

[13 & 14 GEO. 5.] *Church of Scotland* [Ch. lxxv.]
Ministers' and Scottish University Professors' Widows'
Fund Order Confirmation Act, 1923.



CHAPTER lxxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Church of Scotland Ministers' and Scottish University Professors' Widows' Fund. [31st July 1923.] A.D. 1923.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Church of Scotland Ministers' and Scottish University Professors' Widows' Fund Order Confirmation Act 1923. Short title.

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SCHEDULE.

CHURCH OF SCOTLAND MINISTERS' AND SCOT-
TISH UNIVERSITY PROFESSORS' WIDOWS'
FUND.

*Provisional Order to consolidate with Amendments the
Acts relating to the Widows' Fund of the Ministers
of the Church and Professors in the Universities of
Scotland to reconstitute and reincorporate the Trustees
of the Fund and for other purposes.*

WHEREAS the Trustees of the fund for a provision for the widows and children of the ministers of the Church of Scotland and the heads principals and masters (now known as professors) in the Universities of St. Andrews (now including the University College Dundee) Glasgow Edinburgh and Aberdeen were incorporated by the Church of Scotland Ministers' Widows' Fund Act 1890 (hereinafter referred to as "the Act of 1890") and administer the Fund under the powers of that Act and of the Ministers' Widows' Fund (Scotland) Act 1779 and of an Act passed in the fifty-fourth year of the reign of His Majesty King George III. chapter 169 :

And whereas for making better provision for widows and children and for improving the administrative arrangements of the fund it is expedient that a new body of Trustees should be incorporated and that the several recited Acts should be repealed and their provisions consolidated amended and extended as hereinafter provided :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

Short title.

1. This Order may be cited for all purposes as the Church of Scotland Ministers' and Scottish University Professors' Widows' Fund Order 1923.

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2. This Order shall come into operation on the twenty-second day of November one thousand nine hundred and twenty-three which date is hereinafter in this Order referred to as "the commencement of this Order."

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Commence-
ment.

3. In this Order the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction :—

Interpre-
tation.

"The Fund" means the fund for the benefit of the widows and children of the ministers of the Church of Scotland and of the principals vice-principals and professors in the universities of Saint Andrews (including University College Dundee) Glasgow Edinburgh and Aberdeen established and regulated by the recited Acts and this Order;

"The recited Acts" means the Church of Scotland Ministers' Widows' Fund Acts 1779 to 1890;

"The Trustees" means the trustees of the Church of Scotland Ministers' and Scottish University Professors' Widows' Fund incorporated by this Order;

"The existing Trustees" means the trustees of the Church of Scotland Ministers' Widows' Fund incorporated by the Church of Scotland Ministers' Widows' Fund Act 1890 as existing immediately before the commencement of this Order;

"Church" means the Church of Scotland;

"Benefice" means the permanent benefice in the Church of Scotland including parishes quoad omnia and quoad sacra and does not extend to or include chapels-of-ease or charges in the said Church of a temporary or precarious nature;

"Parish quoad omnia" includes a parliamentary charge and a church and district in Scotland disjoined from the parish to which they belonged and erected into a separate parish quoad omnia other than and excepting any parish quoad

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omnia erected in virtue of or referred to in section fifteen of the New Parishes (Scotland) Act 1844;

“Parish quoad sacra” includes a parish quoad sacra erected in virtue of the last-mentioned Act other than and excepting any parish quoad sacra erected in virtue of section fourteen thereof;

“Minister” means an ordained minister of the Church of Scotland who is in possession of a benefice and includes assistants and successors to ministers subject to the exemption of the ministers of quoad sacra parishes who did not exercise the option of becoming contributors under the Act of 1890;

“Professor” means a principal vice-principal or professor holding office as such in any of the Universities of Scotland and does not include a reader or lecturer;

“Contributor” means contributor to the Fund;

“Child” means the lawful child of a contributor and does not include a stepchild;

“The collector” means the collector of the Fund for the time being;

“The clerk” means the clerk of the Fund for the time being;

“Date of admission” in the case of a minister means subject to the provision contained in the section of this Order of which the marginal note is “Terms of vesting of stipends for purposes of Order” the date on which he is first admitted to a benefice and in the case of a professor means the date from which his salary begins to run;

“Charge” means the benefice or parish of a minister;

“Office” means the office of professor;

“Stipend” means the whole annual fruits of the benefice whether in the form of stipend proper (exclusive of the glebe as defined under the Glebe Lands (Scotland) Act 1866 but including the income from proceeds of mines quarries or other industrial works on a glebe invested for the benefice) or the income of bequests funds

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or heritable property where such income is assigned for the permanent endowment of the benefice provided the Fund is not expressly excluded from such income;

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“ One half year's stipend ” means the one half of a year's stipend vesting (such stipend vesting in two equal portions) at either the term of Whitsunday the fifteenth day of May or the term of Michaelmas the twenty-ninth day of September;

“ Vacant stipend ” means the one half year's stipend which arises in the case of a benefice being vacant by the death translation resignation or deprivation of a minister;

“ Rates ” means the annual rates entry contribution marriage taxes and other payments for which contributors are liable;

“ Annuity ” means an annuity of the Fund.

