

# Application for Charitable Status: application form and guidance notes

## Before you start

### 1. Introduction

You are applying for charitable status for your organisation under the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

The 2005 Act sets out certain conditions you must meet to become a charity. The Office of the Scottish Charity Regulator (OSCR) is the regulator and registrar of charities. We will decide whether your organisation fulfils the requirements for becoming a registered charity in Scotland.

These guidance notes explain how to get ready to apply, and details the requirements for being a charity. The second section, starting on page 4, will guide you through the application form.

We use what you put on the form to begin our assessment of your application and to help us reach a decision.

### 2. Preparing to make your application

Before you fill out the application form, we recommend that you read the following OSCR guidance publications on the requirements for becoming a charity and how we make our assessment:

- [Meeting the Charity Test guidance in full.](#)
- [The Charity Test \(a brief guide\).](#)

Please also refer to each relevant section of these publications as you go through the form. You can find these publications and other guidance about becoming a charity on our website at [www.oscr.org.uk](http://www.oscr.org.uk).

### 3. Assessing if you are eligible to be registered as a charity

The 2005 Act sets out several conditions your organisation must fulfil to become a charity. These make up the charity test.

#### 3a. What is the charity test?

Our guidance publication, [Meeting the Charity Test](#), explains the charity test in full. In summary, however, to pass the charity test your organisation must meet the following requirements:

- it must have only **charitable purposes**
- its activities must provide **public benefit** in Scotland or elsewhere.

It will fail the charity test if:

- its constitution allows its property to be distributed or applied for **non-charitable purposes**
- its constitution expressly permits **Government Ministers to control its activities**
- it is a **political party** or one of its purposes is to advance a political party.

When we look at whether your organisation provides **public benefit**, we need to consider if:

- there is any **private benefit** from its activities
- there is any **disadvantage** to the public from its activities
- there are any **unduly restrictive conditions** on accessing the benefit your organisation provides.

# Step-by-step guidance to completing your application form

These notes take you through the questions in the application form in order. They also explain what information we are looking for and, in some cases, what we will consider when we assess your response.

## Q1. Organisation name

### Q1a. Proposed legal name

Please enter the full name of your organisation as it appears on your constitution. You should ensure that this name is not an **objectionable name**; that is, a name which is:

- the **same as, or too like**, the name of a charity. Check the Scottish Charity Register at [www.oscr.org.uk](http://www.oscr.org.uk) to ensure the proposed name is not already taken by another charity
- **likely to mislead** the public as to the true nature of the purposes of the body or of the activities it carries on, or intends to carry on, in pursuit of those purposes
- likely to give the impression that the body is **connected** in some way to the Scottish Administration, Her Majesty's Government in the United Kingdom, or any local authority, or with any other person, when it is not so connected
- **offensive**.



### Q1b. English translation

If the organisation's name is in a language other than English but can be readily translated, please enter the English translation. This will allow us to more easily assess whether the name is objectionable as described in Q1a. above.



### Q1c. Any other name by which the organisation will be known

Please enter any other name by which the organisation will be known. For example, the organisation may wish to operate under an acronym or a shorter 'trading name'.





# Application for charitable status

## Section 5 of the Charities and Trustee Investment (Scotland) Act 2005

Some of the information you give in this form will become publicly available on the Scottish Charity Register. These sections are marked below with an asterisk (\*).

### Q1. Organisation name

#### Q1a. Proposed legal name\*

Angus Alive

#### Q1b. English translation

N/A

#### Q1c. Any other name by which the organisation will be known\*

## Q2a. Principal contact details



Please give us the name and address of the person who will act as the main point of contact for the organisation. If you have a principal office, please state this address. If you do not have a principal office, you must enter the name and address of one of the charity's trustees.

The principal office address can be your organisation's address, the address of a third party acting on your behalf, or any other address you choose. However, it must be an address at which you will be able to deal with all the official letters and notices you receive from OSCR.

If you use a PO Box number, you must also provide the full physical address and postcode.

If a charity trustee's name and address are given, the name and address will be shown on the Register. This is required by the 2005 Act, unless the charity considers that section 3(4) of the 2005 Act applies (see Q2b below).

