

THE OFFICE OF THE SCOTTISH CHARITY REGULATOR

Inquiry Report made under Section 33 of the Charities and Trustee Investment (Scotland) Act 2005

Orbiston Sports And Recreational Club, SC035757

Introduction

As a result of an inquiry under section 28 of the Charities and Trustee Investment (Scotland) Act 2005 (from this point referred to as 'the 2005 Act') it appears to OSCR that Orbiston Sports And Recreational Club no longer meets the charity test. We will therefore remove Orbiston Sports And Recreational Club from the Scottish Charity Register after 21 days from the date of this report, under section 30(1)(b) of the 2005 Act.

Background

Orbiston Sports And Recreational Club is an unincorporated association that was granted charitable status with effect from 30 April 2004. It was entered in the Scottish Charity Register under the provisions of section 99 of the 2005 Act¹). The charity's purposes are:

To promote the benefit of the inhabitants or Orbiston and its environs without distinction of Sex, Sexuality, Political, Religious or other opinions by associating the local statutory authorities, voluntary organisation and inhabitants in a common effort to advance education and to provide facilities or to assist in the provision of facilities, in the interest of social welfare for recreation and other leisure time occupations so that their condition of life may be improved.

In furtherance of the aforementioned object but not otherwise, the club shall seek to:

build and develop a club within the area to provide the said inhabitants with access to facilities, for recreation and leisure time occupation, with a view to improving their conditions of life.

Inquiry summary

- The charity has failed to submit accounts to OSCR since 2010.
- Searches have been conducted for the charity on the internet and social media sites.

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There is no information relating to this charity online and we are unable to find any publically available evidence to show the charity is providing any benefit to the public.

- Previous warning letters have been issued to the trustees of the charity; however, they have failed to respond.

If a charity is inactive over a sustained period and there is no evidence that this inactivity is a consequence of the charity exercising its functions it is unlikely that it is fulfilling its charitable purposes or providing public benefit.ⁱⁱ

As a result of this inquiry it appears to OSCR that Orbiston Sports And Recreational Club is inactive and is not fulfilling its charitable purposes or providing public benefit.

Decision

Section 7(1) of the 2005 Act requires that to pass the charity test, a body must have only charitable purposes and provide public benefit.

Under section 30 of the 2005 Act OSCR must, where it appears that a charity no longer meets the charity test, direct the charity to take such steps as OSCR considers necessary for the purposes of meeting the charity test or remove the charity from the Register.

Orbiston Sports And Recreational Club has failed to provide any evidence of current or planned activity and it appears to OSCR that this charity is no longer providing public benefit and does not meet the charity test.

OSCR has, therefore, given the charity notice under section 30(1)(b) of the 2005 Act that it will be removed from the Register after 21 days from the date of this decision.

Review

The charity has the right to request OSCR to review the decision. To do so the charity must contact the Review Officer within 21 days of the date of the decision **18 November 2016**.

ⁱ Section 99 (1) of the Charities and Trustee Investment (Scotland) Act provided for the Scottish Charity Register to be populated, on 1st April 2006, with the details of bodies which were, at that time, entitled to call themselves a Scottish charity by virtue of Section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

ⁱⁱ There are some exceptions to this that are outlined in OSCR's 'Apparently Inactive Charities' guidance issued in October 2009 that is published on the OSCR website.