4. The recited Acts are hereby repealed.

Recited Acts
repealed.

5. On the commencement of this Order and subject to the provisions thereof the Reverend Alexander Fiddes D.D. minister of St. Bernard's Parish Edinburgh the Reverend Robert Burnett B.D. minister of Liberton Parish Liberton the Reverend Thomas Smith Goldie M.A. minister of Granton Parish Granton the Reverend Frank Hale Martin B.D. minister of St. Matthew's Parish Edinburgh the Reverend William Burnett B.D. minister of Restalrig Parish Edinburgh the Reverend David Bruce Nicol B.D. minister of St. Margaret's Parish Edinburgh the Reverend John Malcolm Munro M.A. minister of West St. Giles' Parish Edinburgh and the Reverend John Archibald Glover Thomson B.D. minister of Tron Parish Edinburgh representing the Presbytery of Edinburgh the Reverend James Murray D.D. minister of Kilmacolm Parish Renfrew the Reverend Joseph Mitchell D.D. minister of Mauchline Parish Ayrshire the Reverend John Donaldson MacCallum D.D. minister of Larkhall Parish Lanarkshire the Reverend William Seath Provand M.A. minister of St. Ninian's Parish Glasgow and the Reverend Donald Macmillan D.D. minister of Kelvinghaugh Parish Glasgow representing the Synod of Glasgow

Incorporation.

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A.D. 1923. — and Ayr the Reverend James Taylor Cox B.D. Minister of Dyce Parish Aberdeenshire representing the Synod of Aberdeen the Reverend Andrew Blair Wann D.D. minister of Comrie Parish Perthshire representing the Synod of Perth and Stirling James Mackintosh K.C. B.A. LL.D. Professor of Civil Law John Hepburn Millar M.A. LL.D. Professor of Constitutional Law and Constitutional History Ernest Maclagan Wedderburn M.A. LL.B. D.Sc. Writer to the Signet Professor of Conveyancing and William Wilson M.A. LL.B. Professor of Public Law all in the University of Edinburgh representing the University of Edinburgh and the survivors and survivor of them and their and his successors to be appointed as hereinafter provided shall be and they are hereby incorporated by the name of "the Trustees of the Church of Scotland Ministers' and Scottish University Professors' Widows' Fund" and by that name shall be a body corporate with perpetual succession and a common seal and may cite and be cited and may charge acquire hold and sell or otherwise dispose of lands and other property heritable and moveable and shall have all other privileges of a body corporate and by that name may sue and be sued and hold receive possess and dispose of for the purposes of this Order the whole lands and other property and estate heritable or moveable real or personal stocks funds moneys and securities now or hereby vested in them or hereafter to be acquired by or vested in them under or in virtue of this Order The Trustees named in this section shall continue to hold office until the twenty-second day of November one thousand nine hundred and twenty-six.

Trustees.

6.—(a) The Trustees shall consist of nineteen contributors of whom eight shall represent the Presbytery of Edinburgh five the Synod of Glasgow and Ayr one the Synod of Aberdeen one the Synod of Perth and Stirling and four the University of Edinburgh.

(b) The Trustees shall hold office for a period of three years and shall be eligible for reappointment.

(c) Before the twenty-second day of November in the year one thousand nine hundred and twenty-six and in each third year thereafter the aforesaid Presbytery and Synods and the Senatus of the University of Edinburgh respectively shall appoint Trustees to represent those

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bodies respectively as on and from the twenty-second day of November following their appointment Each of these bodies shall also from time to time appoint a Trustee in place of any Trustee representing that body who may die resign or cease to be a Trustee otherwise than by effluxion of time Any Trustee so appointed shall hold office until the expiry of the term of office of the Trustee in whose place he has been so appointed. A.D. 1923.

(d) A contributor who ceases to hold a benefice or office shall not thereby be disqualified for being appointed or reappointed or continuing to be a Trustee.

(e) A Trustee who absents himself during a year from all the ordinary meetings or committee meetings of the Trustees shall unless sufficient cause be shown for his absence cease to be a Trustee.

(f) The Trustees shall from time to time choose one of their own number to be chairman.

(g) The Trustees shall have the management and superintendence of the affairs of the Fund and they shall have power to appoint a clerk collector auditor (who shall be a chartered accountant) and all other officers law agents and such others as they may deem necessary for carrying on the business of the Fund and may impose on them such duties and may agree to give them such remuneration as they may think proper and may relieve them from their respective offices when they shall see reasonable cause In the event of the death or resignation of any of the aforesaid officials it shall be in the power of the Trustees to make interim appointments and to give such remuneration as they may determine.

(h) The travelling expenses of the Trustees shall form a charge upon the Fund.

7. Subject to the provisions of subsection (g) of the immediately preceding section Frederick Patterson Milligan Writer to the Signet Edinburgh the present clerk to the Trustees and Charles Edward Walker Macpherson chartered accountant Edinburgh the present collector of the Fund shall continue to execute the said respective offices under this Order and they and their successors shall give bond to the Trustees to the extent Clerk and collector.

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Ministers and professors to continue liable in payment of their rates.

