



**SCOTTISH  
MEN'S SHEDS  
ASSOCIATION**

## OSCR – Office of Scottish Charity Regulator

### Changes to the Constitution

## Making changes to your charity

You have a duty to seek consent and to notify OSCR of any changes to your charity

Charities have a duty to notify OSCR of changes to their details, including the principal contact and governing document (e.g. constitution, memorandum and articles of association, etc.) and some changes require OSCR's prior consent.

### Failing to seek consent or notify OSCR

If as a charity trustee you take action without our consent where it is required or fail to tell OSCR of changes made you will be in breach of Section 66 of the 2005 Act. Any breach will be treated as misconduct, and action may be taken.

### **Changes that require OSCR's prior consent**

The following changes require prior consent. You must seek OSCR's consent at least **42 days** before the proposed date of change. Each of the following expandable boxes contains the appropriate application form and guidance. Please refer to the checklist at the back of the application form for a list of supporting documents that we will also require in order to make an assessment of your proposed change – check this online, [www](http://www.oscr.gov.uk) address at the bottom of the document.

- [Changing your charity's name](#)
- [Amending your charity's purposes](#)
- [Winding up or dissolving your charity](#)
- [Changing your charity's legal form](#)
- [Reorganisation](#)
- [Transfer of a SCIO's undertaking](#)
- [Amalgamating your charity with another body](#)
- [Applying to court to amend your charity's charitable purposes, or to amalgamate, or to wind up](#)

## Notifying OSCR of a change you have been given consent for

All changes that require our prior consent are listed in the section above. Your consent letter will detail the evidence required and the appropriate time scales in which to notify us.

## Notify OSCR within three months (changes that don't require OSCR's consent)

If you take any of the following actions you must tell OSCR within **three months** of the change taking place:

- any change to your charity's principal office or the name, or address of the charity trustee specified in the Scottish Charity Register if there is no office (you can update these details yourself using the **OSCR Online** service)
- any change in other details set out in your charity's Register entry
- any change to your charity's constitution (other than those relating to your charity's name or purposes - please see the two sections above regarding these changes)
- any action taken to amalgamate, or wind up, or dissolve your charity, or if there is an application to court to do so.

You may use the **Notification of Changes Made Form** to inform OSCR of these changes.

Alternatively, you may **write to OSCR by email: [info@oscr.org.uk](mailto:info@oscr.org.uk)**

or by post to the following address:

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

If your charity is a **SCIO** and has amended its constitution, **you should also provide OSCR with a copy of the resolution of the SCIO's members agreeing to the change.** You can use OSCR's **resolution template** for this.

## Notify OSCR within one month (changes that don't require OSCR's consent)

In addition, charities must advise OSCR of the following changes within one month of the change taking place:

- any administration order or an order for winding up made by the court in respect of a charity
- the appointment of a receiver.

Full details can be found at: <http://www.oscr.org.uk/charities/managing-your-charity/making-changes-to-your-charity>