

# Charity Reorganisation – Summary of Application

## Type of Scheme

Maxwell Stewart (Thermotank) Trust (SC011539) has applied to the Office of the Scottish Charity Regulator (OSCR) for approval of a reorganisation scheme for a variation of the constitution of the charity (whether or not in relation to its purposes) under section 42(3)(a) of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

The Trust was established in 1964 with the following purposes:

(FIRST) This Trust is created for such purposes which the Law regards as charitable for behoof of those persons resident in the United Kingdom to have at any time been employed in the engineering industry in the United Kingdom and in any industrial activity carried on in the United Kingdom in association with the engineering industry as the Trustees in their absolute discretion may decide. Without prejudice to the foregoing general provision or seeking to fetter the discretion of the Trustees in any way I would direct their attention to the making of payments to or for behoof of such ex-employees who may be in reduced circumstances or otherwise owing to age, illness, unemployment or other cause unable to maintain themselves in reasonable comfort and in view of my long family association with Thermotank Limited without prejudice to the fullest discretion hereinbefore conferred upon the Trustees in selecting suitable objects of their bounty to consider former employees of Thermotank Limited and Thermotank Engineering Company Limited.

The trustees propose to update the Deed of Trust in order to amend the current purposes, amend existing clauses around administration, and add clauses that allow for future amendment of the Deed of Trust.

## Reasons for reorganisation

The trustees advise that they find it extremely difficult to identify current or future beneficiaries as defined in the current purposes.. The trustees wish to expand how beneficiaries are defined in the purposes, in line with the spirit of the original Deed of Trust. The proposal is to amend the existing purposes clause to allow trustees the power to make payments from the Trust Fund to tertiary institutions situated anywhere in the United Kingdom for the purpose of granting student bursaries or scholarships to students studying any form of engineering.

The trustees also wish to amend the required number of meetings per year as set out in the Deed of Trust, as well as adding the power to amend the Deed of Trust in future, as they feel the current required number of meetings is an excessive strain on the charity's resources, and having the power to amend the Deed of Trust would also be desirable.

## Reorganisation conditions

The trustees suggest that the following reorganisation conditions are met:

42(2)(a)(ii) that some or all of the purposes of the charity can no longer be given effect to (whether or not in accordance with the directions or spirit of its constitution)

42(2)(c) that a provision of the charity's constitution (other than a provision setting out the charity's purposes) can no longer be given effect to or is otherwise no longer desirable

42(2)(d) that it is desirable to introduce a provision (other than a provision setting out a new purpose) to a charity's constitution

The trustees suggest the conditions are met because the number of beneficiaries is reducing on an annual basis due to the deaths of the beneficiaries, and there is great difficulty in continuing to fulfil the Trust purposes due to identification of possible alternative beneficiaries very difficult. The trustees believe the current stipulation of four meetings a year is excessive and costly to the Trust, and the trustees agree that it is desirable to make provision for the ability to make future amendments should such be considered appropriate.

## Reorganisation outcomes

The trustees suggest that the following reorganisation outcomes are met:

39(1)(b)(i) that the proposed reorganisation scheme will enable the resources of the charity to be applied to better effect for charitable purposes consistently with the spirit of its constitution, having regard to changes in social and economic conditions since it was constituted

39(1)(b)(ii) that the proposed reorganisation scheme will enable the charity to be administered more effectively.

The trustees suggest the outcomes are met because the trust was established to benefit a diminishing pool of beneficiaries who are no longer alive, or are now difficult to identify. The payments made from the Trust are also no longer essential to support beneficiaries as was originally the case. The trustees believe changing the requirement to meet at least 4 times a year to at least 2 times a year will reduce the administration costs and thus increase the income available for distribution, and that adding a power to amend the Deed of Trust will greatly simplify the process of any future amendments made to the constitution, thus allowing the charity to be administered more effectively, as this change will incur a reduction in charity resources needed to make necessary amendments.

## How to make a representation in relation to the proposed reorganisation scheme

Any person may make a representation to OSCR either supporting or opposing this proposed reorganisation scheme. Should you wish to make a representation, you may do so by writing to OSCR providing the following information:

- Your name and address
- The name of the charity concerned
- The nature of the representation and reasons for it

These are the terms of Regulation 5 of the Charities Reorganisation (Scotland) Regulations 2007).

Representations should be sent to OSCR by post or email

Postal:           OSCR  
                      2<sup>nd</sup> Floor Quadrant House  
                      Riverside Drive  
                      Dundee  
                      DD1 4NY

Email:           [info@oscr.org.uk](mailto:info@oscr.org.uk)

Representations can be made up to 14 days following the end of the publication period. The latest date for the receipt of representations is 08/07/2026.

We cannot accept representations via social media channels.

Copies of any representations will be provided to the applicant charity for comment. If you do not wish the charity to be provided with your personal details, please indicate this in your representation.

Personal details will otherwise be disclosed to the applicant charity.

Please contact us by email or by telephone on 01382 220446 if you have any questions about the submission of a representation.

**OSCR**  
**27/05/2026**