

Bolt-on provisions for Model Trust Deed

These are alternative clauses for some of the sections within our model Trust Deed.

If you are using these bolt-on provisions within our model Trust Deed to apply to OSCR for charitable status then you need to complete certain sections in full. OSCR have to know what are your charitable objectives and activities, the number of trustees you need for a quorum, whether there are any qualifications to be a member of your organisation, etc. We have highlighted the sections you must complete in order to gain charitable status so that you can ensure your constitution contains all the information that OSCR will be looking for when they consider whether your organisation can become a Scottish charity.

NOTE: The use of numbering such as “39A”, “39B” etc in the bolt-on provisions is intended simply to clarify where additional provisions are to be inserted (in the above example the new provisions would appear after clause 39 but before clause 40). Once the draft has been fully assembled, all clauses should be numbered through in the normal manner (e.g. 39A would become 40, 39B would become 41 and 40 (old numbering) would become 42); cross-references should be altered accordingly.

SUPPLEMENT 1 - General statement on composition of trustees

“Composition of Trustees

4A The Trustees shall exercise their powers under clause 5 with regard to appointment of Trustees in such a way as to ensure that, so far as reasonably possible, at any given time:-

[insert appropriate material eg. “one of the Trustees is drawn from the private sector”, “a majority of the Trustees are drawn from [defined community]”, “at least two of the Trustees are people who are registered blind/partially sighted”]

SUPPLEMENT 2 - Statement on composition of trustees – representation of outside body

Insert immediately after clause 4:-

“Composition of Trustees

4A The Trustees shall exercise their powers in relation to appointment/removal of Trustees in such a way as to ensure, so far as reasonably possible, that at any given time [one] of the individuals holding office as a Trustee is an individual who has been nominated for that office by [insert name of body]; the Trustees shall give effect promptly to any notice by [insert name of body] withdrawing its nomination of any individual previously appointed by the Trustees under this clause.”