
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 26

CHARITIES

The Charities Act 2008 (Presbyterian Widows' Fund Association Scheme) Order (Northern Ireland) 2022

Made - - - - 1st February 2022

Coming into operation 23rd February 2022

The Department for Communities (1), makes the following Order in exercise of the powers conferred by section 32(2) of the Charities Act (Northern Ireland) 2008 (2)

Citation and commencement

1. This Order may be cited as the Charities Act 2008 (Presbyterian Widows' Fund Association Scheme) Order (Northern Ireland) 2022 and shall come into operation on 23rd February 2022

Commission scheme given effect

2. This Order gives effect to the scheme set out in Schedule 1 and settled by the Commission under section 32 of the Charities Act (Northern Ireland) 2008

Sealed with the Official Seal of the Department for Communities on 1st February 2022

(L.S.)

Sharron Russell
A senior officer of the Department for
Communities

(1) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(2) 2008 c. 12 (N.I.)

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SCHEDULE

SCHEME OF THE CHARITY COMMISSION FOR NORTHERN IRELAND
PURSUANT TO SECTION 32 OF THE
CHARITIES ACT (NORTHERN IRELAND) 2008
SETTLED ON
14 MAY 2021

THIS SCHEME WILL ALTER OR AFFECT THE GOVERNING DOCUMENT OF THE
CHARITY KNOWN AS THE PRESBYTERIAN WIDOWS' FUND ASSOCIATION
CHARITIES ACT (NORTHERN IRELAND) 2008
THE PRESBYTERIAN WIDOWS' FUND ASSOCIATION

Scheme made by the Charity Commission for Northern Ireland under section 32 of the Charities Act (Northern Ireland (2008)).

WHEREAS:

1. The Presbyterian Widows' Fund Association ('the Association') was incorporated by statute under the Presbyterian Widow's Fund Association Act 1852 as amended by the Presbyterian Widows' Fund Association Act (Northern Ireland) 1951.
2. The Association was established with the purpose of:
"to provide annuities and other benefits for the widows and children of such duly ordained or installed Ministers in connection with the Presbyterian Church in Ireland...as are or may become members of the Association".
3. The majority of ordained, serving and retired ministers of the Presbyterian Church in Ireland and those otherwise eligible are members of the Association.
4. The Association pays annuities, the details of which are outlined in the bye-laws of the Association.
5. A member never receives an annuity from the Association.
6. The Association does not have sufficient assets to pay reasonable annuities to current and potential annuitants during their anticipated lifetimes at a level which meets the expectation of its members for its beneficiaries.
7. In 2005, the Association was the recipient of a bequest from the estate of Eithne Bayne Olden of 12 Cavan Road, Kells, County Meath, Republic of Ireland to be invested and the income thereof applied to supplement pensions of Ministers' widows or orphans physically handicapped or in chronic ill health with a proviso that the income therefrom should not be divided between more than three beneficiaries in any one year. The fund was to be known as "The Reverend John Forsythe Endowment". This fund is held separately by the Association from its general funds, and will be not be included within the provisions of this scheme.
8. The Association applied to the Charity Commission of Northern Ireland in November 2017 for a scheme to provide for an orderly realisation of its assets and their distribution between its current annuitants and potential annuitants.

NOW THEREFORE

The Charity Commission for Northern Ireland, after due inquiry, under section 32 of the Charities Act (Northern Ireland) 2008

HEREBY MAKES THE FOLLOWING SCHEME:

1. In this scheme, unless inconsistent with the subject or context the following expressions shall bear the following meanings:

"Association" – The Presbyterian Widows' Fund Association;

“Bye-laws” – The bye-laws of the association adopted at the General Meeting of the Association on 19 March 1952 and revised on 30 March 2015;

“Creditor” – Any person to whom the Association owes money, but for the avoidance of doubt the term “Creditor” does not include a Current Annuitant or a Potential Annuitant

“Current Annuitant” – a widow or widower of a deceased member as at the effective date entitled to payment of an annuity under bye-law 31 of the bye-laws, or a nominee who is entitled to payment of an annuity under bye-law 34 of the bye-laws;

“Department” – The Department for Communities;

“Effective Date” – The day on which the scheme becomes effective in accordance with clause 19 of the scheme;

“Member” – a member of the Association as at the Effective Date;

“Nominee” – A person nominated by a member as a beneficiary under bye-law 34 of the bye-laws;

“Potential Annuitant” – A spouse of a living Member, or, where a living Member does not have a surviving spouse, any children who would on the death of the Member, be entitled to an annuity under bye-law 32 of the bye-laws, or a nominee nominated by a living Member at the Effective Date.

“The Actuary”- An individual appointed by the Association to provide a consulting service on actuarial matters in relation to this scheme and any connected scheme.