8. Every contributor who at the commencement of this Order is subject and liable to one of the annual rates following videlicet Three pounds three shillings four pounds fourteen shillings and sixpence six pounds six shillings and seven pounds seventeen shillings and sixpence shall in the manner hereinafter directed continue to pay the same yearly at each term of Candlemas during his life notwithstanding he may have ceased or shall hereafter cease to be a minister or professor by resignation deprivation or any other manner of way and every minister or professor who shall hereafter be admitted to a benefice or office shall likewise be subject and liable to one or other of the aforesaid annual rates according to the class selected or to the class adjudged failing selection within the time and in the manner hereinafter provided and as from the date of such admission he shall be deemed a contributor notwithstanding he may have ceased or shall hereafter cease to be a minister or professor by resignation deprivation or any other manner of way subject to the following exceptions:—

- (a) If any contributor resides permanently furth of Great Britain and Northern Ireland having resigned his benefice or office and gives a declaration to that effect it shall be in his option within three years from the twenty-second day of November of the year in which such residence has been constituted to intimate to the Trustees in writing his intention to cease to be a contributor in which event his name shall be removed from the list of contributors as at the date of the said declaration and any rights he or his dependants may have in the Fund shall thereby cease and determine but no repayment shall be made to him of the rates paid by him and he shall make payment of any rates for which he became liable before the date of the said declaration:

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(b) If any contributor resident furth of Great Britain and Northern Ireland at any time leave his rates unpaid for a period of three years prior to the twenty-second day of November one thousand nine hundred and twenty-six or to the twenty-second day of November in any subsequent year his name shall be removed from the list of contributors as at the expiry of such period and any rights he or his dependants may have in the Fund shall thereby cease and determine and no repayment shall be made to him of the rates paid by him : A.D. 1923.

(c) If any contributor resident furth of Great Britain and Northern Ireland is in default of payment of arrears of rates at the commencement of this Order and fails to make payment thereof on or before the fourteenth day of October one thousand nine hundred and twenty-four being the date prior to the close of the collector's first account of intromissions under this Order all arrears due by him shall be cancelled and his name shall be removed from the list of contributors as at the fifteenth day of October one thousand nine hundred and twenty-four and any rights he or his dependants may have in the Fund shall thereby cease and determine and no repayment shall be made to him of the rates paid by him :

Provided that in the case of the widow of any such contributor who is at the commencement of this Order on the Fund the payment of whose annuity is suspended and applied until her husband's arrears of rates are liquidated her annuity shall continue to be suspended and applied so far as that annuity may be sufficient to clear the arrears with interest at five per centum per annum and if and when so cleared the said annuity shall thereafter be payable to such widow :

(d) Notwithstanding anything hereinbefore in this section contained it shall be in the power of the Trustees according to their discretion on being satisfied that there are exceptional cir-

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cumstances to restore to the list of contributors the name of a former contributor who has ceased to be a contributor on payment of the rates exigible during such cessation or of the rates in arrear of payment as aforesaid in either case with interest at five per centum per annum as if no cessation had occurred.

Assistants
and suc-
cessors.

9. Every assistant and successor who at the commencement of this Order is not already a contributor by reason of not having previously been in possession of a charge shall become a contributor at the commencement of this Order in which case the first rates exigible shall be deemed to be due at the commencement of this Order and payable at the term of Candlemas one thousand nine hundred and twenty-four and the choice of class of rate shall be made by the twenty-sixth day of January preceding the said term of Candlemas :

Provided that it shall be in the option of any such assistant and successor to intimate to the collector in writing prior to the said twenty-sixth day of January that he does not intend to become a contributor under this section and such intimation shall have effect accordingly.

Notification
of option of
rates.

10. Every minister or professor who during the year prior to the commencement of this Order or during the year prior to and including the twenty-second day of November up to twelve o'clock noon in any subsequent year has been or is admitted to a benefice or office shall make his selection of one or other of the four above-mentioned yearly rates to which he chooses to be subject during his life by a writing signed by him addressed to the Trustees which he shall deliver or forward to the collector on or before the twenty-sixth day of January that shall first happen after the commencement of this Order in the case of a minister or professor admitted to a benefice or office during the year prior to the commencement of this Order and in the case of a minister or professor subsequently admitted to a benefice or office that shall first happen after any subsequent twenty-second day of November and if in the case of any minister or professor no such notice be given he shall be adjudged to have made his selection of the annual rate of four pounds fourteen shillings and

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sixpence unless it be shown that the choice was delayed by exceptional circumstances in which case the Trustees may accept a delayed notification but only for a period not exceeding fourteen days. A.D. 1923.

