

# **HUTCHESONS' HOSPITAL TRANSFER AND DISSOLUTION (SCOTLAND) ACT 2019**

---

## **EXPLANATORY NOTES**

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

3. The purposes of the Act are to transfer the property, rights, interests and liabilities of The Royal Incorporation of Hutchesons' Hospital in the City of Glasgow, a registered Scottish Charity with the charity number SC001470 (the "Incorporation"), to a new Scottish Charitable Incorporated Organisation established by the current Patrons (i.e. trustees) of the Incorporation and called The Royal Incorporation of Hutchesons' Hospital in the City of Glasgow SCIO ("the SCIO"), and to dissolve the Incorporation. The SCIO was registered with the Office of the Scottish Charity Regulator ("OSCR") on 29 December 2017 and has the charity number SC048030.
4. The original Hutchesons' Hospital charity was established by Mr George Hutcheson of Lambhill under his Deed of Mortification dated 16 December 1639, in terms of which he bequeathed land on which a hospital was to be built in Glasgow for the relief of poor and aged men, funds with which to construct that hospital, and funds to provide clothing, sustenance and lodging to those within the hospital. George Hutcheson's brother, Thomas Hutcheson, made further bequests to the charity and, separately, provided funds for the maintenance and education of indigent orphans who were sons of burgesses of Glasgow. Thomas Hutcheson also entered into a contract with the original Patrons (the Provost, three Baillies, Dean of Guild, Convener and ordinary Ministers of Glasgow, and their successors in office) to fulfil the terms of George's Deed of Mortification and administer the charity assets and funds. The first pensions were paid out of the charity funds in 1643, with the Hutchesons' Hospital building being completed in 1650. Over time, and with further bequests from Thomas Hutcheson and others, both the charity funds and the numbers and categories of people eligible for Hutchesons' Hospital pensions gradually expanded.
5. In 1821, in order to give more legal certainty to the administration and management of the charity's funds and affairs, the Patrons sought and were granted a Royal Charter, with the charity becoming The Royal Incorporation of Hutchesons' Hospital in the City of Glasgow. This allowed the Patrons to "make such bye laws and rules as they may think expedient for their own government and the management and distribution of the funds of [Hutchesons' Hospital] for relieving the poor and the education of boys".
6. The Incorporation in its current form was incorporated by the Hutchesons' Hospital Act 1872 (the "1872 Act"), partly in order to make provision for improved governance and administration of the charity, and the application of its property and revenues, and partly in light of changes that had taken place since the original bequests and which, as stated in the preamble to the 1872 Act, rendered "the exact observance" of many of the bequests "disconsonant with the intention of the donors". The 1872 Act was required because certain changes to the Incorporation could not be made without an Act of Parliament. The 1872 Act currently regulates the management of the Incorporation and the application of its revenues. The Act repeals the 1872 Act, which will be redundant

*These notes relate to the Hutchesons' Hospital Transfer and Dissolution (Scotland) Act 2019 (asp 5) which received Royal Assent on 31 May 2019*

following the dissolution of the Incorporation and the transfer of its property etc. to the SCIO.

7. The objectives of the SCIO are essentially the same as the objectives of the Incorporation. It will continue to provide funding, for those with sufficiently close connections to Greater Glasgow, for the advancement of education of young people and adults, and the relief of those in need by reason of age, significant change in personal circumstances or other disadvantage. However, compared to the Incorporation the SCIO has a modernised and simplified structure and governance, with a constitution that has been updated (relative to that of the Incorporation) to ensure the proper regulation and administration of the charitable assets and activities in compliance with modern charity law.