

Tom Minogue

From: "Tom Minogue" <tomminogue@btinternet.com>
To: "Kirsty Leiper" <Kirsty.Leiper@yourmandate.com>
Sent: 23 August 2010 15:04
Attach: DP trust status.pdf
Subject: Meeting

Kirsty, thank you for the courtesy extended to me at this morning's meeting in the King Malcolm. You seem like a very nice person and I wish you well in your career.

I enjoyed our frank discussion and am pleased to say that we ended on a positive note with Roano Pierotti promising to continue the charitable works of the late Alfred Stewart in Inverkeithing, which will build on the positive legacy of Alfred Stewart as evidenced by his support of the Scottish Photodynamic Therapy Centre Dundee which Ronao informs me the Alfred Stewart Trust continues to support.

If Roano is as good as his word then it will indeed make me look silly and overly suspicious of the bona fides of the Alfred Stewart Trust--which is still in embryonic form.

However my concerns regarding a whole series of things in connection with the articles that appeared in the Dunfermline Press are not addressed by the last article in the Dunfermline Press which quoted the PR spokesperson of the Alfred Stewart Trust and that is why I sent a copy of the article that quoted you (attached as file) and basing my understanding on your claims in the article I sought clarification from the OSCR in the following terms:

Dear Sir, further to my recent enquiry regarding the Alfred Stewart Trust and your responses thereto --I would ask you to be tolerant with me as I am a layman with genuine concerns wishing to fully understand the position concerning one of Dunfermline's best known benefactors in recent times, the late Alfred Stewart-- as I understand it the position is as follows:

In 2008, before he died, Alfred Stewart and three executors signed a Trust deed (the "2008 Trust"), which focussed on doing good works for the people of Dunfermline and this, the 2008 Trust was refused charitable status on 29 May as per your e-mail.

However a separate Trust Deed was executed last year to set up the "2009 Trust" with the advancement of medical science being its aims and this trust has been granted Approval in Principle for Charitable Status by OSCR.

Do I understand the above position to be correct?

Thanking you in anticipation of my assistance.

Yours sincerely, Tom Minogue.

I received the following answer which did not endorse your understanding of matters and was far from reassuring:

Dear Mr Minogue

Thank you for your email dated 10 August 2010 asking for further information about the application for charitable status made by the Alfred Stewart Trust.

The original application was made with a 2008 Deed of Trust but, after OSCR had expressed a view that this did not meet the charity test, a second Deed was submitted. The second Deed, dated 2009, had purposes which included the advancement of medical science. This was assessed by OSCR as in principle meeting the charity test. There is no formal "approval in principle for charitable status" in terms of the 2005 Act.

Thereafter the applicant informed us that the 2009 Deed of Trust was not valid and wished OSCR to revert to the original 2008 Deed. Charitable status was refused on the basis of the 2008 Deed on 27 May 2010. The refusal decision was subsequently confirmed when the applicant requested a review.

I hope this clarifies the position for you.

Now Kirsty you can call me an old nit picker if you like, but when you as a spokesperson (it was you I take it?) for the Alfred Stewart Property Foundation Ltd. (ASPFL) say in the Dunfermline Press that the Office of the Charity Regulator in Scotland (OSCR) has granted “approval in principle for charitable status” for the 2009 Trust you were wrong.

OSCR are quite clear that there is no such a thing as a formal “approval in principle for charitable status”. Furthermore the proposed 2009 Alfred Stewart Trust referred to by you as the ASPFL spokesperson was found to be invalid and OSCR had only the 2008 Alfred Stewart Trust to consider, which it did on 27 May 2010, finding it did “not pass the charity test”.

A subsequent ASPFL request for a review by OSCR resulted in another refusal to grant charitable status.

Do you think the statement you gave was correct or misleading?

Regards, Tom