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Local Government and Communities Committee Comataidh Riaghaltas Ionadail is Coimhearsnachdan

Report on the Corporate Insolvency and Governance Act 2020 (Meetings of Scottish Charitable Incorporated Organisations) (Coronavirus) Regulations 2020



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Local Government and Communities Committee

To consider and report on communities, housing, local government, measures against poverty, planning and regeneration matters falling within the responsibility of the Cabinet Secretary for Communities and Local Government.



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Introduction

1. The Local Government and Communities Committee reports to the Parliament as follows-
2. The [Corporate Insolvency and Governance Act 2020 \(Meetings of Scottish Charitable Incorporated Organisations\) \(Coronavirus\) Regulations 2020](#) were laid before the Parliament on 15 September 2020 and were referred to the Local Government and Communities Committee for consideration.
3. The instrument is laid under the made affirmative procedure, which means that it comes into force immediately after it is laid. Made affirmative instruments are only available to Ministers when the laying power allows it, such as in recent coronavirus legislation. They are intended to deal with emergency situations and still require a vote by Parliament to stay in force before 28 days.
4. The [Policy Note](#) states that the Corporate Insolvency and Governance Act 2020 makes provision about meetings of Scottish charitable incorporated organisations (“SCIOs”) to give them more flexibility as to when and how general meetings (such as annual general meetings) and some other meetings are held.
5. The Policy Note states that the 2020 Act allows SCIOs to hold such meetings remotely (regardless of whether that is permitted by their constitutions) in the “relevant period”. As currently defined, the “relevant period” began with 26 March 2020 and would end with 30 September 2020. As amended by these Regulations the “relevant period” is the period which began with 26 March 2020 and will now end with 30 December 2020.

Consideration by the Committee

6. The Delegated powers and Law Reform Committee considered the Regulations at its meeting on [22 September 2020](#) and [determined](#) that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.
7. At its meeting on [30 September 2020](#) the Local Government and Communities Committee took evidence on the instrument from the Cabinet Secretary for Communities and Local Government.
8. During evidence, the Cabinet Secretary for Communities and Local Government provided further information on the following issues raised by Committee Members:
 - She said that the "relevant period" has been extended to 30 December 2020, rather than to the end of the current "emergency period" of 31 March 2020, because the Act allows Scottish ministers to extend the "relevant period" by three months at a time. Doing so will bring Scotland in line with the rest of the United Kingdom. If there is a requirement to extend the relevant period beyond 30 December, then there would be discussions with stakeholders to reassess whether a further instrument would be required to extend this period further.
 - She stated that since the legislation has been in place, it has been "testing" for many of the organisations affected, but that many of them had been creative

and used a variety of methods to have meetings that suit their membership. Some organisations had even seen an increase in member participation over previous years.

- She said that she we would continue to work with the Office of the Scottish Charity Regulator to ensure that the right support is in place for charities should they require it.

9. Following the evidence session, the Cabinet Secretary moved motion S5M- 22819-

That the Local Government and Communities Committee recommends that the Corporate Insolvency and Governance Act 2020 (Meetings of Scottish Charitable Incorporated Organisations) (Coronavirus) Regulations 2020 [made affirmative] be approved.

10. The motion was agreed to without debate or division.

Conclusion

11. The Local Government and Communities Committee recommends that the Corporate Insolvency and Governance Act 2020 (Meetings of the Scottish Charitable Incorporated Organisations) (Coronavirus) Regulations 2020 (made affirmative) be approved.

