CHAPTER ii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the Writers to the Signet Widows' Fund.

[6th July 1955.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

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:—

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

2. This Act may be cited as the Writers to the Signet Widows' Fund Order Confirmation Act 1955. Short title.

SCHEDULE

WRITERS TO THE SIGNET WIDOWS' FUND

Provisional Order to make provision in relation to the regulation and control of the Writers to the Signet Widows' Fund to repeal the Acts now regulating the fund and for other purposes.

WHEREAS under the provisions contained in the Act 43 George 3 chapter cvii and the Act 58 George 3 chapter lxxiv a fund was established for the benefit of widows of the Writers to the Signet in Scotland:

And whereas the said Acts were repealed by the Act 1 and 2 William 4 chapter v and the fund is now regulated and controlled by the Writers to the Signet Widows Fund Acts 1831 to 1898:

And whereas it is expedient that the provisions of this Order in relation to the regulation and control of the fund should be enacted and that the said Acts of 1831 to 1898 should be repealed as provided by this Order:

And whereas it is expedient that the other provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

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

Short title.

1. This Order may be cited as the Writers to the Signet Widows' Fund Order 1955.

Commencement of Order.

2. This Order shall commence and have effect on and after the date of the passing of the Act confirming this Order which date is in this Order referred to as "the commencement of this Order".

Interpretation.

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

"actuarial investigation" means an investigation of the affairs of the fund in accordance with the provisions of section 30 (Affairs of fund to be investigated periodically) of this Order;

"actuary" means a Fellow of the Faculty of Actuaries in Scotland or a Fellow of the Institute of Actuaries appointed by the Trustees to make an actuarial investigation;

"annuities" means annuities payable to the widows of contributors out of the fund under the provisions of the former Acts and of this Order;

"collector" means the collector of the fund and his successors in office appointed under the provisions of the former Acts and of this Order;

"contribution" means the annual contribution or rate for the time being payable to the fund by contributors under the provisions of the former Acts and of this Order;

"contributor" means a contributor to the fund under the provisions of the former Acts and of this Order;

"Deputy Keeper" means the Deputy Keeper of Her Majesty's Signet for the time being;

"former Acts" means the Writers to the Signet Widows Fund Acts 1831 to 1898;

"fund" means the Writers to the Signet Widows' Fund and consists of the investments and other assets defined or referred to in section 11 (Funds vested in Trustees) of this Order;

"general meeting" means a general meeting of contributors held under section 16 (Contributors' meetings) of this Order;

"redemption money" means the sums payable by contributors in redemption of contributions under the provisions of the former Acts and of this Order;

"Society" means the Society of Writers to Her Majesty's Signet in Scotland;

"taxes" means the sums payable in respect of age tax marriage tax equalising tax and apprentice tax all as under the provisions of the former Acts and of this Order;

"Trustees" means the Trustees of the fund.

Contributors' annual contributions and provision for redemption.

4.—(1) Every person who—

(*a*) at the commencement of this Order is a member of the Society; or

(*b*) after the commencement of this Order is admitted a member of the Society;

shall be a contributor.

(2) Every contributor shall except as hereinafter provided in this section pay to the collector a contribution of six pounds and six shillings or such other annual sum as may from time to time be determined under section 32 (Power to alter annuities etc. on actuarial report) of this Order beginning the first payment at the first term of Whitsunday occurring after the commencement of this Order or at the first term of Whitsunday or Martinmas occurring after such admission as the case may be and thereafter annually at every succeeding term of Whitsunday Provided that a contributor whose contribution has been redeemed before the commencement of this Order under the provisions of the former Acts shall not in any year be liable to pay more than the amount (if any) by which the contribution exceeds the said sum of six pounds and six shillings.

(3) A contributor may at any time after the commencement of this Order redeem the contribution for which he may be liable at that time by making payment to the collector of a sum representing the value of such contributions calculated according to the age of

such contributor as the said value is specified in the schedule to this Order or of such other sum as may from time to time be determined under section 32 (Power to alter annuities etc. on actuarial report) of this Order.

