

Application for conversion into a SCIO

Sections 56 to 58 of the Charities and Trustee Investment (Scotland) Act 2005

This is an application to OSCR to convert a charity which is a company, a registered society or a community benefit organisation into a SCIO.

Section 1 – About the existing charity

Q1. Charity registration details

Charity name

Scottish Charity Number

Company Number or Financial Conduct
Authority Reference Number (as applicable)

Q2. Applicant details and correspondence address for this application

Title First Name

Last Name

Address

Tel No

Fax

Mobile

Email

Q3. New principal office details

All SCIOs must have a principal office in Scotland. Please provide the name of the person who will act as the contact for the charity, and also the principal office address. Section 3 (3)(b) of the 2005 Act, requires that the principal office address be entered on the Register



Q4. Eligibility to convert into a SCIO

Applications for conversion into a SCIO may only be submitted by a charitable company or society where:



- **In the case of a company, there is more than one member**

There must be at least two members of the company because these members will become the first members of the SCIO when the company converts; it is a requirement of the 2005 Act that a SCIO always has at least two members.

A society will always have at least three members as this is a requirement of the Co-operative and Community Benefit Societies Act 2014.

- **Any shares are fully paid up**

Share capital is the capital paid to a company or society by shareholders in return for shares, and forms the basis of one form of funding for the organisation. Some shares may be issued with payment deferred, so the shareholders are still due to pay the company or society something for shares they hold. If payment has been deferred in that way, the share capital is not 'paid up' and full payment will be required prior to conversion.

The majority of charitable companies will not have share capital as they are companies limited by guarantee, rather than limited by shares. However, all societies will have share capital; often in charitable societies, the share capital is used as a token of membership, allowing members to hold a single share of nominal value.

If you believe that you do not meet one or both of these conditions, please contact us to discuss the matter further before submitting your application for conversion.

Q3. New principal office details

Richard Anthony Munday

Loch Torridon Community Centre,
Torridon,
Achnasheen,
Ross-Shire,
IV22 2EZ

Q4. Eligibility to convert into a SCIO

Please complete either section 4a or 4b below (as applicable) to confirm that you are eligible to apply for conversion into a SCIO.

Q4a. Applications by charitable companies

	Yes	No	N/A
Does your company have share capital?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, are all of the shares fully paid up?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does your company have more than one member?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q4b. Applications by charitable societies

	Yes	No	N/A
Are all of the society's shares fully paid up?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section 2 – About the SCIO

Q5. SCIO name

Q5a. Proposed legal name of SCIO

Please enter the full name of the SCIO as it appears on its proposed 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 (other than the charity which is making the application to change to a SCIO). Check the Scottish Charity Register at 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 which 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 person, when it is not so connected (the term 'any other person' may mean either an individual or a legal body such as a company).
- **offensive**

Q5b. English translation

If the SCIO's name is in a language other than English, please enter the English translation if the name can be readily translated. This will allow us to more easily assess whether the name is objectionable as described in Q5a above.



Q5c. Any other name by which the SCIO will be known

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



Section 2 – About the SCIO

Q5. SCIO name

Q5a. Proposed legal name of SCIO

South West Ross Community Car Scheme

Q5b. English translation

N/A

Q5c. Any other name by which the SCIO will be known

SWRCCS

Q6. Members' names

Please enter the names of the first members of the proposed SCIO; these will be the members of the converting company or society immediately before the conversion takes place. The members may be either individuals or organisations, or a combination of both.



A SCIO must always have at least two members who may also be charity trustees.

Q7. Charitable purposes

The purposes of the SCIO are stated in its proposed constitution; these may be referred to in a number of ways including purposes, objects or aims.

In completing this part of the form, you should consider the wording of the SCIO's purposes and tell us to which of the charitable purposes set out in the 2005 Act they most closely relate (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 7; the SCIO only needs to be carrying out one of the charitable purpose 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:

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



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

Q6. Members' names

Anne Wood
Richard Anthony Munday
Laura-Jane Reid
Karelia Ann Wilkinson
Henry Marcus Healy Given
Dr Rosemary Joan Arthur
Josephine Mary Peart
Anthea Rachel Zell
Anne Scott Maxwell

Continue on a separate sheet if necessary.

