

# **EDINBURGH BAKERS' WIDOWS' FUND ACT 2018**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes have been prepared by Shepherd and Wedderburn LLP (Solicitors) on behalf of the promoters, the Trustees of the Widows' Scheme of the Incorporation of Bakers of the City of Edinburgh ("the Trustees"), in order to assist the reader of the [Edinburgh Bakers' Widows' Fund Act](#). 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, none is given.

### **THE ACT**

3. The overall objective of the Act is to transfer the property and assets of the Widows' Fund for the Incorporation of Bakers within the City of Edinburgh ("the Fund") to a new charitable trust constituted by Deed of Trust. The Act also allows the Trustees to deal fairly with the interests of the Fund's potential beneficiaries before the property and assets of the Fund are transferred to the charitable trust and the Fund is dissolved.

### **SUMMARY OF AND BACKGROUND TO THE ACT**

4. The Incorporation of Bakers of the City of Edinburgh ("the Incorporation") is one of the ancient trade incorporations or guilds that were set up in medieval times to regulate trade in many of the cities in northern Europe. It was granted a Seal of Cause on 20 March 1522, to replace an earlier Seal lost "in time of trouble". Under the terms of the Seal of Cause, members of the Incorporation controlled admission to the craft of baking and the supply of bread within the City of Edinburgh, until the [Burgh Trading Act 1846 \(9 & 10 Vct. C 17\)](#) abolished the exclusive trading privileges of the Incorporations.
5. The Incorporation established a scheme on 5 October 1803 to provide a fund for annuities to the widows, and in certain circumstances to the children, of members of the Incorporation. Monies were raised from the Incorporation and members of the Incorporation also made personal contributions to the scheme. The operation of the scheme was then authorised and regulated by an Act of Parliament from 1813 entitled "an Act for Providing a Fund for Annuities for Widows of Members of the Incorporation of Bakers of the City of Edinburgh" ("the 1813 Act"). The name of the scheme as set out by the 1813 Act is the Widows' Fund for the Incorporation of Bakers within the City of Edinburgh. The 1813 Act also authorised the appointment of Trustees from members of the Incorporation to administer the Fund.
6. The Incorporation has struggled to attract new members and there have been no new contributors to the Fund for many years. The last annuity paid by the Fund was in 1997 and there were (at the time the Bill for this Act was introduced) only two wives of contributing members to the Fund who could qualify in future for annuities. These two

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individuals are potential beneficiaries of the Fund. Having taken actuarial advice and consulted with these wives, the Trustees have set aside funds to be paid to these persons before the dissolution of the Fund. These payments would be in lieu of annuities that they might have otherwise received in the future from the Fund, as widows, if the Fund was not dissolved.

7. Net of the capital set aside, the Fund has an investment value as at 5 January 2017 of around £355,000 producing around £6,300 gross annual income. The Trustees consider that these funds could be put to more effective use and that in its current guise the Fund is no longer fit for purpose and should be dissolved.
8. The Trustees wish to use the monies in the Fund in a responsible manner for charitable purposes which tie in with the Laws and Regulations of the Incorporation to the benefit of the public. The Trustees have created a new charitable trust as a repository for the Fund's net assets: The Incorporation of Bakers of Edinburgh Charitable Trust (Registered Scottish Charity Number SC047164). The purposes of the charitable trust are broadly as follows: the encouragement and support of training and education in baking trade-related careers, the provision of training opportunities in baking, encouraging discussions on baking and baking standards and the promotion of an appreciation of local baking and the history of baking.
9. The purpose of this Act is to:
  - allow the Trustees to make capital payments to the wives of contributing members in lieu of future annuity payments that they might otherwise have been paid under the 1813 Act should they be widowed;
  - transfer the remaining property, rights, interests and liabilities of the Fund to The Incorporation of Bakers of Edinburgh Charitable Trust (Registered Scottish Charity Number SC047164); and
  - dissolve the Fund and repeal the 1813 Act.

## **COMMENTARY ON SECTIONS**

### ***Section 1***

10. **Section 1(1)** gives authority to the Trustees to make a payment of capital to each person who was a wife of a contributing member of the Fund on 13 November 2015. As part of the consultation process, the wives of contributing members were notified of the Trustees' intention to make such payments and to dissolve the widows' annuity fund, by letter dated 13 November 2015. These capital payments are based on an actuarial calculation of these persons' interests in the Fund in lieu of future annuities that they might otherwise have received from the Fund as widows.
11. **Section 1(2)** provides that these persons, having accepted the capital payments, will no longer be entitled to receive annuity payments should they be widowed.
12. **Section 1(3)** sets out the timeframe for the payments authorised by section 1(1). They are to be made within a one-month period starting the day after Royal Assent.

### ***Section 2***

13. **Section 2(1)** provides for the transfer of the property, rights, interests and liabilities of the Fund to the new charitable trust.
14. **Section 2(2)** provides that the property to be transferred is net of the monies paid from the Fund under section 1(1). This section comes into force immediately after the end of the period during which payments authorised by section 1(1) are to be made.

### **Section 3**

15. **Section 3** provides that the Fund is dissolved and that the 1813 Act is repealed. This will happen immediately after the end of the period during which the payments authorised by section 1(1) are made and the net Fund assets are subsequently transferred to the new charity.

### **Section 5**

16. **Section 5** provides for the commencement of the Act and each section, as explained more fully above, so that each action happens in the appropriate sequence: the Trustees are given power to make payments during the period beginning on the day after Royal Assent and ending a month later; the remaining Fund assets are then transferred to the charity one day after that period has ended; and the Fund is dissolved and the 1813 Act repealed the day after that.

### **Parliamentary History**

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

<b><i>PROCEEDINGS AND REPORTS</i></b>	<b><i>REFERENCE</i></b>
<b>INTRODUCTION</b>	
Bill (as introduced) – 20 March 2017	<a href="#">SP Bill 10 – Session 5 (2017)</a>
SPICe briefing on Bill (as introduced) – published 25 April 2017	<a href="#">SPICe briefing SB 17/28</a>
The objection period ran from 21 March 2017 to 19 May 2017. No admissible objections were lodged.	
<b>PRELIMINARY STAGE</b>	
<b>(a) Edinburgh Bakers' Widows' Fund Bill Committee</b>	
1 <sup>st</sup> Meeting, 10 May 2017	<a href="#">1<sup>st</sup> Meeting, 10 May 2017</a>
2 <sup>nd</sup> Meeting, 14 June 2017	<a href="#">2<sup>nd</sup> Meeting, 14 June 2017</a>
3 <sup>rd</sup> Meeting, 28 June 2017	(Meeting in private)
4 <sup>th</sup> Meeting, 6 September 2017	(Meeting in private)
Preliminary Stage report – published 8 September 2017	<a href="#">1st Report, 2017 (Session 5)</a>
<b>(b) Consideration by the Parliament</b>	
Preliminary Stage debate – 21 September 2017	<a href="#">Cols 66 – 70</a>
<b>CONSIDERATION STAGE</b>	
<b>Edinburgh Bakers' Widows' Fund Bill Committee</b>	
Consideration Stage proceedings – 1 November 2017	<a href="#">5<sup>th</sup> Meeting, 1 November 2017</a>

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<b><i>PROCEEDINGS AND REPORTS</i></b>	<b><i>REFERENCE</i></b>
<b>FINAL STAGE</b>	
<b>Consideration by the Parliament</b>	
Final Stage proceedings – 21 November 2017	Cols 63 – 67
<b>ROYAL ASSENT</b>	
12 January 2018	Edinburgh Bakers' Widows' Fund Act 2018 (asp 1)