

ELIZABETH II



1989 CHAPTER xviii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Scottish Episcopal Clergy Widows' and Orphans' Fund.

[21st December 1989]

WHEREAS the Provisional Order set forth in the Schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said Order should be confirmed by Parliament:

1936 c. 52.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed.

Confirmation of Order in Schedule.

2. This Act may be cited as the Scottish Episcopal Clergy Widows' and Orphans' Fund Order Confirmation Act 1989.

Short title.

SCHEDULE

SCOTTISH EPISCOPAL CLERGY
WIDOWS' AND ORPHANS' FUND

Provisional Order to transfer the assets of the Scottish Episcopal Clergy Widows' and Orphans' Fund to the trustees of the Scottish Episcopal Church Pension Fund and for purposes incidental thereto or consequential thereon.

WHEREAS—

1903 c. cxlix.

(1) The Corporation of the Scottish Episcopal Clergy Widows' and Orphans' Fund (hereinafter called "the Corporation") was incorporated by the Scottish Episcopal Clergy Widows' and Orphans' Fund Order 1903 (hereinafter referred to as "the Order of 1903") for the purpose of administering funds vested in them by the Order of 1903 for the benefit of widows and children of bishops and clergy of the Scottish Episcopal Church:

(2) In the month of January 1988 by an interim trust deed the Scottish Episcopal Church Pension Fund was established with effect from 1st January 1988:

(3) In consequence of the establishment of the said pension fund it is expedient to transfer the assets of the Corporation to the said fund so that they may be served by arrangements more suited to the present time:

(4) It is expedient that the directors of the Corporation be indemnified as in this Order provided, the Order of 1903 be repealed and the other provisions of this Order be enacted:

1936 c. 52.

(5) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the last-mentioned Act, the Secretary of State orders as follows:—

Short title.

1. This Order may be cited as the Scottish Episcopal Clergy Widows' and Orphans' Fund Order 1989.

Interpretation.

2. In this Order, unless there be something in the subject or context repugnant to such construction—

"Church" means the Scottish Episcopal Church;

"Corporation" means the Corporation of the Scottish Episcopal Clergy Widows' and Orphans' Fund;

"directors" means directors of the Corporation;

"existing fund" means the Scottish Episcopal Clergy Widows' and Orphans' Fund;

"interim trust deed" means the interim trust deed made between the Scottish Episcopal Church of the one part and the convenors of the standing committee, the administration board, the business committee, the pension committee of the Church and the Primus of the Church of the other part dated and registered in the Books of Council and Session on 11th January 1988;

"Order of 1903" means the Scottish Episcopal Clergy Widows' and Orphans' Fund Order 1903;

"pension fund" means the pension fund established under the interim trust deed.

3. This Order shall commence and have effect on such day, not later than twelve months after the passing of the Act confirming this Order, as the Corporation may by resolution determine (hereinafter called "the appointed day").

Appointed day.

4.—(1) On the appointed day the whole property, estate and effects heritable and moveable, real and personal, belonging to the Corporation as existing at the appointed day shall by virtue of this Order be transferred to and shall vest in the trustees of the pension fund subject to all burdens, debts, liabilities, contracts and obligations attaching to or affecting the same or any of them and that without the necessity of any disposition, assignation, transfer, conveyance, notice of title or other instrument, and shall be held, used and disposed of by the trustees of the pension fund for the purposes set out in the interim trust deed.

Transfer of assets.

(2) To enable the trustees of the pension fund to complete a title if thought fit to any property transferred to and vested in them by virtue of this Order by notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the trustees of the pension fund.

5. On the appointed day all debts and liabilities of the Corporation shall by virtue of this Order be transferred to the trustees of the pension fund and shall thereafter be discharged and satisfied by the trustees of the pension fund.

Transfer of liabilities.

6. The directors of the Corporation and their respective predecessors in office are hereby discharged of all their actings, transactions and intromissions in respect of their management and administration of the existing fund:

Indemnity of directors.

Provided that nothing in this section shall apply with respect to any fraudulent actings, transactions or intromissions.

7. On the appointed day the Order of 1903 shall be repealed and the Corporation shall be dissolved and cease to exist.

Repeal of Order of 1903, etc.

8. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Order shall be paid by the Corporation.

Costs of Order.

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