11. Every minister or professor who has been admitted to a benefice or office or who shall hereafter be admitted to a benefice or office shall at the first term of Candlemas after he has notified his selection or been adjudged to have made his selection as aforesaid make payment of the rate to which he shall then be subjected that is to say if at the said term of Candlemas he shall have enjoyed and had right to his benefice or office for one half-year or less than one half-year prior to and including the preceding twenty-second day of November (the said half-year being reckoned from and including the fifteenth day of May preceding) he shall be liable to the payment of one half of his yearly rate if he was entitled to his benefice or office for one whole year or less than one whole year (but more than one half year as above reckoned) prior to and including the preceding twenty-second day of November he shall be liable to the payment of one year's rate and every contributor shall after the aforesaid term of Candlemas when first liable in payment of his rate as before enacted make payment of a full year's rate at each succeeding term of Candlemas during his life notwithstanding he shall cease to be a minister or a professor by resignation deprivation or any other manner of way subject to the exceptions in regard to contributors who may reside furth of Great Britain and Northern Ireland contained in the section of this Order of which the marginal note is "Ministers and professors to continue liable in payment of their rates" all which rates shall be paid in the manner hereinafter directed :

Rules for making first and future payments.

Provided that after the date of the death of a contributor no rate shall be exigible excepting any rate which may then be in arrear of payment and also excepting payment of the whole contribution as provided in the section of this Order of which the marginal note is "Contribution on admission."

12. Every contributor who at the commencement of this Order is subject and liable in payment of one or other of the aforesaid rates or half rates and shall hereafter marry and every minister or professor who shall hereafter

Marriage tax.

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— be admitted to a benefice or office and is at the time of admission married or who shall thereafter marry shall in respect of his marriage be subject and liable to a sum equal to his annual rate and to the like sum for each succeeding marriage which sum shall be paid over and above his annual rate at the first term of Candlemas which shall happen after his marriage or admission to the said benefice or office if his marriage or admission is prior to and including the twenty-second day of November preceding the said term of Candlemas and if the said marriage or admission is subsequent to the said twenty-second day of November shall be paid at the term of Candlemas happening a year after the said first term of Candlemas :

Provided that nothing in this section shall cancel the payment of marriage taxes exigible under the recited Acts the date of payment of which may not be due or which may not be collected as at the date of the commencement of this Order subject to the exceptions in regard to contributors who may reside furth of Great Britain and Northern Ireland contained in the section of this Order of which the marginal note is "Ministers and professors to continue liable in payment of their rates."

Minister and professors of forty years of age at admission and widowers subject to additional rates.

13. Every minister or professor who shall hereafter be admitted for the first time to a benefice or office and at the date of his admission is forty years of age or upwards—

(a) If married or if a widower having a child or children shall be liable in payment once only of a sum equal to two and one half times the annual rate to which he is subject over and above the annual and other rates hereinbefore enacted to be paid by contributors which payment shall be made at the first term of Candlemas that shall happen after he has or might have made his selection of one or other of the aforesaid annual rates in the manner hereinbefore directed :

(b) If a bachelor or a widower having no children shall not be liable to the aforesaid additional

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tax while he remains unmarried but in case of his marrying he shall pay the said additional tax over and above the annual and other rates hereinbefore enacted to be paid by contributors which payment shall be made at the first term of Candlemas that shall happen after his marriage if his marriage or admission takes place on or before the twenty-second day of November preceding the first said term of Candlemas and if his marriage or admission takes place subsequent to the said twenty-second day of November then at the term of Candlemas happening a year after the said first term of Candlemas.

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14. Every minister or professor who shall for the first time be admitted to a benefice or office shall be subject to pay to the Fund the sum of ten pounds sterling by way of contribution which sum of ten pounds sterling shall be payable by two equal instalments along with the first two payments of his annual rate or one-half thereof and shall be leviable and bear interest in the same manner as such rates are leviable and bear interest.

Contribu-
tion on
admission.

15. When any minister is also a professor or has resigned his benefice to become a professor such minister shall not be liable to double annual rates but shall continue to be liable for only the annual rate to which he is already subject.

Persons
holding two
offices not
subject to
an addi-
tional rate.

16. The rates shall be paid to the collector at the office of the Fund in Edinburgh within eleven days after the respective terms of Candlemas hereinbefore in this Order appointed and in default of such payment being made within the said time the contributors and other persons respectively liable in payment of the same shall thereafter be subject to interest at the rate of five per centum per annum on such sums remaining unpaid. The collector or his deputy shall be authorised to grant discharges for the annual and other rates and for all sums received on account of the revenue of the Fund. All payments made to the Fund in terms of this Order shall be sent to the collector free of bank charges or any other expense.

Time when
rates bear
interest.

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Rates &c.
privileged
debts.

17. The rates payable by the present and future contributors together with the interest thereof shall be privileged debts and preferable to all other debts except imperial taxes and local rates of the said contributors not only upon their benefices and salaries respectively but also upon their whole other personal estate.

Terms of
vesting of
stipends for
purposes of
Order.

18. For the purposes of this Order it shall be deemed that the stipend of the first minister of a newly-erected parish quoad omnia or quoad sacra vests and is due by equal moieties on the fifteenth day of May and the twenty-ninth day of September in each year and he shall be deemed as having been admitted to his benefice on the day next after the date of erection of such parish and shall be held to have had or to have right to such benefice for one-half year at the first of such dates namely the fifteenth day of May and the twenty-ninth day of September happening next after the date of such erection.

Application
of the
funds.