“Valuation” – The valuation performed by the Actuary in accordance with clause 5 of the scheme.

2. As and from the Effective Date, no subscriptions shall be payable by Members to the Association.
3. As and from the Effective Date, no payments shall be made by way of annuity to Current Annuitants save for the distribution of assets under clause 11 of this Scheme.
4. On approval of the Scheme, the Association shall realise its assets and holdings (other than The Reverend John Forsythe Endowment) at the best price reasonably available.
5. As at the Effective Date the Actuary shall value the interest in the Association of each and every Current Annuitant and of each and every Potential Annuitant.
6. The Actuary shall value the respective interests of current annuitants on the following assumptions:
 - 6.1. A spouse is entitled to an annuity of £1,260 per annum for the remainder of his or her lifetime.
 - 6.2. A child of the marriage is entitled to a proportion of the annuity of £1,260 (in accordance with the number of children of the marriage) for the unexpired part of the period of 10 years from the Member’s death.
 - 6.3. A nominee is entitled to an annuity of £1,260 for the unexpired part of the period of 10 years from the Member’s death.
7. The Actuary shall value the respective interests of Potential Annuitants on the following assumptions:
 - 7.1. The date of joining of each Member who joined the Association under the rules applying before 31 March 2011 shall be deemed to be his or her 30th birthday
 - 7.2. The Potential Annuitant or annuitants of a Member who joined the Association under the rules applying before 31 March 2011 will be entitled to annuity of £1,260 per annum on the death of the Member.
 - 7.3. The date of joining of each Member who joined the Association under the rules applying after 31 March 2011 shall be deemed to be his or her date of ordination or installation to ministry in the Presbyterian Church in Ireland.

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7.4. The Potential Annuitant or annuitants of a Member who joined the Association under the rules applying after 31 March 2011 will be entitled to an annuity of one-four hundred and twentieth (1/420) of £1,260 per annum for each month of service from the date of the Member's ordination to the 65th birthday of the Member.

7.5. The period of membership and subscription rates shall be taken into account. Subscriptions of Members shall be deemed to be and to always have been £301.25 (being the 2016 basic ministerial minimum of £24,100 at 1.25%) while a Member is aged under 65 and £48.20 (being the 2016 basic ministerial minimum of £24,100 at 0.20%) when a Member is over 65.

7.6. No investment return or interest shall be earned on Members' contributions to the Association

8. In carrying out the Valuation the Actuary shall act as expert.

9. The assets of the Association (other than The Reverend John Forsythe Endowment) shall first be applied in the costs and expenses of the implementation of this Scheme.

10. After discharge of the costs and expenses of implementation of this Scheme, the assets of the Association (other than The Reverend John Forsythe Endowment) shall be applied to pay in full all Creditors of the Association.

11. The remaining assets of the Association (other than The Reverend John Forsythe Endowment) shall be distributed rateably among the Current Annuitants and Potential Annuitants in accordance with the Valuation.

12. In calculating the appropriate distribution, any sums due from a Member of the Association to the Association shall be deducted from the distribution due to the Potential Annuitant of such Member.

13. The directors of the Association shall have power to make an interim distribution should they consider such a distribution to be expedient

14. Where a Current Annuitant or Potential Annuitant dies after the Effective date but before completion of distribution of the Association's assets under clauses 7-9 of the Scheme, any payment due under the Scheme shall be made to the personal representatives of the Current Annuitant or Potential Annuitant as the case may be.

15. Where the address of a Current or Potential annuitant is not known to the directors of the Association, the directors shall take reasonable steps to locate such Current Annuitant or Potential Annuitant.

16. If, following such reasonable steps, the Current Annuitant or Potential Annuitant cannot be traced, the sums payable to such Current Annuitant or Potential Annuitant shall be paid to the Trustees of the Presbyterian Church of Ireland to be held for a period of six years from the Effective Date, after which time the sums shall be applied by the Trustees of the Presbyterian Church in Ireland for the general purposes of the Presbyterian Church in Ireland.

17. The payments made on foot of this Scheme shall be in full discharge and satisfaction of any liabilities and obligations of the Association to the Members, Current Annuitants and Potential Annuitants.

18. Once the distribution of the assets of the Association is for practical purposes complete, the Association shall be dissolved and shall cease to exist.

19. The Scheme shall become effective on such date as the order of the Department pursuant to section 32 of the Charities Act (Northern Ireland) 2008 gives it effect.

20. All the costs charges and expenses of and incidental to the negotiations for and preparation of this Scheme and carrying the same into effect shall be borne by the Association.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order gives effect to a scheme settled by the Commission under section 32 of the Charities Act (Northern Ireland) 2008 in regard to the Presbyterian Widows' Fund Association Scheme. The settled scheme is set out in the Schedule.