Age tax.

5. Every person who after the commencement of this Order is admitted a member of the Society and is at the time of his admission more than twenty-four years of age shall thereupon pay to the collector a sum in name of age tax equal to the whole contributions (calculated at the rate current at the date of his admission) which he would have been liable to pay if he had been so admitted on the day on which he was twenty-four years of age but without interest on the said sum before the date of his admission Provided that a contribution shall not be payable by any such person for any year for which he has paid age tax.

Marriage tax.

6. Every person who is a contributor at the commencement of this Order or who thereafter becomes a contributor and who afterwards marries and every person who after the commencement of this Order becomes a contributor and is already married shall pay to the collector in respect of such marriage and in respect of every subsequent marriage in name of marriage tax at the first term of Whitsunday or Martinmas occurring thereafter or after the date of his being admitted a member of the Society if already married as the case may be the sum of ten pounds or such other sum as may from time to time be determined under section 32 (Power to alter annuities etc. on actuarial report) of this Order.

Equalising tax.

7.—(1) Every person who is a contributor at the commencement of this Order or who thereafter becomes a contributor and who afterwards marries and every person who after the commencement of this Order becomes a contributor and is already married shall pay to the collector in name of equalising tax at the first term of Whitsunday or Martinmas occurring after the date of his marriage or after the date of his being admitted a member of the Society if already married as the case may be the following sum or such other sum as may from time to time be determined under section 32 (Power to alter annuities etc. on actuarial report) of this Order for each complete year by which he is older than his wife the age of the contributor being taken as at his birthday immediately preceding the time of such marriage or at the date of his admission as the case may be (that is to say)—

	£	s.	d.
if his age does not exceed thirty years	3	10	0
if his age exceeds thirty years but does not exceed forty years	4	14	6
if his age exceeds forty years but does not exceed fifty years	6	0	0
if his age exceeds fifty years but does not exceed sixty years	7	17	6
if his age exceeds sixty years but does not exceed seventy years	10	10	0
if his age exceeds seventy years	12	0	0

(2) An equalising tax calculated as provided by subsection (1) of this section shall in like manner be payable to the collector by any such contributor for every subsequent marriage into which he may enter.

(3) (*a*) A contributor who is liable in respect of any marriage to pay an equalising tax in excess of fifty pounds may apply to the Trustees within one month after the date of such marriage to have such equalising tax commuted into future annual or other payments and the Trustees on receipt of such application may if they deem fit declare that such tax or a proportion thereof shall be paid to the collector either by fixed instalments payable within a certain number of years or by annual sums payable during the subsistence of the said marriage.

(*b*) The total of the said instalments or annual sums shall in every case be equal to the full amount of the equalising tax or to the proportion thereof which they represent with interest thereon at the rate of five per centum per annum from the date upon which the said instalments or annual sums were due until fully paid.

(*c*) The Trustees in considering such application may request such contributor to furnish such medical or other evidence as they may require regarding his state of health or expectation of life.

Lodgment of birth and marriage certificates.

8.—(1) Every person who becomes a contributor after the commencement of this Order shall at the time of his being admitted a member of the Society lodge with the collector an extract of his birth certificate together with extract certificates of his marriage and of his wife's birth if he is then married.

(2) Every person who is a contributor at the commencement of this Order or who thereafter becomes a contributor and who afterwards marries shall within six months after the date of his marriage and after every subsequent marriage intimate such marriage to the collector and shall at the same time lodge with him extract certificates of the marriage and of his wife's birth.

(3) Every contributor who neglects within the time limited by this section to lodge such evidence with the collector or to make such intimation shall forfeit the sum of ten pounds which shall be paid to the collector for the use of the fund with interest thereon at the rate of five per centum per annum from the expiry of the time limited by this section for lodging the said evidence and making the said intimation until payment which sum together with the interest thereon may be recovered with the expenses which may be incurred in pursuing and recovering the same.

Apprentice tax.