19. All moneys of the Fund including bequests donations or other sums that may be received shall be applied by order and direction of the Trustees to the uses and purposes aftermentioned videlicet In the first place for payment of charges of management actuarial valuations and all other expenses in connection with and incident to the administration of the Fund and in the second place for payment of—

(a) the annuities to the widows upon the Fund at the commencement of this Order to which they are respectively entitled so long as they remain widows of contributors which annuities shall continue payable to them on the twenty-sixth day of May yearly during their life;

(b) an annuity to the widow of every contributor who shall hereafter die and who has been subject to one or other of the rates hereinbefore mentioned (excepting in the case of the widow of a contributor who ceases to be a contributor under the exceptions in regard to contributors resident furth of Great Britain and Northern Ireland contained in the section of this Order of which the marginal note is "Ministers and professors to continue liable in payment of their

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rates") relative to the rate to which the deceased husband of such widow was liable which respective annuities in the case of those widows who at the commencement of this Order have become widows but have not at that time been entitled to receive their first annuity or of those widows who shall hereafter come upon the Fund shall be computed to run from the date of the husband's death to the twenty-sixth day of May following and the relative proportion of the annuity shall be payable on the said twenty-sixth day of May following or on such subsequent date as may be convenient and the said annuity shall so continue payable on the said twenty-sixth day of May yearly during the widow's life so long as she remains the widow of a contributor; and

(c) the provisions to children hereinafter in this Order provided.

20. Upon the death or marriage of any widow who is at the commencement of this Order upon the Fund or who shall hereafter come upon the Fund her annuity shall cease and determine upon the twenty-sixth day of May or the twenty-second day of November immediately preceding her death or marriage.

21. If an annuitant shall hereafter marry a minister or professor and be the survivor of the said marriage her annuity shall be regulated in accordance with the annual rate payable by her last husband excepting that where a minister or professor has married a widow who at the commencement of this Order is in right of an annuity in virtue of the recited Acts such annuity shall continue to be paid to her so long as she remains the wife of the said minister or professor.

22.—(a) If a widow who is in right of an annuity shall die or marry before the elapse of ten years from and after the twenty-sixth day of May or the twenty-second day of November first occurring after the commencement of her annuity and her deceased husband shall have left a child or children who at the said widow's death or marriage shall be under the age of sixteen years such child or children under the age of sixteen

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Rule for computing annuities.

Time when annuities shall cease or determine.

Regulation of annuity on annuitant re-marrying.

Provisions for children of existing contributors.

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A.D. 1923. — years shall be entitled to such a sum of money as shall be equal to ten times the said widow's annuity calculated on the original scale of ten pounds fifteen pounds twenty pounds or twenty-five pounds according to the respective rate payable by the husband deducting so much thereof as shall have been received or be receivable by her relative to the aforesaid scale including such proportion of a year's annuity likewise on the aforesaid scale as may have been paid or payable from the date of the husband's death which sum shall be divided equally among them if there be more than one child.

(b) If a contributor die without leaving a widow but leaving one or more children such child or children shall be entitled to a sum equal to ten times the original annuity that would have been payable to their father's widow videlicet One hundred pounds one hundred and fifty pounds two hundred pounds or two hundred and fifty pounds according as the annual rate was three pounds three shillings four pounds fourteen shillings and sixpence six pounds six shillings or seven pounds seventeen shillings and sixpence which sum if there be more than one child shall be divided equally among them.

(c) In addition to the aforesaid provision (b) if a contributor die without leaving a widow but leaving one or more children under the age of eighteen years an annuity of twenty-seven pounds twenty-nine pounds thirty pounds or thirty-two pounds according to the aforesaid respective annual rates shall be payable to such child or children until each child respectively attains the age of eighteen years and if there be more than one child under eighteen years of age the said annuity shall be divided equally among them The respective amounts of the said annuity under this provision shall be augmented in the same manner as in the case of widows' annuities as hereinafter provided.

(d) The provisions to children of contributors falling due in consequence of the death of their fathers or of the death or marriage of the widows of their fathers in any one year computed from twelve o'clock noon on the twenty-second day of November to twelve o'clock noon on the twenty-second day of November in the year following shall be payable on the twenty-sixth day of May following in the manner hereinafter mentioned.

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(e) The provisions for children contained in this section shall be applicable only to the children of contributors who are contributors at the commencement of this Order or who have previously been contributors and shall exclude the children of former contributors who are subject to the exceptions in regard to contributors who may reside furth of Great Britain and Northern Ireland contained in the section of this Order of which the marginal note is "Ministers and professors to continue liable in payment of their rates." A.D. 1923.

23. For future contributors excepting those who have ceased to be contributors under the exceptions in regard to contributors who may reside furth of Great Britain and Northern Ireland contained in the section of this Order of which the marginal note is "Ministers and professors to continue liable in payment of their rates" the provisions for children shall be as follows:— Provisions for children of future contributors.

(a) If a contributor being a widower die leaving one or more children under the age of eighteen years such orphan child or children shall receive an annual family provision equal to the amount of the annuity (including augmentations) to which his widow would have been entitled had he died leaving a widow which provision shall be payable to such child or children as from the date of the said contributor's death at the same time and in the same manner as the annuities to widows until each child respectively attains the age of eighteen years and if there be more than one child under the age of eighteen years the provision shall be divided equally among them.

