

## Charities (Regulation and Administration) (Scotland) Bill — Stage 3

### Section 2

#### Shirley-Anne Somerville

- 4 In section 2, page 1, line 23, leave out <subsection> and insert <paragraph>

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- 5 In section 2, page 1, line 25, leave out <subsection> and insert <paragraph>

### Section 12A

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- 6 In section 12A, page 15, line 34, leave out <such a charity’s property> and insert <the property of a charity constituted under an enactment>

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- 7 In section 12A, page 16, line 15, leave out <In subsections (6) to (8),> and insert <For the purposes of subsections (6) to (8)—

( )>

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- 8 In section 12A, page 16, line 16, at end insert—

<( ) for the avoidance of doubt, income derived from an endowment is to be treated as being part of the endowment.>

### Schedule

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- 9 In the schedule, page 24, leave out lines 33 to 36

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- 10 In the schedule, page 28, line 14, leave out from <25(1)> to end of line 15 and insert <25 (removal of restrictions on disclosure of certain information)—

( ) in subsection (1), after paragraph (b) insert—>

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- 11 In the schedule, page 28, line 24, at end insert—

<( ) after subsection (2), insert—

“(3) Nothing in this section authorises the making of a disclosure that contravenes the data protection legislation (but in determining whether a disclosure would

do so, the provision made in this Act enabling or requiring the disclosure of information as mentioned in paragraphs (a) to (e) of subsection (1) is to be taken into account).

- (4) In this section, “the data protection legislation” has the meaning given by section 3(9) of the Data Protection Act 2018.”.>

**Shirley-Anne Somerville**

- 12** In the schedule, page 31, line 32, at end insert—

*<Variation of constitution*

- (1) Section 106 of the 2005 Act (general interpretation) is modified as follows.

- (2) In the definition of “constitution”, insert as closing words—

“but where the charity has varied its constitution (by means of a reorganisation scheme or otherwise), a reference to its constitution is a reference to its constitution as so varied.”.>