Q7. Charitable purposes

Which of the charitable purposes in section 7(2) of the 2005 Act do you think apply to the SCIO?

The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.

Q8. Providing benefit to the public

The activities of the SCIO should demonstrate how it intends to achieve its purposes 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 detail 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.

Q8a. Main activities

Please tell us about the main activities the SCIO intends to carry out in order to further the purposes stated in its proposed constitution.



Q8b. Delivery of activities

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



Q8c. Providing benefit to the public

In order to pass the charity test, the SCIO must demonstrate that its activities provide benefit to the public in furtherance of one or more charitable purposes.

Please explain how the activities the SCIO intends to carry out will impact on the public in a positive way.



Q8d. Link between activities and purposes

Please tell us exactly how the activities you intend to carry out will further the purposes set out in the SCIO's proposed constitution.

When we make an assessment of whether an applicant intends to provide public benefit, there needs to be link between the benefit, the activities it intends to carry out and its charitable purposes.



Q8. Providing benefit to the public

Q8a. Main activities

South West Ross Community Car Scheme provides transport to local residents to enable them to get to the places they need to go. This could be a journey within the area to meet up with friends and family, visit elderly relatives, access local services including shops and garages, access doctor, dental, optician or other appointments, get to community events or get to points where they can access public transport to go further afield. See additional document for further details.

Q8b. Delivery of activities

The community transport runs are booked through a telephone booking system. This is staffed by volunteers every weekday from 09:30 to 14:00 who arrange a driver to undertake the run needed. All runs are delivered by volunteer drivers using their own cars. The car scheme currently has 42 volunteer drivers and 10 volunteer telephonists. It works closely with local community councils and other voluntary organisations to ensure that its activities remain relevant and responsive to local needs. See additional document for further details.

Q8c. Providing benefit to the public

See additional document for answer.

Q8d. Link between activities and purposes

For people who do not drive or people through age, ill-health, disability, financial hardship or other reasons do not have access to adequate personal transport. The Car Scheme ensures that they can access the services or events that they need to attend to maintain or improve their health and well being. Without access to this community transport, individuals would face increased hardship and ultimately have to either move away from the area (and family and friends) or become more dependent on statutory services.

Continue on a separate sheet if necessary.

Q9. 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 or organisation, rather than as a beneficiary of the charity. We refer to this type of benefit as 'private benefit'.

Q9a. Payments to individuals and organisations (including charity trustees and connected persons)



Please tell us whether the SCIO intends to make payments (other than out of pocket expenses) to any organisation or individual for providing services to the SCIO, 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 the SCIO in any other way as a private individual or organisation.

In particular, please tell us whether the SCIO 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) must not be remunerated by the charity unless particular conditions are met. See Remuneration (Paying charity trustees and connected persons) in our [Guidance and Good Practice for Charity Trustees](#).

Q9b. Membership benefits



Please tell us whether the SCIO intends to offer any benefits to its members which 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 the SCIO's services? Can its members access additional services which are not available to the general public?

Q9. Private benefit

Q9a. Payments to individuals and organisations (including charity trustees and connected persons)

The organisation employs one individual as Community Car Scheme Co-ordinator on a salary of £14,238.86 per year, linked to local government pay award scheme.

Q9b. Membership benefits

There are no benefits available to members that are not available to the public.

Q10. Access to benefit

In assessing whether the SCIO intends to provide public benefit, we must look at whether any conditions on accessing this benefit are 'unduly restrictive'. Most organisations which apply for charitable status do not intend to benefit the public as a whole, but rather just a section of it. It is acceptable practice 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, not justifiable or which contradict legal or moral standards.

Q10a. Who can benefit?

Please tell us who can access the benefits the SCIO will 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 you have to be a member of the SCIO to benefit from what it does and, if so, tell us how a person can become a member.



Q10b. Fees and charges

If there are any fees or charges for the SCIO's services, please tell us if they apply to all services or, if not, 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.



Q10c. Charging structure and concessions

Please tell us the charges the SCIO will apply for its services, and details of any concessions it offers to particular groups of people.