The principal contact will be the person we will communicate with in future, if the application to become a charity is successful. They should make sure they share all the information they receive from OSCR with all the charity trustees, as all the trustees are jointly responsible for managing the charity.

You must let us know if there are any changes to the principal contact, so that you may be sure the charity will always receive important information from us.

## Q2b. Withholding principal office address from the Scottish Charity Register



Your organisation has the right under section 3(4) of the 2005 Act to ask us not to publish its principal office or trustee's name and address on the publicly available Scottish Charity Register. We can only exclude the principal office details from the Register if we believe that publishing this information is likely to jeopardise the safety or security of any person or premises.

If you consider that the principal office address should not be shown on the Register, please explain why.

### Q2a. Principal contact details

Title  First name

Last name

Position in the organisation

Principal contact address/charity trustee's home address\*

Angus House  
Orchardbank Business Park  
Forfar

Postcode\*

Tel no.

Fax no.

Mobile no.

Email (we will contact you by email about your application unless you ask us not to)

Please enter P or T to identify if this is the principal office or charity trustee's address

### Q2b Withholding the principal office address from the Scottish Charity Register

### Q3. Your organisation's website address

If your organisation has a website, we would like to be able to link to this from its entry in the Scottish Charity Register.



As well as providing more information to any member of the public who views your Register entry, your website can give us useful information on your organisation and the type of activities you are carrying out.

### Q4. The organisation's legal form

If you are applying to become a Scottish Charitable Incorporated Organisation (SCIO), you should instead complete the application for incorporation as a [SCIO form](#).



Please indicate your organisation's legal form by ticking the relevant box in the table provided. If you are uncertain of your organisation's legal form, compare your constitution or governing document to the list in Q4 of the application form to try and establish what type of document it is.

What is a constitution?

A constitution means the document or set of documents which sets up an organisation and say what its purposes are. It also usually deals with other matters, including who manages and controls the organisation; what their powers are; what they can do with the organisation's money and other assets; and membership of the organisation.

If you are in the process of setting up your organisation and need advice on which legal form to adopt, you could contact the Scottish Council of Voluntary Organisations (SCVO) on 0800 169 0022 for advice. The SCVO website ([www.scvo.org.uk](http://www.scvo.org.uk)) also contains helpful advice on the different legal forms available, along with model constitutions or governing documents.

You must enclose a copy of the latest version or draft version of the constitution with your application.

### Q3. Your organisation's website address

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### Q4. Your organisation's legal form

Legal form	Type of constitution or governing document	
1. Company	Memorandum and articles of association	✓
2. Unincorporated association	Constitution	
3. Trust	Trust deed	
4. Industrial and Provident Society	The society's rules	
5. Statutory corporation	Act of Parliament or Royal Charter	
6. Educational endowment	Scheme or trust deed	
7. Other (specify below)	Other (specify below)	
8. Scottish Charitable Incorporated Organisation (SCIO)	Please complete the application for incorporation as a SCIO form	

## Q5. Charitable purposes



The purposes of your organisation are stated in your constitution; these may be referred to in various ways, such as purposes, objects or aims.

In completing this part of the form, you should consider the wording of your purposes and tell us which of the charitable purposes set out in the 2005 Act they most closely relate to (the purposes of the 2005 Act are set out in full below).

There is no need to feel that you have to enter multiple charitable purposes in Question 5 – your organisation only needs to be carrying out one of the charitable purposes to meet the charity test. Please only select the charitable purpose(s) which most closely reflect what your organisation plans to achieve.

The charitable purposes set out in the 2005 Act are as follows:

<b>a</b>	The prevention or relief of poverty.	<b>j</b>	The advancement of human rights, conflict resolution or reconciliation.
<b>b</b>	The advancement of education.	<b>k</b>	The promotion of religious or racial harmony.
<b>c</b>	The advancement of religion.	<b>l</b>	The promotion of equality and diversity.
<b>d</b>	The advancement of health.	<b>m</b>	The advancement of environmental protection or improvement.
<b>e</b>	The saving of lives.	<b>n</b>	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.
<b>f</b>	The advancement of citizenship or community development.	<b>o</b>	The advancement of animal welfare.
<b>g</b>	The advancement of the arts, heritage, culture or science.	<b>p</b>	Any other purpose that may reasonably be regarded as analogous to any of the preceding purposes*.
<b>h</b>	The advancement of public participation in sport.		
<b>i</b>	Providing recreational facilities or organising recreational activities with the aim of improving the conditions of life for the people for whom the facilities or activities are mainly intended.		

