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## STATUTORY INSTRUMENTS

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# 2008 No. 3129

## DEFENCE

### The Naval Medical Compassionate Fund Order 2008

*Made - - - - 10th December 2008*

*Coming into force - - 11th December 2008*

At the Court at Buckingham Palace, the 10th day of December 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Naval Medical Compassionate Fund Act 1915<sup>(1)</sup>, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

#### **Citation, commencement and interpretation**

1. This Order shall be cited as the Naval Medical Compassionate Fund Order 2008 and shall come into force on 11th December 2008.

2. In this Order —

“the Fund” means the Naval Medical Compassionate Fund; and

“the Trustee” means the Royal Navy and Royal Marines Charity, a registered charity with the number 1117794 and a company limited by guarantee registered at Companies House with number 6047294, which is specifically granted the power to act as trustee of charitable trusts.

#### **Management of the Fund**

3. The Fund shall be vested in the Trustee.

4. The Trustee shall appoint a committee (to be known as “the Management Committee”), whose purpose shall be to manage the Fund and to advise the Trustee on matters relating to the fund.

5. The Management Committee shall at all times include at least one person who represents the interests of the Royal Naval Medical Service.

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(1) [1915 c.28](#) (5 & 6 George 5); section 1 was amended by [S.I. 1964/488](#), article 2, Schedule 1, Part 1 and by the Civil Partnership Act [2004 \(c.33\)](#), Schedule 26, paragraph 8.

### **Annual General Meeting of the Fund**

6. There shall be an Annual General Meeting of the Fund which shall be on a date announced in a Royal Navy Temporary Memorandum which all members of the Fund may attend.

7. Any annual statements of account prepared in respect of the Fund in accordance with any enactment shall be made accessible to all members of the Fund attending the Annual General Meeting.

### **Investment of the Fund**

8. The Fund shall be invested in the name of the Trustee or its nominee in such investments as the Trustee may in its absolute discretion determine as if it were absolutely entitled to the assets of the Fund.

### **Payments from the Fund**

9. Subject to the payment of all proper outgoings, the Trustee shall in each calendar year and at meetings to be held in that year on such date or dates as the Trustee shall determine, distribute among the eligible beneficiaries so much of the income of the Fund, including annual subscriptions to the Fund, as the Trustee shall in its own discretion determine.

### **Unspent income**

10. Any unspent income shall be added to the capital of the Fund.

### **Eligibility for Fund membership**

11. Medical Officers who undertake full time service in the Royal Navy may become members of the Fund, but Officers who have become members of the Fund while on full time service may continue as members after being placed on the Retired or Reserved Lists or after resignation of Commission.

### **Subscription to the Fund**

12. Members of the Fund must pay an annual subscription or a life subscription to the Fund.

13. The annual subscription shall be such sum as the Trustee may decide and is payable on the 1<sup>st</sup> day of January each year to the Trustee or its nominee.

14. A person eligible to become or continue as a member of the Fund may pay to the Trustee or its nominee a life subscription. The amount to be paid for a life subscription shall be such sum as may from time to time be determined by the Trustee.

15. Where a person pays a life subscription in accordance with Article 14, that person shall be a member of the Fund for the remainder of their life.

### **Eligibility for assistance from the Fund**

16. At the discretion of the Trustee, the following shall be eligible for financial assistance to be paid from the Fund—

- (a) any orphan, surviving spouse or civil partner of any person who at the time of the making of this Order has contributed to the Fund;
- (b) any orphan, surviving spouse or civil partner of a person who becomes a member of the Fund after that time, provided that—

- (i) the member had before their death paid a life subscription, or
- (ii) at the time of the member's death their annual subscription was not more than 9 months in arrear.

**Trustee expenses**

**17.** The Trustee shall be reimbursed out of the income of the Fund for all proper expenses incurred by it in performing its duties.

**Revocation**

**18.** The Orders specified in Schedule 1 are revoked.

*Judith Simpson*  
Clerk of the Privy Council

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE 1

Article 18

## Revocations

<i>Order</i>	<i>Reference</i>
Order in Council approving Standing Orders and Regulations for the Government of the Naval Medical Compassionate Fund (1915)	<a href="#">1915/769</a>
Order in Council Amending Clause 6 of the Standing Orders and Regulations Approved by Order in Council of July 28 <sup>th</sup> 1915, for the Naval Medical Compassionate Fund	<a href="#">1919/884</a>
Naval Medical Compassionate Fund (Amendment) Order 1967	<a href="#">1967/1484</a>
Naval Medical Compassionate Fund (Amendment) Order 1977	<a href="#">1977/819</a>
Naval Medical Compassionate Fund (Amendment) Order 1988	<a href="#">1988/1294</a>
Naval Medical Compassionate Fund (Amendment) Order 1991	<a href="#">1991/994</a>
Naval Medical Compassionate Fund (Amendment) Order 1995	<a href="#">1995/1965</a>
Naval Medical Compassionate Fund (Amendment) Order 1996	<a href="#">1996/3213</a>
Naval Medical Compassionate Fund (Amendment) Order 2005	<a href="#">2005/3185</a>
Naval Medical Compassionate Fund (Amendment) Order 2008	<a href="#">2008/1488</a>

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order revokes all Orders pursuant to which the Standing Orders and Regulations for the Constitution and Government of the Naval Medical Compassionate Fund were made. It further provides for the Royal Navy and Royal Marines Charity to be appointed as the sole Trustee of the Fund (Article 3) and for the establishment of a Management Committee to manage the Fund (Article 4). It makes provision regarding eligibility for membership of the Fund (Article 11), subscription to the Fund (Articles 12, 13, 14 and 15) and eligibility for financial assistance from the Fund (Article 16).

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