

URE ELDER FUND TRANSFER AND DISSOLUTION ACT 2010

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by Maclay Murray & Spens LLP (Solicitors) on behalf of the promoter, the Trustees of the Ure Elder Fund for Indigent Widow Ladies (“the Trustees”), in order to assist the reader of the Ure Elder Fund Transfer and Dissolution Act and to help inform debate on it. They do not form part of the Act and have not been endorsed by the Parliament.

2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

SUMMARY AND BACKGROUND TO THE BILL

3. The Act transfers the property, rights, interests and liabilities of the Ure Elder Fund for Indigent Widow Ladies (“the Fund”) to a new charitable trust and dissolves the Fund. The new charitable trust is constituted by Deed of Trust rather than by Act of Parliament. It has been established by the current Trustees of the Fund and is called the Ure Elder Trust (“the Trust”). The Trust will retain the same charity number as the Fund.

4. The purpose of the Act is to transfer the property, rights, interests and liabilities of the Fund to a new charitable trust. The work of the Trust will not change and it will continue to provide grants. However, the Trustees will be able to increase the amounts that can be distributed annually.

5. The Ure Elder Fund for Indigent Widow Ladies is a Scottish charity (SC003775) registered with the Office of the Scottish Charity Regulator. In the terms of the Will of Mrs Isabella Elder, the residue of her estate on death was held for charitable purposes in memory of her brother, John Francis Ure’s, great regard for her husband, John Elder. A trust was constituted by her will and the trustees of this part of her estate held the funds for that trust’s purposes. The trust funds were then transferred to be held by the Trustees in terms of the Ure Elder Fund Order 1906. That Order was then confirmed by an Act of Parliament in the Ure Elder Fund Order Confirmation Act 1906 (“the 1906 Act”).

6. The charity in its current form (referred to in these notes as “the Fund”) was constituted by the 1906 Act and amended in 1929, 1956, 1962 and 1971¹. These amendments increased the income threshold under which a beneficiary could make a claim to payment from the Fund until the threshold was removed in 1971. The 1906 Act, as amended, provides that the trustees of the Fund hold the Fund for charitable purposes to primarily benefit widows connected with Glasgow or Govan. The Trustees of the Fund are permitted to pay a maximum of £25 per annum to each selected beneficiary.

COMMENTARY ON SECTIONS

Section 1

7. Subsection (1) transfers the property, rights, interests and liabilities of the Fund to the Trust. This means that the cash, shares and any other assets of the Fund will be transferred to the Trust. Similarly, any liabilities of the Trustees of the Fund will transfer to the Trustees of the Trust.

8. Subsection (2) makes clear that any current legal proceedings can continue and are to be unaffected by the transfer of assets and liabilities from the Fund and the subsequent dissolution of the Fund.

Section 2

9. Section 2 provides that the Fund is dissolved and that the 1906 Act is repealed.

Section 3

10. Section 3 defines the “transferor” as the Fund and “the transferee” as the Trust. The Trust was established by Deed of Trust dated 26 August 2009 and subsequently registered in the Books of Council and Session.

Section 4

11. Subsection (2) provides that the Bill will come into force two months after Royal Assent is received.

¹The amendments were made in the Glasgow Corporation Orders of 1929, 1956, 1962 and 1971, confirmed in Acts of the same years.

PARLIAMENTARY HISTORY

12. The following table sets out, for each Stage of the proceedings in the Scottish Parliament on the Bill for this Act, the dates which the proceedings at that Stage took place, and the references to the Official Report of those proceedings. It also shows the dates on which the Committee reports and other papers relating to the Bill were published, and the references to those reports and other papers.

PROCEEDINGS AND REPORTS	REFERENCE
INTRODUCTION	
Bill as introduced – 1 October 2009	SP Bill 31 – Session 3 (2009)
Preliminary Stage	
1st Meeting, 8 December 2009	1st Meeting, 8 December 2009
2nd Meeting, 19 January 2010	2nd Meeting, 19 January 2010
Ure Elder Fund Transfer and Dissolution Bill Committee Preliminary Stage Report, published 29 January 2010	Report 2010 (Session 3), Ure Elder Fund Transfer and Dissolution Bill Committee
Preliminary Stage debate – 10 February 2010	Cols 23641 - 23646
Consideration Stage	
Following the Parliament's agreement to motion S3M-5801 on 24 February 2010 to suspend Standing Orders for the purpose of the Consideration Stage of the Bill, no Consideration Stage took place.	
Final Stage	
Consideration by the Parliament	
Final Stage debate – 3 March 2010	Cols 24129 - 24133
ROYAL ASSENT	
9 April 2010	Ure Elder Fund Transfer and Dissolution Act 2010 (asp 7)