

From: [redacted s.38(1)(b)]@kltr.gov.uk>

Sent: 27 September 2022 16:53

To: [redacted s.38(1)(b)]@gov.scot>

Cc: [redacted s.38(1)(b)]@kltr.gov.uk>; [redacted s.38(1)(b)]@kltr.gov.uk>; [redacted s.38(1)(b)]@kltr.gov.uk>

Subject: BV/1138/22 - Charities (Regulation) (Scotland) Bill _ query for KLTR

Hi RECACTED,

The KLTR is the Crown's agent in Scotland that is able to deal with bona vacantia (essentially, ownerless property).

Property that falls to the Crown as bona vacantia tends to be land and real estate that was last owned by now dissolved companies, although theoretically any asset (including cash) can become bona vacantia.

Funds we receive typically come from ultimus haeres estates, bona vacantia property sales and funds held by solicitors which are remitted to us per policy BV8 (I attach a copy of our policies for reference).

Conceivably, legacies left to a defunct charity could be bona vacantia but it would be unusual for us to receive funds simply because a charity has ceased to exist.

I am not an executry/Wills specialist but I understand legacies to charity in Wills tend to be worded in such a way as to give executors leeway to give these gifts to other charities with similar aims if the charity named in the Will is no longer active.

I don't have exact figures but I expect the number and value of any legacies falling to the KLTR specifically because a charity is defunct is likely to be nil or close to nil. I am not aware of any funds being paid to us recently for this reason.

I have discussed with [redacted s.38(1)(b)] and we don't have any objection to your policy proposal, it sounds sensible to bring the regulation of charities' assets appropriately under OSCR's remit.

Best regards

[redacted s.38(1)(b)] | Solicitor | KLTR

King's and Lord
Treasurer's Remembrancer



Visit our website at www.kltr.gov.uk for more information about the KLTR

From: [redacted s.38(1)(b)]@gov.scot <[redacted s.38(1)(b)]@gov.scot>
Sent: 26 September 2022 18:02
To: KLTR Policy <[redacted s.38(1)(b)]>
Cc: [redacted s.38(1)(b)]@gov.scot; [redacted s.38(1)(b)]@gov.scot
Subject: Charities (Regulation) (Scotland) Bill _ query for KLTR
Importance: High

Hello

We are currently working on a Bill which updates charity regulation and are working to tight timescales.

We have identified a potential issue with KLTR and one of the proposals under the Bill. The proposal concerns a new register of charity mergers, the provisions would enable a transferee charity in Scotland to register a merger on the new Register of Mergers held by OSCR. Once registered a legacy to a transferee would be deemed to be a legacy to the transferor.

As a result gifts will be redirected from a charity which has ceased to exist to a transferee charity, rather than the current default which can involve the property going to the KLTR. We are currently unclear whether the reduction in legacies to the KLTR would be remote or minimal.

Therefore we are trying to establish what legacies KLTR have been collecting as a result of defunct Scottish charities? Is this information you hold or are able to estimate?

Very happy to set up a meeting (this week if possible) to discuss in more detail if that's helpful. In any event very grateful if you can get back to me this week.

Best wishes

[redacted s.38(1)(b)]

[redacted s.38(1)(b)] (She/Her) | Head of Charity Law | Third Sector Unit | Scottish Government | Mobile: [redacted s.38(1)(b)]



Scottish Government
Riaghaltas na h-Alba
gov.scot



QLTR - policies - 31
01 2022.pdf

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient, please destroy the e-mail, remove any copies from your system and inform the sender immediately by return. Correspondents should note that all communications to or from the KLTR may be automatically logged, monitored and/or recorded for lawful purposes. Unless expressly indicated, the views or opinions contained within this e-mail do not necessarily reflect those of the KLTR. This message has been checked for the presence of computer viruses.