottish Charitable Incorporated Organisation' or 'SCIO' (with or without a full stop after each letter), the fact that it is a SCIO.

As a matter of good practice OSCR strongly recommends that the specified documents also state the SCIO's Scottish Charity Number. This will enable the SCIO to be easily recognised by members of the public, funders and contractors as a regulated Scottish charity in which they can have confidence.

SCIOs are required to comply with their duty to state their name and status (if applicable) on the specified documents from the date on which they are entered in the Register and so become constituted as a SCIO. Unlike the situation with other non-SCIO charities, there is no period of grace for SCIOs to comply with this requirement. The charity trustees of new SCIOs must therefore be mindful of this duty and take appropriate steps to ensure the SCIO is able to comply with its duties in relation to name and status as soon as possible after being entered in the Register.

The specified documents are listed in the table below:

Which documents must comply?

The documents (including documents on webpages of a website operated on behalf of the SCIO) on which the SCIO and its agents must include its name and the fact that it is a SCIO (if applicable) are:

- Business letters and emails
- Advertisements, notices and official publications
- Any document which solicits money or other property for the benefit of the SCIO
- Promissory notes, endorsements and orders for money or goods
- Bills rendered
- Invoices, receipts and letters of credit
- Statements of account prepared in accordance with either regulation 8, 9 or 14 of the Charities Accounts (Scotland) Regulations 2006 (as amended)
- Educational or campaign documentation
- Conveyances which provide for the creation, transfer, variation or extinction of an interest in land
- Contractual documentation
- Bills of exchange, other than cheques
- The home web page on a website operated by or on behalf of the SCIO.