

Confusion over trust status of foundation

● By Gary Fitzpatrick

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CONFUSION surrounds the charitable status of a trust connected to a plan to build housing on a greenfield site in Inverkeithing with the promise of £5 million sports academy.

Campaigner Tom Minogue said those behind the project were "trying to pull the wool over the eyes of the public" by referring to a charitable trust which did exist.

Mr Minogue received confirmation from the Office of the Scottish Charity Regulator that trust status had been refused.

However, a spokesperson for the Alfred Stewart Property Foundation said there was "clearly some confusion" over the charitable status with two separate trusts involved.

OSCR compliance officer Jennifer Keenlyside wrote, "With reference to the clause in the foundation's Articles of Association that refers to the Alfred Stewart Trust as having received agreement in principle from OSCR to be registered for charitable purpose, we can confirm that the trust has been refused charitable status."

Mr Minogue said, "Mr Stewart had a tremendous record for donating large amounts to charity and it comes as a concern that charity status has been rejected. It appears that this group is riding on Mr Stewart's coat-tails given his reputation for backing cancer research and charities.

"The impression that's been put over in the press is that this project is being pursued by a charity and has the backing of Sir Alex Ferguson.

"I've now been able to establish that it's not a charity and that Sir Alex knew nothing about the housing plans.

"Obviously Sir Alex and anybody else would be in favour of a new sports academy for kids — what's not to like about it — but his office confirmed to me that he was unaware that it was part of a housing development."

A spokesperson for the foundation said, "In 2008, before he died, Alf and three executors signed a Trust deed (the 2008 Trust). It focussed on doing good works for the people of Dunfermline: as such the 2008 Trust was unlikely to gain charitable status and indeed it has recently been refused.

"Alf's will provided not one purpose but two, the second be-

ing the advancement of medical science. Our solicitors, experts in the field of charity and trust law ascertained that the 2008 Trust could pass on assets to a separate Trust: hence the further Trust Deed that was executed last year (the 2009 Trust).

"The 2009 Trust has been granted approval in principle for charitable status by OSCR. Therefore whilst it is true to say the 2008 Trust has been refused charitable status, that is irrelevant standing the 2009 Trust has gained approval in principle for charitable status."

Meanwhile, the foundation has been encouraged by the reaction to a public consultation display held at Inverkeithing Highland Games.

Roano Pierotti, of the foundation, said, "The display of our proposals on Saturday and we received extremely positive feedback. Feedback forms were available on the day and the vast majority of those who completed a form indicated that they support our proposals for Spencerfield and Inverkeithing which is very encouraging."

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Charitable status concern

LEAVING aside the reported contradiction in terms that the proposed Inverkeithing sports academy has nothing to do with housing – while at the same time reporting that it's totally dependent on approval of the Alfred Stewart group's proposal for 450 houses (*Press* 5th August) I am concerned that Dunfermline district may be losing out on genuine charitable gifts.

The terms of Alfred Stewart's will stipulated that his estate (said to be in the region of £7.1 million) was to be used for setting up the Alfred Stewart Trust for medical and/or community purposes, but rather worryingly my enquiries to the office of the Scottish Charities Regulator (OSCR) reveal that the Alfred Stewart Trust has been refused charitable status because they did not meet the requirements.

I am also concerned by the fact that one of the directors of both companies that bear the Alfred Stewart name, Gifford Bruce – who featured on the front page of this paper some years ago – was found by the Scottish Solicitors' Discipline Tribunal to have acted in a way that was unbecoming of a solicitor when he wrote to former clients in threatening terms.

Of course my concerns could be allayed if the Alfred Stewart Property Foundation Ltd decided to buy a plot of derelict land in the district and gift it to the Norrie McCathie Benevolent Fund for them to build the academy on.

Better still build the academy for them as well. Now if that were done – without the accompaniment of Greenfield re-zoning demands and threats if they don't get their way – it would be seen as acting in a charitable manner, would comply with the late Alfred Stewart's wishes, and would win the developer many friends. Until then they are just property developers like Wimpey, Miller, etc in my book.

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