

**EXPLANATORY MEMORANDUM TO**  
**THE ROYAL PATRIOTIC FUND (TRANSFER OF PROPERTY, RIGHTS**  
**AND LIABILITIES) ORDER 2005**

**2005 No. 3308**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The purpose of the Order is to enable the Royal Patriotic Fund Corporation (“the Royal Pat”), set up by Royal Warrant during the Crimean War and now established under the Patriotic Fund Reorganisation Act 1903, to continue its work providing assistance to the widows, orphans and other dependants of members of the armed forces under a modernised constitution. The Order will transfer the property, rights and liabilities of the Royal Pat to a new body, the RPFC, a charitable company limited by guarantee, and the Royal Pat will cease to exist.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Background**

4.1 Section 6 of the Armed Forces (Pensions and Compensation) Act 2004 (“the 2004 Act”) enables the Secretary of State (in practice the Home Secretary) by order to transfer, or provide for the transfer of, the property, rights and liabilities of the Royal Pat to a new charitable body with a constitution suited to current charitable practice. RPFC, a company limited by guarantee was incorporated for this purpose on 18 February 2005 and registered as a charity by the Charity Commission for England and Wales on 6 April 2005.

4.2 The effect of the order is to transfer the property, rights and liabilities of the Royal Pat to the new charitable company and to dissolve the Royal Pat. The object of the new body will remain the same as that of the Royal Pat, namely providing by way of grants and allowances assistance to the widows and other dependants of members of the Armed Forces. The new constitution will enable it to carry out its functions more efficiently.

4.3 The use of the 2004 Act, and this Order has been necessary because the Charity Commission was unable to exercise its powers to make a Scheme for the purpose under section 17 of the Charities Act 1993 as the Patriotic Fund Reorganisation Act 1903 extended throughout the United Kingdom rather than just to England and Wales. The Scottish Executive and the Northern Ireland Office were content that a Westminster Bill was employed to secure the required changes as the purposes of the charity will not change and there will be no effect on potential beneficiaries in Scotland or Northern Ireland.

4.4 On 22 January 2004 at second reading of the Bill that became the 2004 Act Hugh Robertson MP sought and obtained confirmation from Ivor Caplin

MP, Parliamentary Under Secretary of State at the Ministry of Defence, that the planned changes to the Royal Pat will conform to any new arrangements that will be set up under the Charities Bill which was due to be introduced later in the Session (*Official Report cols. 1543 & 1551*).

4.5 On 24 February 2004 in Standing Committee Gerald Howarth MP secured a commitment from Mr Caplin to keep the House of Commons informed about the development of the change to the Royal Pat (*Official Report col. 170*). Paul Goggins MP, Parliamentary Under Secretary at the Home Office has written to Mr Howarth and Lord Astor of Hever, the spokesmen for the Opposition on the Armed Forces (Pensions and Compensation) Bill, to advise them accordingly.

## **5. Extent**

5.1 This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The Royal Patriotic Fund Corporation is a charitable body established under the Patriotic Fund Reorganisation Act 1903 to assist widows and other dependants of the armed forces. However the constitution contained in the 1903 Act is now completely out of date and unsuitable for the charity to operate effectively. The objective of this Order is to transfer the property and functions of the Royal Patriotic Fund Corporation to a successor body registered under the Charities Act 1993 more suited to current charitable practice and for the Corporation to be dissolved.

7.2 The Royal Pat has both a General Council and a smaller Executive Committee, which does the daily running of the organisation. At the 89<sup>th</sup> Annual General Meeting of the General Council on 15 July 1998 it was resolved that the General Council would delegate to the Executive Committee authority to seek changes to the constitution governing the organisation in order that it may act more effectively in the interests of existing and potential beneficiaries.

7.3 It required primary legislation to alter the Royal Pat's constitution and the first suitable legislative vehicle to enable this was the Armed Forces (Pensions and Compensation) Act 2004.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies other than on the two charities referred to in the Order.

## **9. Contact**

9.1 Helen Morgan at the Home Office Tel: 020 7035 0758 or e-mail: [helenc.morgan@homeoffice.gsi.gov.uk](mailto:helenc.morgan@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.