9.—(1) Every person who after the commencement of this Order enters into an indenture of apprenticeship with any member of the society to entitle such apprentice to the privileges of the Society shall before presenting the petition for liberty to enter into such indenture pay to the collector the sum of fifty pounds or such other sum as may from time to time be determined under Section 32 (Power to alter annuities etc. on actuarial report) of this Order.

(2) Such petition shall not be received unless payment of the said sum has been previously made and a receipt by the collector for the payment produced but if any such petition is refused the said sum shall be repaid.

Contributions in arrear.

10.—(1) (*a*) Interest at the rate of five per centum per annum or at such other rate as may from time to time be determined under section 32 (Power to alter annuities etc. on actuarial report) of this Order shall be paid to the collector by any contributor in arrear at any time in respect of the payment of his contributions marriage tax or equalising tax or any of them or of any part thereof from the due date of payment thereof respectively until paid.

(*b*) The amount of such interest may be recovered with the expenses which may be incurred in pursuing and recovering the same.

(2) Marriage tax and equalising tax together with any sums due in name of interest and expenses shall be due and payable notwithstanding the death of a contributor before the due date of payment thereof.

Funds vested in Trustees.

11.—(1) (*a*) The whole capital raised or held for the benefit of the fund under the former Acts or under the prior Acts therein referred to however invested ;

(*b*) all arrears of contributions taxes penalties and expenses with interest accruing thereon which may be due by present or deceased contributors under the former Acts at the commencement of this Order ; and

(*c*) the whole contributions taxes penalties and expenses imposed by this Order or as may hereafter be determined under section 32 (Power to alter annuities etc. on actuarial report) of this Order with the interest which may from time to time accrue thereon ;

shall be and the same are hereby vested in the Deputy Keeper and the six Trustees elected by the contributors under the authority of the former Acts or in such of the Trustees so elected as may be alive and in office at the commencement of this Order and in their successors in office to be elected in manner directed under section 12 (Trustees) of this Order all such persons being hereby appointed Trustees.

(2) The capital and income of the fund shall be employed at the discretion of the Trustees—

(*a*) for the payment of any debts or obligations outstanding against the fund at the commencement of this Order and the expenses of management and administration of the fund in all time hereafter ;

(*b*) for payment of annuities to widows as provided in section 17 (Annuities to widows) of this Order ; and

(*c*) for any other purpose which may from time to time be determined by the contributors under section 32 (Power to alter annuities etc. on actuarial report) of this Order.

Trustees.

12.—(1) The six Trustees elected by the contributors as aforesaid shall be ranked in seniority according to the dates of their election and at a general meeting to be held on the third Wednesday of June in each year the senior Trustee for the time being shall go out of office and another Trustee shall be elected in his place beginning with the first of such meetings occurring after the commencement of this Order.

(2) A contributor who has been a Trustee shall not be eligible for re-election until he has been at least one complete year out of office.

(3) In the event of the death or resignation of a Trustee the election of a contributor to fill the vacancy so caused shall be made by the contributors at the first general meeting after the vacancy has occurred Provided that the Trustees may at any time appoint an additional Trustee in order to ensure that their number shall not at any time be less than five and such additional Trustee may hold office until the next general meeting at which his appointment shall be confirmed or another contributor shall be elected in his place.

(4) The number of Trustees (including the Deputy Keeper) shall not at any time be more than seven or less than five of whom any four shall be a quorum.

(5) A contributor who is six months in arrear with payment of his contributions taxes or other sums due to the fund shall not be eligible for election as a Trustee and any Trustee who may become so in arrear shall thereupon cease to be a Trustee and shall be deemed to have resigned.

Meetings of Trustees.

13.—(1) (*a*) The Trustees shall hold at least four stated meetings in each year viz.:—

(i) during the week before the term of Whitsunday ;

(ii) during the week before the term of Martinmas at which two meetings lists of widows entitled to annuities at the respectively ensuing terms as provided under section 17 (Annuities to widows) of this Order shall be made up and authenticated and shall serve as warrants to the collector for payment of the annuities specified therein ;

(iii) during the last week in May to consider and approve the collector's annual accounts and report to the contributors ; and

(iv) between the eleventh day of November and the eleventh day of December at which the statement of arrears due by contributors shall be considered.