Q10. Access to benefit

Q10a. Who can benefit?

The Car Scheme activities are available to all residents of the local communities within the remote area of South West Ross. They are not available to visitors unless their journey is benefiting a local resident. The activities of the SCIO only provided to individuals under 16 years of age if they are accompanied by a parent or carer. A resident does not need to be a member to benefit from the organisation's services.

Q10b. Fees and charges

Fees calculated based on the distance travelled. This is charged at 20p per mile, subject to a minimum charge of £1.00 per booking which covers up to the first 5 miles, and a maximum charge of £10.00 for any journey in excess of 50 miles.

Q10c. Charging structure and concessions

A small financial contribution is requested from the passenger and then the drivers receive some expenses to cover petrol and other costs paid through funding. No concessions are offered.

Q10d. Membership fees

Please tell us if the SCIO will charge a fee for becoming a member and, if so, how much those fees are. Again, please tell us whether the SCIO will offer concessions to particular groups of people.



Q10e. Physical or practical restrictions

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

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



Q10f. 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 or
- sexual orientation

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

Please tell us whether the benefit the SCIO 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.



Q10d. Membership fees

No membership subscription will be payable.

Q10e. Physical or practical restrictions

Not applicable.

Q10f. Protected characteristics

Not applicable.

Continue on a separate sheet if necessary.

Q11. Activities: how will the SCIO operate?

In support of the information you have already provided about your activities, 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.



Q12. Beneficiary groups: who will the SCIO help?

In support of the information you have already provided about your beneficiaries, this information summarises the groups within the community that the SCIO aims to serve.

Please tick every group that the SCIO will exist specifically to benefit. If you are set up for the benefit of the general public, rather than for any specific group of people, tick box f). We will use this information to help us compile statistics on Scottish charities.



Q13. Geographical spread: where the SCIO will work

In support of the information you have already provided about your activities, this information summarises the areas in which the SCIO will operate.

Please tick the box that best describes how local or wide spread the work of the SCIO will be, or best reflects the location of the recipients of the grants it will give. We will use this information to help us compile statistics on Scottish charities.



Q11. Activities: how will the SCIO 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
- d) It does none of these

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Q12. Beneficiary groups: who will the SCIO 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

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Q13. Geographical spread: where the SCIO will work

- 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

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Q14. Document checklist



14. Document checklist

Have you:

Completed all sections of the application form using the Guidance Note?

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Included signed trustee declaration forms for all of the proposed charity trustees of the SCIO? There must be at least three trustees

☐

Enclosed a copy of the constitution of the company or society?

☐

Enclosed a copy of the SCIO's proposed constitution? If this is a model constitution, please state from which organisation it was obtained:

☐

Ensured that the SCIO's proposed constitution includes the required elements as specified in the Guidance Note?

☐

Included any relevant supporting information about the SCIO's proposed activities? e.g. a business plan or copy of a funding application.

☐

Enclosed a copy of a notice of resolution of the company or society?

- that it be converted into a SCIO, and
- adopting the proposed constitution of the SCIO

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Q15. Signature and Data Protection statement

This application and Data Protection statement must be signed by one of the charity trustees of the converting company or society on behalf of all of the charity trustees.



15. Signature and Data Protection statement

Data Protection Statement

OSCR is a Non-Ministerial Department of the Scottish Administration. Our data processing activities have been notified to the UK Information Commissioner, and appear on the Public Register with the registration number Z9409201.

Information on this form is processed for the following purposes:

- To regulate charities in Scotland
- To inform investigations into allegations of misconduct, mismanagement or misrepresentation
- To develop a regime of proactive monitoring
- To encourage and facilitate compliance and best practice within charities
- To inform research into the charity sector in Scotland

The information on this form may be shared with Her Majesty's Revenue and Customs and other regulatory bodies. If this application is successful, selected information will be publicly available on the Register of Scottish Charities.

Certification

The charity named at section 1 above hereby applies for conversion into a SCIO, and certifies that the information given in the attached form is correct to the best of its knowledge.

Signed by one of the
trustees on behalf of all



Print name

R. A. MUNDAY

Date

19

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2023

