CHAPTER 45.

An Act to make provision for the transfer of the Assets and Liabilities of the Provident Branch of the Bombay Civil Fund and other funds to the Secretary of State for India in Council. [18th August 1882.]

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WHEREAS an institution known as the Provident Branch of the Bombay Civil Fund (founded on the Bombay Civil Fund of earlier date) was established in Bombay under the authority given by the Court of Directors of the East India Company in a public despatch to the Governor in Council at Bombay, dated the thirty-first of December one thousand eight hundred and twenty-four, the said Provident Branch having a separate capital for making provision for such of the civil servants of the said company as should be obliged by ill-health to leave India either temporarily or permanently, and for the granting of annuities to the widows and children of its members and of portions for the children of members, and the said fund was supported by the subscriptions of the civil servants of the said company and by certain contributions from the said company:

And whereas in a financial despatch to the Government of India, dated the twenty-first of July one thousand eight hundred and eighty-one, certain changes respecting the grant of annuities to widows were authorised by the Secretary of State for India in Council, and certain terms were stated on which the Secretary of State for India in Council was willing to take over the assets, liabilities, and management of the said institution:

And whereas in accordance with the instructions contained in the aforesaid despatch the Government of India caused the inquiry to be made, whether upon the terms offered by the Secretary of State for India in Council in the said despatch the subscribers to the said fund were willing to surrender the accumulated fund to the Secretary of State for India in Council, and the proposition so to

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make over the accumulated fund on the terms offered by the Secretary of State for India in Council was carried in the affirmative by the subscribers by a large majority of votes:

And whereas in order to avoid any doubt that may arise in regard to the legality of such transfer it is necessary to make provision by law for enabling the trustees of the said fund to transfer the assets and liabilities thereof to the Secretary of State for India in Council, and for enabling the Secretary of State for India in Council to accept the same:

Be it therefore enacted by the Queen'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:

Assets, &c. of Provident Branch of Bombay Civil Fund transferred to Secretary of State.

1. It shall be lawful for the trustees of the Provident Branch of the Bombay Civil Fund to transfer to the Secretary of State for India in Council the assets and liabilities of the fund, including any assets and liabilities to which the said trustees may have succeeded as representing the trustees of the earlier fund at Bombay, and for the Secretary of State for India in Council to accept the same.

Payments charged on said fund to be payable from revenues of India.

2. As soon as the assets and liabilities of the said fund, including as aforesaid, shall be transferred to the Secretary of State for India in Council, and the acceptance thereof by the Secretary of State for India in Council notified by the Government of India, all existing liabilities of the said fund shall be deemed to be liabilities of the revenues of India, and all such liabilities may be enforced against the Secretary of State for India in Council in like manner as they might have been enforced against the trustees of the said fund if this Act had not been passed; and every civil servant, or widow or child of a civil servant, who shall at the date of such notification be an incumbent of an annuity from the said fund or from any earlier fund, the assets and liabilities of which shall have been transferred as aforesaid, shall be entitled to receive from time to time the amount of such annuity from the revenues of India; and every civil servant, and every widow or child of a civil servant, who shall be a subscriber to the said fund, or shall be an incumbent annuitant of the said fund at or after the date of such notification, shall be entitled to the benefits to which they are entitled under the existing rules at the date of the passing of this Act, with the additional benefit in the case of widows of a pension of sixty pounds per annum, such additional benefit to take effect as from the first of April one thousand eight hundred and eighty-two.

Provided that nothing in this Act contained shall be held to preclude the Secretary of State for India in Council from assigning to the incumbents on and subscribers to the said fund, or to any such widow or child as aforesaid, any benefits in addition to those secured to them by this Act, if on considering the assets and liabilities of the said fund the Secretary of State for India in Council shall deem it reasonable so to do.

How notifications, &c. to be given.

3. All notifications or applications on the part of the subscribers to or beneficiaries under the said fund which are required or prescribed by the rules of the said fund as existing at the date of this Act shall be given and made in such manner and to such person or persons as the Secretary of State for India in Council shall from time to time appoint.

Powers of trustees of fund vested in Secretary of State.

4. From and after the passing of this Act there shall vest in the Secretary of State for India in Council all powers and authorities, discretionary or otherwise, which were prior to the date of this Act vested in the trustees of the said fund, or the subscribers thereto in general meeting: Provided always, that notwithstanding anything herein contained, the Secretary of State for India in Council shall, as far as may be practicable, conform to and adopt the practice heretofore followed in the management of the said fund.

Saving for subscribers' claims.

5. Provided that nothing in this Act shall prejudice any claim which may be made by any subscriber to or beneficiary under the said fund, or by the representatives of any such subscriber or beneficiary upon the funds so transferred, and in case any question shall arise between any such subscriber, or the representatives of any deceased subscriber, or the widow or a child of any such subscriber, or the representatives of any such widow or child on the one hand, and the Secretary of State for India in Council on the other, as to any liability or alleged liability of the said fund, such question shall be determined by Her Majesty's Court of Appeal in such manner as may be provided by any General Orders, or as the said Court may on special application think fit to prescribe, anything in the Statute of Limitations to the contrary notwithstanding.

Assets, &c. of Bengal and Madras Funds may be transferred to Secretary of State, after vote

6. And whereas it may be expedient that the Secretary of State for India in Council should have authority in like manner to accept the transfer of the assets, liabilities, and management of other institutions, known as the Bengal Civil Fund and the Madras Civil Fund, with the consent of the subscribers to the said institutions respectively: It shall be lawful for the managers or trustees to make over the assets, liabilities, and management of both or either

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of the said funds, and for the Secretary of State for India in Council to take and assume the same upon such terms as the Secretary of State for India in Council may approve, if at any time hereafter it shall appear by a vote, specially taken for the purpose, that a majority of not less than three fourths of the subscribers to those institutions who may vote upon the question are in favour of such transfer.

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