(b) If a contributor die leaving a widow and one or more children under the age of eighteen years such child or children shall receive an annual family provision equal to one-half of the said widow's annuity (including augmentations) which provision shall be payable to such child or children as from the date of the husband's death at the same time and in the same manner as the annuity to a widow until each child respectively attains the age of eighteen years and if there be more than one child the said provision shall be divided equally among them

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This provision shall be payable in addition to the widow's annuity but on her death shall cease and in lieu thereof the annuity to which she was entitled shall thereafter be the provision commencing as from the date of her death and payable in the same manner as aforesaid until each child respectively attains the age of eighteen years.

Retention from annuities &c. of sums due by contributors.

24. It shall and may be lawful for the Trustees to retain and deduct from the annuities payable to widows and from the provisions to children any rates which may be in arrear of payment and due by the respective deceased husbands or fathers or their heirs and executors.

Power to cancel

arrears of rates.

25. It shall be in the power of the Trustees to cancel all arrears of rates due at the commencement of this Order or subsequently incurred which in their opinion are irrecoverable including such rates as may have been paid to the existing Trustees by the collector under the recited Acts during the three years previous to the commencement of this Order and to refund to the collector any such rates so paid by him to the existing Trustees.

Collector to make up lists of ministers and professors admitted to benefices or offices.

26.—(a) The collector shall from time to time make up registers of all the ministers or professors admitted into benefices or offices within their respective presbyteries or universities with the particular dates of their admissions and of their respective ages at such admissions and with a particular account whether such minister or professor be married with the date of marriage or a widower having children and also of the ministers and professors respectively who shall have died within the year and whether they have left a widow and children with the name of the widow and the names and ages of the children and also of all the widows who have died or have remarried within the year with the date of death or remarriage and of the children of their deceased husbands who were alive at the time of the said widow's death or remarriage and also of all the vacancies happening within the presbyteries or universities respectively with the date and cause of the vacancy and also of those who have ceased to be contributors under the

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exceptions in regard to contributors who may reside furth of Great Britain and Northern Ireland contained in the section of this Order of which the marginal note is "Ministers and professors to continue liable in payment of their rates" which registers as also all other information or particulars that shall be found necessary by the Trustees and by them appointed to be given shall be computed from twelve o'clock noon of the twenty-second day of November in each year to twelve o'clock noon of the twenty-second day of November in the year following. All such information and particulars of any changes that shall have occurred in each year as aforesaid shall be supplied and attested by the clerks of the presbyteries and by the secretary of each university or senatus respectively in such form and at such times as the Trustees may appoint. The information and particulars in regard to contributors who have ceased to hold benefices or offices shall be supplied and attested by the clerk to the presbytery of Edinburgh and in regard to those who have ceased to be contributors under the exceptions in regard to contributors who may reside furth of Great Britain and Northern Ireland contained in the section of this Order of which the marginal note is "Ministers and professors to continue liable in payment of their rates."

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(b) The aforesaid attested information or particulars shall be the official authority to the Trustees for the admission to the Fund and for the claim of each widow or child or children to an annuity or provision.

(c) Lists of all the widows and children entitled to receive annuities and provisions at the twenty-sixth day of May following stating the sums to which they are respectively entitled shall be prepared by the collector and submitted for the approval of the Trustees who shall authorise him to make payment thereof on production of such certificates or discharges as shall be prescribed by the Trustees.

(d) If the name of any widow or child entitled to an annuity or to a provision respectively shall be inadvertently omitted in making up the said annual list as aforesaid it shall and may be lawful for such widow or child to make a claim to the Trustees and the Trustees

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A.D. 1923. — are hereby empowered and required to insert the name of the said widow or child in making up their lists and shall give authority for payment of their annuities and provisions respectively :

Provided that if the widow or child so omitted shall if residing within Great Britain and Northern Ireland neglect to make a claim within three years or if residing furth thereof within five years after the date of death of the contributor the claim shall be held as abandoned and given up and shall not be allowed at any time thereafter.

(e) The payments by this Order directed shall be made to the widows or children respectively named in the aforesaid lists if the persons so named are majors and to the tutors and curators of such of them as are pupils or minors or to judicial factors appointed on their estates and if they have no tutors or curators or factors to such person or persons as shall be authorised for that purpose by the presbytery or university respectively of which the person in respect of whom the provision is claimed was last a member.

(f) The aforesaid annuities payable to widows and the provisions payable to children shall not be liable to any arrestment in the hands of the Trustees or the collector but shall be paid to the widows and children themselves or to their tutors or curators or judicial factors or such person or persons as aforesaid or to the executors and administrators or assignees of the contributor or widow and children.

Vacant
stipends.

27.—(a) Vacant stipend shall continue as hitherto to be levied and thenceforth be levied in manner hereinafter mentioned by the Trustees and paid to the collector who is hereby authorised to receive and discharge the same by himself or his deputy and he is also hereby authorised and required to apply the produce thereof to the purposes of the Fund :

Provided that nothing in this Order contained shall affect or be construed to affect the right which the widow and nearest of kin of a deceased minister have by law to one half year's stipend in name of Ann.