\*If you enter 'p' as your charitable purpose you will need to explain what your purpose is and to which of the other charitable purposes from a) to o) it is analogous and how.

**Q5. Charitable purposes**

(b), (f), (g), (h), (i) and (m)

## Q6. Providing benefit to the public

What you tell us about the activities of your organisation should demonstrate how it intends to achieve its purposes or objects as stated in its constitution and how it intends to provide public benefit. We need this information in as much detail as possible to establish how people will benefit from what it is you do or plan to do. If you do not give us this information, your application is likely to be delayed while we ask you to gather and provide more details of your activities.

If you have a business plan, or any other document which sets out your planned activities in detail, please send it in support of your application.

### Q6a. Main activities

Please tell us about the main activities you intend to carry out to further the purposes stated in your constitution.

We understand that your plans may not be finalised at this stage. If that is the case, you should indicate the types of activities your organisation will carry out, giving enough detail to enable us to assess whether it intends to provide public benefit.



### Q6b. Delivery of activities

Please tell us how you intend to carry out and deliver the proposed main activities of your organisation. For example, how often and where will the activities be carried out? Will your organisation work alone or in partnership with other organisations?



### Q6c. Providing benefit to the public

To pass the charity test, your organisation must demonstrate that its activities provide benefit to the public in that furthers one or more charitable purposes.

Please explain how the activities your organisation intends to carry out will benefit the public.



### Q6d. Link between activities and purposes

Please tell us exactly how the activities you intend to carry out will further the purposes set out in your constitution.

When we assess whether an organisation intends to provide public benefit, there needs to be a link between the benefit, the activities the organisation intends to carry out, and its charitable purposes.



## Q6. Providing benefit to the public

### Q6a. Main activities

Please see paper apart.

### Q6b. Delivery of activities

Please see paper apart.

### Q6c. Providing benefit to the public

Please see paper apart.

### Q6d. Link between activities and purposes

Please see paper apart.

Continue on a separate sheet if necessary.

## Q7. Private benefit

In assessing the public benefit an organisation intends to provide, we must look at how this compares to any benefit received by anyone (including the organisation's members) as a private individual, rather than as a beneficiary of the charity. We refer to this type of benefit as 'private benefit'.

### Q7a. Payments to individuals (including charity trustees and connected persons)

Please tell us whether your organisation intends to make payments (other than out-of-pocket expenses) to any organisation or individual for providing services to it, including services provided as an employee. If so, please provide details of these payments. You should also tell us if any person will benefit from your organisation in any other way as a private individual or organisation.



In particular, please tell us whether the organisation intends to make payments to its charity trustees, or any person who is connected to a charity trustee (including any connected business or organisation). By 'charity trustee' we mean a person who is in general control and management of the administration of a charity (often referred to as management committee members, directors or trustees).

The 2005 Act states that a charity trustee (and anyone connected to a charity trustee) can only be remunerated by the charity if particular conditions are met. See section 5 of our [Guidance for Charity Trustees](#).

### Q7b. Membership benefits

Please tell us whether your organisation intends to offer any benefits to its members that are not available to the general public and, if so, tell us what those benefits are.



For example, do you intend to offer your members reduced charges for your organisation's services? Can your members access additional services that are not available to the general public?

## Q7. Private benefit

### Q7a. Payments to individuals (including charity trustees and connected persons)

None are envisaged.

### Q7b. Membership benefits

None are envisaged. Benefits produced by the charity are intended to be available to the general public, whilst engaging the local community.

Continue on a separate sheet if necessary.

## Q8. Access to benefit

In assessing whether your organisation intends to provide public benefit, we must look at whether any conditions on accessing this benefit are 'unduly restrictive'. Most organisations that apply for charitable status do not intend to benefit the public as a whole, but rather a section of it. It is acceptable for organisations to put in place a limit on who will benefit from their activities, but this limit cannot be unduly restrictive. Unduly restrictive conditions are those which are excessively restrictive, unreasonable and not justifiable, or which contradict legal or moral standards.