(*b*) At all stated meetings the Trustees shall consider any other matters concerning the fund.

(2) (*a*) In addition to the stated meetings the Trustees shall hold such other meetings as circumstances may require.

(*b*) Such other meetings may be called by the Deputy Keeper or by the collector or by any two Trustees.

(3) The Deputy Keeper or in his absence the senior Trustee present shall be chairman at meetings of the Trustees and shall in addition to his own vote have a casting vote if there be an equality of votes.

Trustees' investment powers.

14.—(1) The Trustees shall have power to invest the capital of the fund in or upon the following categories of investments:—

(*a*) the investments authorised by section 10 (Powers of investment) of the Trusts (Scotland) Act 1921 including in addition the public stocks or funds or government securities of any

part of Her Majesty's Dominions or of the territories under Her protection and stock of the Bank of Scotland and the Royal Bank of Scotland ;

(*b*) the deposit receipts bonds debentures debenture stock mortgages or securities of any corporation company or body whether municipal railway public utility commercial industrial investment trust mortgage insurance banking or otherwise registered or incorporated in the United Kingdom of Great Britain and Northern Ireland or any part of Her Majesty's Dominions or of the territories under Her protection or the United States of America or in or upon the guaranteed lien preference or preferred stocks or shares of any such corporation company or body ;

(*c*) the ordinary or deferred or common stocks or shares of any such corporation company or body (excluding stock of the Bank of Scotland or the Royal Bank of Scotland) or in or upon any securities whatsoever issued or guaranteed by any such corporation company or body and in the case of banks and insurance companies whether or not there is a liability for calls or other payments.

(2) The total value at cost of the investments in the said categories (*b*) and (*c*) shall not at any time amount to more than one half the total value at cost of the investments of the fund and the total value at cost of the investments in the said category (*c*) shall not at any time amount to more than one quarter of the total value at cost of the investments of the fund or such other proportions as may from time to time be decided at a general meeting.

(3) The investments of the fund may be taken in names of the Trustees for the time being and their successors in office per the collector or in the names of bank nominees or in such manner as the Trustees in their discretion may consider convenient and appropriate and all receipts discharges renunciations conveyances dispositions assignations mandates and other necessary deeds and instruments shall if duly executed by a quorum of the Trustees be sufficient and effectual to the persons to whom or in whose favour the same may be granted.

Trustees' general powers etc.

15.—(1) The Trustees may sue and be sued in respect of any matter concerning the fund whether arising under the former Acts or under this Order in the name of the collector and any action or suit wherein the Trustees are concerned as pursuers or defenders plaintiffs or defendants in the name of the collector shall not fall or abate by reason of the death resignation or removal of any collector but the collector for the time being shall be deemed to be the pursuer or defender plaintiff or defendant as the case may be in every such action or suit.

(2) In any action or suit which the Trustees may raise in the name of the collector against any contributor for non-payment of any contributions or taxes a statement of the arrears and of the interest that may have accrued or been incurred thereon made up and certified

by the collector shall be sufficient evidence that the sums therein contained are justly due and payable by such contributor unless such statement is proved to be erroneous.

(3) The Trustees shall have power to cancel any arrears or other sums due to the fund which they may consider to be irrecoverable.

(4) The Trustees shall not be liable for omissions nor for the solvency of the debtors to whom the funds placed under their charge may be lent out or of the banks in which these funds may be deposited nor for the sufficiency or insufficiency of any of the investments of the fund but each Trustee shall be liable for his own intromissions acts or deeds and the Trustees shall be indemnified out of the fund against all necessary expenses to which they may be put in the execution of their duties.

(5) The Trustees may make such regulations from time to time as may be found expedient for the discharge of their duties under this Order and for beneficially managing and administering the fund.