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(b) As often as vacant stipend shall arise in any parish within the bounds of any presbytery of the church the clerk of such presbytery is hereby expressly required within one month after the terms of Whitsunday or Michaelmas at which such vacant stipend shall become due to make intimation thereof by a writing under his hand to the collector and shall transmit to the collector an attested copy of the locality of the stipend with a list of the several heritors with their addresses and the business addresses of agents or factors who represent heritors or others for the time being by whom such vacant stipend is payable and of the proportion thereof payable by each of them and such clerk is also hereby required within one month after such vacant stipend shall become due to give intimation or notice in writing to the several heritors and others by whom the same may be due that they are required under the authority of this Order to make payment thereof to the collector or his deputy demanding the same.

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28.—(a) An actuarial valuation and report on the Fund shall be made as at the twenty-second day of November at least once in each period of seven years and the first of such valuations shall be made as at the twenty-second day of November first occurring after a period of seven years from the twenty-second day of November one thousand nine hundred and eighteen being the date of the last valuation but nothing in this Order shall limit the power of the Trustees to cause an actuarial valuation and report on the Fund to be made at any intervening period.

Actuarial
investiga-
tions.

(b) If any valuation show a surplus the Trustees may set apart such sum as may be considered expedient by them but not in any event exceeding two-thirds of the surplus for providing additions to the annuities of widows and provisions for children and such additional annuities and provisions shall be distributed among all the widows and families proportionately to the annual rate of the class of contributors to which their husbands or fathers belonged. If any valuation result in a recommendation by the actuary that the then existing annuities be diminished the Trustees may adopt such recommendation and the diminution shall likewise be applied in the aforesaid proportion so long as the annuities do not

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A.D. 1923. — fall below the amounts of forty-one pounds forty-nine pounds fifty-seven pounds and sixty-five pounds payable at the commencement of this Order :

Provided that if at any time the annuities shall fall below the amounts of forty-one pounds forty-nine pounds fifty-seven pounds and sixty-five pounds payable at the commencement of this Order any diminution shall so long as a deficit exists thereupon be applied equally to all annuities and shall not be proportionate to the annual rates paid by contributors and in the event of such diminution any increases thereafter shall be similarly applied equally to all annuities until the aforesaid annuities shall be again restored to these amounts.

Power to Trustees to alter rates.

29. It shall be lawful for the Trustees if the actuary in a valuation and report so recommend to vary the amount of the rates or any of them so however that no rate shall be reduced below the amount payable at the commencement of this Order.

Powers of investment.

30. The Trustees may from time to time lay out and invest the moneys of the Fund or so much thereof as may not be required for payment of the annuities provisions and other sums chargeable thereon in investments and securities allowed to Trustees for the time being according to the law of Scotland or which may hereafter be authorised by statute for the investment of trust funds.

Lands titles bonds securities &c. vested in Trustees under their corporate name.

31.—(a) All lands and other property heritable and moveable real and personal wherever situated which at the commencement of this Order belong to the existing Trustees of the Fund or are vested in the collector or otherwise on their behalf or for the uses and purposes of the Fund whether held absolutely or in security or under reversion shall be and the same are hereby vested in the Trustees in trust for the uses and purposes specified in this Order and shall in future be held managed sold conveyed assigned transferred released discharged or otherwise disposed of by the Trustees under their corporate name without the necessity of any connecting or continuing title or separate investiture other than this Order and all charters dispositions bonds mortgages bonds and dispositions in security assignments conveyances

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grants securities sasines and other deeds instruments and writings whatsoever which before the commencement of this Order have been made granted executed or taken to the existing Trustees of the Fund or in favour of the collector or otherwise on their behalf or for the uses and purposes of the Fund and which shall be in force or subsisting at the commencement of this Order shall be as valid and of as full force and effect in favour of the Trustees as if the same had been made granted executed or taken in favour of the Trustees but nothing in this section shall render unnecessary any transfer by deed or prescribed form or any transfer or registration in the books of any company office or person of any stocks shares or other like property which would have been transferable only in such manner if this Order had not been confirmed. A.D. 1923.

(b) Without prejudice to anything contained in the foregoing subsection it is hereby provided that for the purpose of enabling the Trustees to complete a title if thought fit to any part of the lands buildings and other heritable property vested in them by virtue of this Order by expediting a notarial instrument or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such lands buildings and other property in favour of the Trustees.

(c) In lieu of the stamp duties which would have been payable upon the deeds or writings which would otherwise have been required to pass the lands and other property in this section set forth and to vest the same in the Trustees and payable in respect of the vesting of such lands and other property there shall be paid a stamp duty of five pounds and such duty shall be impressed upon a copy of the Act confirming this Order and the Trustees shall produce such stamped copy to the Commissioners of Inland Revenue within three months after the commencement of this Order.

(d) All discharges releases renunciations dispositions assignations conveyances transfers or other deeds and instruments granted by the Trustees under their corporate name shall be held to be validly executed if sealed with their common seal and subscribed by any two of them and by either the collector or the clerk for the time being and in all matters and proceedings whatsoever wherein it shall

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A.D. 1923. — be requisite to make any declaration or affidavit by or on behalf of the Trustees such declaration or affidavit may be made by any one of the Trustees or by the collector or by the clerk for the time being.