### Q8a. Who can benefit?

Please tell us who can access the benefits you provide. If the services are not open to all members of the public, please tell us what section of the public you intend to benefit.



Please also tell us if a person has to be a member of your organisation to benefit from what it does and, if so, tell us how a person can become a member.

### Q8b. Fees and charges

If there are any fees or charges for the organisation's services, please tell us what these are and if they apply to all services. If they do not, please specify which services are subject to a fee. If your organisation makes a charge for benefiting from what it does, we will consider the charge to be a restriction on access to the benefit. This is because it restricts access to those who can afford to pay the charge.



Again, we need to decide whether the charge amounts to an undue restriction. This is a complex area and, if your organisation does charge for what it does, you should look at our full guidance, [Meeting the Charity Test](#), before completing this question.

### Q8c. Concessions

Please tell us about any concessions you offer to particular groups of people.



## **Q8. Access to benefit**

### **Q8a. Who can benefit?**

The general public, including local community groups and those visiting the Angus area.

### **Q8b. Fees and charges**

Please see paper apart.

### **Q8c. Concessions**

Please see paper apart.

#### Q8d. Membership fees

Please tell us if you charge a fee for becoming a member of your organisation and, if so, how much the fee is. Again, please tell us whether you offer concessions to particular groups of people.



#### Q8e. Physical or practical restrictions

Please tell us whether there are any physical or practical restrictions to accessing the benefit your organisation will provide.



For example, will your organisation operate limited opening hours, or is there a lack of disabled access to the building where you will carry out your services?

#### Q8f. Equalities (protected characteristics)

The Equality Act 2010 (the 2010 Act) aims to ensure that all people are treated fairly. In general terms, it prevents discrimination on the grounds of 'protected characteristics' as follows:



- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

However, part of the 2010 Act allows charities in certain circumstances to limit the group of people they help.

Please tell us whether the benefit your organisation intends to provide will be restricted to people who have any of the protected characteristics listed above, and why it will be restricted in this way.

**Q8d. Membership fees**

Please see paper apart.

**Q8e. Physical or practical restrictions**

There will be no physical or practical restrictions to accessing the services or benefits envisaged by the charity.

**Q8f. Equalities (protected characteristics)**

The charity will be for the benefit of the general public, and will not limit the group of people it seeks to support.

### **Q9. Activities: how does your organisation operate?**

In support of the information you have already provided about your activities in Question 6, this information summarises the type of activity your organisation undertakes.

You must tick at least one box. We will use this information to help us compile statistics on Scottish charities.



### **Q10. Beneficiary groups: who does your organisation help?**

In support of the information you have already provided about your beneficiaries in Questions 6 and 8, this information summarises the groups within the community that your organisation aims to serve.

Please tick every group that your organisation exist specifically to benefit. If your organisation is set up for the benefit of the general public, rather than for any specific group of people, tick box f).



### **Q11. Geographical spread: where your organisation works**

In support of the information you have already provided about your activities in Question 6, this information summarises the areas in which your organisation operates.

Please tick the box below that best describes how local or widespread the work of your organisation is, or best reflects the location of those who receive its grants.



**Q9. Activities: how does your organisation operate?**

- a) It makes grants, donations, loans, gifts or pensions to individuals ☐
- b) It makes grants, donations or gifts to organisations ☐
- c) It carries out activities or services itself ☒

**Q10. Beneficiary groups: who does your organisation help?\***

- a) Children or young people ☐
- b) Older people ☐
- c) People with disabilities or health problems ☐
- d) People of a particular ethnic or racial origin ☐
- e) Other defined groups ☐
- f) No specific group, or for the benefit of the community ☒
- g) Other charities or voluntary bodies ☐

**Q11. Geographical spread: where your organisation works\***

- a) A specific local point, community or neighbourhood ☐
- b) Wider, but within one local authority area ☒
- c) More than one local authority area in Scotland ☐
- d) One or a few bases or facilities servicing people who come from a broad area ☐
- e) Operations cover all or most of Scotland ☐
- f) Scotland and other parts of the UK ☐
- g) UK and overseas ☐
- h) Overseas only ☐

## Q12. Connected bodies

Please tell us if your organisation will be part of a larger organisational structure. We will use this information for statistical and monitoring purposes.

