

2 REGISTRATION OF FLEMING TRUST WITH OSCR (AN10-2022)

The purpose of this note is to set out the reasons why it would be beneficial for the Fleming Trust to be registered as a charity with the (Office of the) Scottish Charity Regulator ("OSCR") and seeks instructions regarding registration.

Trusts formed for charitable purposes often need to adapt the way they operate to reflect changes in society and the context in which they work. Unfortunately, the wording in the Trust Deed is outdated e.g. "slum housing" and the Trust Deed has a cumbersome management structure. or "management structure which would benefit from review"? Registration would provide the opportunity to interpret the aims of the Trust in modern language that is without discrimination or inappropriate reference. By registering with OSCR, and utilising the charity reorganisation procedures available, the Fleming Trust will also have the opportunity to make appropriate changes to the management structure.

Registration as a charity will also provide confidence to the public and other interested parties that the Trust is regulated by OSCR as an independent body.

Registration could also open opportunities for funding to support the charitable purposes and will provide certain tax benefits.

The Fleming Trust meets the criteria to be so registered and it is therefore recommended that approval is given to apply to seek such registration.

It is advised that successful registration with OSCR would result in additional financial reporting and have administrative consequences for the Council together with the requirement for an external auditor to be appointed to review the Fleming Trust annual accounts. Any additional financial implications, estimated to be approximately £5,000 incurred per annum, would require to be recharged to the Fleming Trust.

The Trustees instructions are requested.