Actions &c.
not to abate. 32. No action suit prosecution or other proceedings whatsoever commenced either by or against the existing Trustees or the collector and existing at the commencement of this Order shall abate or be discontinued or be prejudicially affected by the repeal of the recited Acts or the incorporation of the Trustees but the same shall continue and take effect either in favour of or against the Trustees or the collector in the same manner in all respects as the same would have continued and taken effect in relation to the existing Trustees or the collector and all rates and moneys payable to the existing Trustees or the collector at the commencement of this Order may be sued for and recovered by the Trustees or the collector in the same manner in all respects as the same might have been sued for and recovered if this Order had not been confirmed.

Contracts to
be binding
on Trustees. 33. All agreements contracts conveyances deeds and other instruments affecting the existing Trustees and existing at the commencement of this Order shall except as in this Order otherwise provided be as binding and of as full force and effect against or in favour of the Trustees and may be enforced as fully and effectually as if instead of the existing Trustees the Trustees had been a party thereto.

Books &c.
to remain
evidence. 34. All books and documents which would have been evidence in respect of any matter for or against the existing Trustees and existing at the commencement of this Order shall be admitted in evidence in respect of the same and the like matter for or against the Trustees.

Power to
Trustees to
levy and
recover
rates. 35.—(a) The Trustees are hereby authorised and empowered to levy the rates and all other sums payable to the Fund as in this Order directed and shall commence carry on and prosecute any action suit or other legal proceeding whatsoever for the recovery of the same in their corporate name.

(b) The full expenses that shall be incurred by the Trustees in recovering payment of the respective sums

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from the debtors therein or out of their effects shall be recovered out of the respective estates of the debtors and if not so recovered shall be a charge against the Fund. A.D. 1923.

36. The collector may appoint one or more deputies for whom he shall be answerable to assist him in the collection of rates and other sums payable to the Fund and such reasonable expenses as may be so incurred shall be paid out of the Fund and he shall also be provided with an office and he shall be empowered to have an assistant whose salary shall be paid out of the Fund at such rate as the Trustees may determine and the Trustees shall also pay out of the Fund such further clerking and other allowances as may be found necessary. Collector.

37. The collector shall annually prepare a particular account of his intromissions on behalf of the Fund for the year preceding the fifteenth day of October which subject to audit by the auditor to be appointed under this Order shall within six weeks thereafter be submitted to the Trustees who shall and are hereby empowered to pass his accounts and to acquit and discharge the collector and his sureties from time to time of the sums so accounted for. Accounts.

38. The clerk and collector shall annually prepare respectively on behalf of the Trustees a report concerning the contributors or other matters and a state of the funds under their management which shall be laid annually before the General Assembly of the Church of Scotland and the Scottish Universities. Annual report.

39.—(a) The Trustees shall hold at least four ordinary meetings in the year at the office of the Fund at such times as they may from time to time determine and other meetings may be called as and when required Notice of every meeting which shall specify the general nature of the business shall be sent by post to each Trustee by the clerk not less than seven days before the day of the meeting Questions at any such meeting shall be determined by a majority of votes of the Trustees present and in case of an equal division of votes the chairman shall have a casting vote in addition to a deliberative vote. Meetings.

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(b) Notices of motion shall be lodged in writing with the clerk at least twelve clear days before the meeting at which the motions are to be brought forward.

(c) Any meeting may be adjourned from time to time but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

(d) At all meetings the chairman or in his absence any Trustee elected by the meeting shall preside and five of the Trustees for the time being shall form a quorum and it shall be lawful for the Trustees to appoint one or more committees consisting of such of their number as they shall think fit.

(e) A committee may elect a chairman of their meetings. If no such chairman be elected or if he be not present at the time appointed for holding the same the members present may choose one of their number to be chairman of such meeting. A committee may meet and adjourn as they think proper.

(f) The Trustees are hereby empowered if they shall see cause to call a general meeting of the whole contributors of the Fund either by circular letter to each contributor posted to his last-known address or by giving notice in such Edinburgh and Glasgow daily newspapers as the Trustees may direct in each case fourteen days at least previous to the meeting.

(g) Minutes shall be made in books to be kept for the purpose of all proceedings and resolutions of all meetings and such minutes if signed by the chairman of the meeting or by the chairman of the next meeting shall be evidence of the facts therein stated without further proof.

(h) The Trustees shall provide for the safe custody of the seal and it shall not be used except by the authority of the Trustees and only for the sealing of deeds and such writings of a formal nature as the Trustees resolve should be sealed.

(i) Each occasion on which the seal is used shall be recorded in the minutes of the Trustees. It shall be in the custody of the collector and shall be secured with a lock for which there shall be two keys one of which

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shall be held by the clerk of the Trustees and the other A.D. 1923.
by the collector. —

40. The costs charges and expenses of and incident Expenses
to the preparing for obtaining and confirming of this of Order.
Order or otherwise in relation thereto shall be paid out
of the Fund.

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