### Q12a. Parent charity name

Please tell us the name of your parent charity (if applicable); it may be registered as a charity in Scotland or elsewhere.



### Q12b. Parent charity country of registration

Please tell us the country in which your parent charity is registered as a charity.



### Q12c. Parent charity registration number

Please tell us the charity registration number of your parent charity.



### Q12d. Other connected bodies

Please tell us if your organisation has links with or is connected to any other bodies or organisations. If so, please tell us the name and address of those bodies, and provide us with a brief summary of what they do.



**Q12. Connected bodies**

**Q12a. Parent charity name\***

**Q12b. Country of registration\***

**12c. Registration number\***

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**Q12d. Other connected bodies**

### Q13. Accounting reference date



The accounting reference date (ARD) is the date on which the financial year of an organisation ends. This date defines the period for which the organisation's accounts must be prepared.

You should tell us here when your organisation's financial year ends, or when you would expect it to end. This will tell us when we should send you your annual return form. If your organisation is in the process of being formed and you do not know this information, please tick the box 'not yet known', and let us know when it has been decided. Until we hear from you, we will provisionally enter your accounting reference date as 31 March. However, if you are to incorporate as a company, we will enter the end of the month of incorporation as your ARD.

#### For example

If you incorporate as a company on 10 April 2012 then your company's ARD will be 30 April, and your first set of accounts will cover the period 10 April 2012 to 30 April 2013.

If you intend to change your ARD after registration, you must tell us your proposed new ARD before you reach your current filing deadline for the Annual Return and accounts. In other words, you may not change your ARD if you are already overdue in filing these documents with OSCR.

Another point to note when considering a new ARD is how it will affect the length of your financial year. The Charities Accounts (Scotland) Regulations 2006 (as amended) do not permit charities to prepare their first set of accounts for a period of less than 6 months. This means that the ARD you select may mean that you have to prepare accounts to cover a period of more than 12 months.

#### For example

If the charity was incorporated on 10 April 2012 and the applicant had a preferred ARD of 30 June, it would not be possible for the first set of accounts to cover the period from 10 April 2012 to 30 June 2012 as this is less than 6 months. The first set of accounts for the charity would therefore cover 10 April 2012 to 30 June 2013.

### Q13. Accounting reference date

D	D
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M	M
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Y	Y	Y	Y
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Not yet known



## Q14. Signature and data protection statement

### Checklist

Have you:

- completed all the sections of the application form using the guidance note? ☒
- included declaration forms fully completed and signed by all the trustees of your organisation? ☒
- included your constitution or other founding document? ☒
- included supporting information about your activities?  
For example, a business plan or a copy of your funding application. ☐
- included your most recent statement of accounts (if available)? ☐

Please send the completed form and all documents to:

OSCR  
2nd Floor  
Quadrant House  
9 Riverside Drive  
Dundee  
DD1 4NY

We will acknowledge your application when we receive it.

## Q14. Signature and data protection statement

### Data protection

OSCR is a registered data controller in terms of the Data Protection Act 1998. Any information you give us will be held securely and in accordance with the rules on data protection. OSCR processes information only in accordance with its statutory regulatory functions under the Charities and Trustee Investment (Scotland) Act 2005, and to inform research into the charity sector in Scotland. Information may be shared with other regulatory bodies including HMRC, and selected information will appear on the Scottish Charity Register. Further information about data protection is available on the OSCR website.

### Declaration

**You may be committing an offence if you give an answer that you know is untrue or misleading.**

I certify that the information entered in this form is correct to the best of my knowledge.

I confirm that the information entered has been approved by the charity trustees and I am authorised to submit this information.

Signed by one of the  
trustees on behalf of all

*J. Gaul*

Print name

J GAUL

Designation

CHAIRPERSON OF SHADOW BOARD  
DIRECTOR

Date

06 08 2015