Contributors' meetings.

16.—(1) A stated general meeting shall be held annually on the third Wednesday of June within the Signet Library Parliament Square Edinburgh or at such other place as may be the usual meeting place of the Society at such time as the Trustees may appoint and in addition a general meeting may be held as required by the Trustees on any day upon which a stated general meeting of the Society is held and immediately after such general meeting is concluded.

(2) The Trustees shall have power to call a special general meeting and shall be bound to do so within one month after a requisition in writing signed by any ten contributors has been lodged with the collector provided that such requisition shall clearly state the business or resolution to be submitted to the meeting.

(3) (*a*) At all general meetings the Deputy Keeper whom failing the senior contributor present or such other contributor as may be elected by the meeting shall be chairman and shall sign the minutes.

(*b*) The chairman shall have a casting as well as a deliberative vote.

(4) (*a*) Notice of a general meeting shall be sent by the collector to all contributors not less than twenty-one days before the day of such meeting specifying the resolutions to be submitted Provided that the accidental omission to give notice to any contributor shall not invalidate the proceedings at any meeting.

(*b*) Any amendment to be proposed to any such resolution shall be notified to the collector in writing signed by two contributors not less than fourteen days before the day of the meeting.

(5) At all general meetings twenty contributors entitled to vote and present at the meeting shall be a quorum and a majority of those present and voting shall be sufficient for the dispatch of business.

(6) A contributor who is six months or more in arrear of any sum due to the fund at the date of any meeting whether such sum is due or partly due before the commencement of this Order or at

any time thereafter shall not be entitled to vote at such meeting or to receive from the collector any notification in regard to such meeting.

Annuities to widows.

17.—(1) Every widow who at the commencement of this Order is entitled to an annuity under the former Acts and the wife of any contributor who after the commencement of this Order becomes the widow of such contributor shall be entitled to receive from the collector an annuity of one hundred and twenty-five pounds or such other sum as may from time to time be determined under section 32 (Power to alter annuities etc. on actuarial report) of this Order payable by equal half-yearly payments in advance at the terms of Whitsunday and Martinmas in each year beginning at the first term of Whitsunday or Martinmas occurring after the commencement of this Order or after the death of her husband as the case may be and ending with the last half-yearly payment which becomes due before the death of such widow.

(2) (*a*) A contributor whose wife at the commencement of this Order is receiving from the collector an annuity in respect of the death of a former husband who was also a contributor may elect to pay to the collector within six months after the commencement of this Order the sums which but for the provisions of the former Acts would have been payable by him in name of marriage and equalising taxes under section 6 (Marriage tax) and section 7 (Equalising tax) of this Order with interest thereon at the rate of five per centum per annum from the appropriate date of payment thereof until paid.

(*b*) If such payments are made by any such contributor his wife on becoming his widow shall be entitled to a further annuity under subsection (1) of this section.

Deduction of arrears.

18.—(1) If any contributor dies leaving any of his contributions unpaid for a less period than six years or any taxes due by him unpaid for a less period than six months after the due date of payment thereof whether such non-payment has occurred before or after the commencement of this Order such deduction shall be made from the annuity payable to his widow as is equal to the arrears owing by him with interest and expenses as provided under section 10 (Contributions in arrear) of this Order Provided that nothing in this section shall prejudice any claim which such widow has upon the estate of her husband.

(2) Such deduction shall not be made from the two half-yearly payments of the annuity first payable to such widow but a sum not exceeding one-third of each subsequent half-yearly payment due to her shall be deducted termly until all arrears of rates or taxes with interest and expenses that may be due at the death of her husband together with interest at the rate of five per centum per annum on the accumulated amount thereof have been fully paid Provided that any such widow may elect at any time to pay the whole sums due in one amount or may consent to a larger deduction from the half-yearly payments of her annuity.

Forfeiture of annuity.

