



Ure Elder Fund Transfer and Dissolution Bill

Bill Number:	SP Bill 31
Introduced on:	1 October 2009
Introduced by:	Trustees of the Ure Elder Fund for Indigent Widow Ladies (Private Bill)
Passed:	3 March 2010
Royal Assent:	9 April 2010

Passage of the Bill

The [Ure Elder Fund Transfer and Dissolution Bill](#) was introduced in the Parliament in October 2009. The [committee](#) established to consider the Bill (under [private bill procedure](#)) published its [preliminary stage report](#) in January 2010. This was followed by a [preliminary stage debate](#) in the chamber in February 2010.

With the agreement of the Parliament, no consideration stage was held in relation to the Bill.¹ The Bill was passed following a [final stage debate](#) in the chamber in March 2010 and, following Royal Assent on 9 April 2010, became the [Ure Elder Fund Transfer and Dissolution Act 2010](#).

Purpose and objectives of the Bill

The Ure Elder Fund for Indigent Widow Ladies was a registered Scottish charity governed by provisions in the Ure Elder Fund Order Confirmation Act 1906. A [memorandum](#) produced by the promoters of the Bill noted that:

“The result of the 1906 Act and the amendments made to it is that the trustees of the fund hold the fund for charitable purposes to primarily benefit ‘indigent widow ladies connected with Glasgow or Govan’ (ie there is a preference for funds to be given to impoverished widows connected with Glasgow or Govan). The

¹ In relation to private bills, the consideration stage allows the relevant committee to consider the detail of a bill. It involves the committee meeting to: (a) hear evidence on the bill (including any objections to it); and (b) consider and dispose of any amendments.

cumulative effect of the amending legislation from 1929 to 1971 is that there is no maximum level of income which could prevent an application for a grant from the fund succeeding. However, the trustees of the fund are only permitted to pay a maximum of £25 per annum to each selected beneficiary.” (para 7)

The memorandum went on to state that:

“The promoters consider that there is a need for change given the restrictions on the ability of the trustees to apply the fund as imposed by the provisions of the 1906 Act and subsequent amendments to it. These provisions are outdated and affect the ability of the trustees to provide genuine charitable benefit. The promoters do not consider that the charitable funds are used to their best effect by having the fund constituted by an act of Parliament particularly given that charity law, regulation and practice has changed significantly in recent years and substantially since 1906.” (para 8)

In light of the above, the Bill sought to transfer the property, rights, interests and liabilities of the fund to a successor charitable trust. This purpose was carried forward by the resulting 2010 Act, which came into force two months after receiving Royal Assent.

Parliamentary consideration

The preliminary stage report indicated that the committee supported the aims of the trustees in trying to broaden the application of the fund. The general principles of the Bill were agreed following the preliminary stage debate.

One of the issues highlighted in the preliminary stage report concerned whether a more streamlined process might be put in place to reorganise charities constituted by legislation. During the preliminary stage debate (cols 23642-23643), the committee convener noted that:

“In taking evidence, the committee learned that around 185 charities were set up under legislation. Some could be in similar circumstances to the Ure Elder fund, requiring an act of Parliament to reorganise and move forward. It was put to the committee that there might be scope for a different process to help such bodies, which could be looked at in the context of a charity law review. The relevant minister, Fergus Ewing, has written to me and confirmed that the Scottish Government is committed to reviewing by 2015 the Charities and Trustee Investment (Scotland) Act 2005.”

The preliminary stage report also noted that no objections had been submitted in relation to the Bill and that committee members did not wish to lodge any amendments. In light of this, it recommended that the consideration stage be omitted. This was subsequently agreed by the Parliament. The Bill was passed without amendment.