



# Charities (Regulation and Administration) (Scotland) Act 2023

## 2023 asp 5

*Disqualification from being charity trustee etc.*

PROSPECTIVE

### 7 Record of persons removed from office

- (1) The 2005 Act is modified as follows.
- (2) In section 34(5)(ea) (powers of Court of Session)—
  - (a) for “purpose” substitute “purposes”,
  - (b) after “trustee” insert “and section 70ZA (record of persons removed from office)”.
- (3) After section 70, insert—

#### **“70ZA Record of persons removed from office**

- (1) OSCR must keep, in such manner as it thinks fit, a record of all persons who have been removed, by order of the Court of Session under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 or section 34 of this Act, from being concerned in the management or control of any body.
- (2) The record must contain a separate entry for each person entered in it setting out—
  - (a) the person’s name,
  - (b) the date of the order of the Court of Session removing the person from being concerned in the management or control of the body,
  - (c) the name of the body to which the order relates,
  - (d) if the person has been granted a waiver under section 69(4) in relation to a particular charity or type of charity only, or has been granted a waiver under section 69B(3), the details of the waiver including—
    - (i) the date OSCR notified the person of the waiver, and

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Charities (Regulation and Administration) (Scotland) Act 2023, Section 7. (See end of Document for details)*

- (ii) the extent of the waiver, and
- (e) any other information which OSCR considers appropriate in relation to—
  - (i) the person,
  - (ii) the body from which the person was removed.

(3) Despite subsection (1)—

- (a) OSCR must remove a person from the record if the person has been granted a general waiver under section 69(4),
- (b) OSCR may remove a person from the record if the person has died.

### **70ZB Searching the record of removed persons**

- (1) OSCR must provide a facility by which the record kept under section 70ZA(1) may be searched by any person.
- (2) That search facility must allow the record to be searched by reference to, and only by reference to, a person’s name.
- (3) Where, on an application being made to it, OSCR is satisfied that disclosing an entry in the record is likely to jeopardise the safety or security of any person or premises, OSCR must ensure that the entry is not disclosed to any person searching the record.
- (4) OSCR may also determine other information which, though contained in the record, is not to be disclosed to any person searching it.”.
- (4) In section 71 (decisions), after paragraph (pb) (inserted by [section 9\(2\)](#)) insert—  
“(pc) refuse an application made for the purposes of section 70ZB(3),”.
- (5) In section 72(2)(a) (notice of decisions), after “(pa)” (inserted by [section 6\(6\)](#)) insert  
“or (pc)”.

#### **Commencement Information**

**II** S. 7 not in force at Royal Assent, see [s. 21\(2\)](#)

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