19.—(1) (*a*) If any contributor dies leaving his contributions unpaid for six years or more or any taxes due by him unpaid for six months or more after the due date of payment thereof whether such non-payment may have occurred before or after the commencement of this Order his widow shall forfeit all right which she might otherwise have had to any annuity Provided that it shall be competent for such widow upon the death of her husband to apply by petition to the Trustees for relief.

(*b*) Such petition shall be considered by the Trustees at their first stated meeting occurring after the presentation of such petition.

(2) (*a*) If the Trustees decide that the petitioner ought to be admitted to the privileges of the fund she shall be admitted accordingly on such terms and conditions as they may direct but subject to payment of the whole sums owing by her husband to the fund (with interest from the respective terms of payment and expenses incurred as at the death of the husband) and interest on the accumulated amount thereof as mentioned in section 18 (Deduction of arrears) of this Order.

(*b*) An annuity payable under this subsection shall not exceed nine-tenths part of the amount payable at the time under section 17 (Annuities to widows) of this Order.

Alimentary nature of annuity.

20.—(1) The annuities shall be alimentary and shall not be assignable by the annuitants or subject to arrestment or other diligence at the instance of creditors.

(2) Every annuity shall be paid to the annuitant entitled to receive the same upon her own receipt notwithstanding any assignment or arrestment or other diligence or subsequent marriage.

(3) Notwithstanding anything in this Order the contributors at a general meeting called for the purpose may in their sole discretion allow any contributor or his widow to uphold and continue the rights and interests of himself or his widow by making payments to the collector of any taxes or contributions due by such contributor with interest thereon as if failure in payment had not occurred.

Collector.

21.—(1) (*a*) The collector at the commencement of this Order shall continue in office until the general meeting to be held on the third Wednesday of June first occurring after the commencement of this Order when subject to the provisions of subsection (2) of this section an election of a collector shall take place.

(*b*) The election of a collector in subsequent years shall take place at the general meeting to be held annually on the third Wednesday of June.

(2) The collector at the commencement of this Order shall be eligible for re-election annually up to and including the general meeting to be held on the third Wednesday of June one thousand nine hundred and sixty but shall not be eligible for re-election thereafter His successors in office shall be eligible for re-election annually for a period not exceeding ten years from the date of their first election.

(3) (*a*) In the event of the death or resignation of the collector a meeting of the Trustees shall be held within ten days thereafter when the Trustees may if they think it necessary appoint an interim collector.

(*b*) The Trustees shall call a general meeting to be held within two months after the date of the death or resignation of the collector for the purpose of electing a new collector.

Collector's accounts and report.

22.—(1) (*a*) The collector shall keep regular books under the inspection and direction of the Trustees and shall annually lay his accounts before the Trustees.

(*b*) He shall prepare annually a statement of the progress of the fund which he shall lay before the Trustees.

(*c*) The said statement when revised and approved by the Trustees shall be printed and sent to the contributors before the annual general meeting to be held on the third Wednesday of June.

(2) The collector shall exhibit annually to the Trustees along with his accounts lists of—

(i) apprentices to Writers to the Signet ;

(ii) admissions of members of the Society ;

(iii) marriages of contributors ;

(iv) deaths of contributors ;

(v) widows ; and

(vi) deaths of widows ;

arising in each year which lists after being approved by the Trustees shall be entered in a book of record to be kept by the collector for that purpose.

(3) The annual accounts of the collector shall be examined and audited by an auditor appointed annually by the Trustees and the certificate of the auditor thereon to the effect that he has examined and audited the accounts and found them to be correctly stated and sufficiently vouched and instructed shall be sufficient to exonerate the Trustees from all liability in connection therewith Provided that a person shall not be qualified for appointment as auditor by the Trustees unless he is a member of one or more of the following bodies:—

The Institute of Chartered Accountants of Scotland ;

The Institute of Chartered Accountants in England and Wales ;

The Society of Incorporated Accountants ;

The Association of Certified and Corporate Accountants ; or

The Institute of Chartered Accountants in Ireland.

Collector to give security.

23. The collector shall within two months after the date of his election and before entering upon office lodge with the Trustees a bond of caution for his intromissions and management to the extent of such sum (not being less than ten thousand pounds) as shall be fixed by the contributors at the general meeting at which he is elected

Provided that after the collector is elected and has found caution he shall not on being re-elected be bound to find new caution but the bond originally given shall continue in force and the cautioners therein shall be bound as sureties for the collector during the time of his continuing in office unless a majority of the Trustees or the contributors in general meeting shall require a new bond of caution which they are hereby empowered to do.

Collector's salary and other expenses.

24.—(1) The Trustees shall pay to the collector the sum of five hundred and twenty-five pounds per annum out of the fund in full of salary office rents and stationery in his office which sum shall not be increased or diminished except by resolution of the contributors at a general meeting.

(2) All expenses of management of the fund shall be defrayed under the direction of the Trustees out of the fund.

Bank account.

25.—(1) The collector shall not at any time hold in his hands more than fifty pounds of the money belonging to the fund and all money in excess of that amount shall be placed by him to the credit of an account in the name of the Trustees with a bank in Edinburgh to be nominated by the Trustees.

(2) The account shall be operated upon by cheques signed by two of the Trustees and by the collector or other persons authorised by the Trustees to sign cheques.

Collector's office.

26. The collector shall have an office in Edinburgh to which any person concerned may have access during the usual days and hours of business.

Removal of collector from office.

27.—(1) The Trustees shall have power to suspend the collector from his office and to appoint an interim collector and upon so doing they shall call a general meeting.

(2) The contributors at such general meeting shall have full power either to reinstate the collector or to confirm his removal from office and elect a new collector in his stead.

Statement of arrears.

28. The collector shall make up annually a statement of arrears due by contributors and shall lay the same before the Trustees who shall give such directions thereupon as they think proper and shall enter in their sederunt book a minute directing the collector to institute against such contributors such proceedings and to do such diligence as the Trustees think necessary and the collector shall take such action accordingly subject to the provisions of section 15 (Trustees' general powers etc.) of this Order.

Contributors' sequestration.

29.—(1) The collector shall be entitled to rank on the sequestrated estate of any contributor whose estate has been or may after the commencement of this Order be sequestrated as a creditor for any arrears of contributions or taxes payable by such contributor at the date of such sequestration with interest and expenses and to accept the dividend or composition payable from such estate.

(2) Such contributor shall notwithstanding any discharge that may be obtained by him under such sequestration make payment to

the collector of all contributions or taxes falling due and payable by him to the fund after the date of such sequestration with any interest and expenses that may arise thereon for which he shall remain liable in the same manner as if such discharge had not been obtained.

(3) If such contributor leaves a widow entitled to an annuity out of the fund and not excluded therefrom by any failure of payment or otherwise by the contributor after the date of his sequestration such deduction shall be made from her annuity as is equal to the sums due or the residue of the sums due and not recovered from the estate of such contributor and the interest thereon together with such further arrears as may be due by him subsequent to his sequestration by way of contributions or taxes or interest and expenses arising thereon in manner provided by section 18 (Deduction of arrears) of this Order.

(4) If at the time when the estate of a contributor has been sequestrated his contributions have been left unpaid for six years or more or any taxes due by him have been left unpaid for six months or more after the due date of payment thereof whether such non-payment may have occurred before or after the commencement of this Order and such contributions and taxes remain unpaid at his death his widow shall forfeit all right which she might otherwise have had to any annuity at his death and an annuity shall not be paid to her except by the special authority of the Trustees in manner provided by section 19 (Forfeiture of annuity) of this Order.

(5) The foregoing provisions of this section shall subject to any necessary modification have effect in relation to the estate of a contributor who has granted a trust deed for behoof of his creditors as they have effect in relation to the sequestrated estate of a contributor.

Affairs of fund to be investigated periodically.

30.—(1) The affairs of the fund shall be investigated and reported upon periodically by an actuary as provided in section 31 (Dates of actuarial investigations and reports) of this Order and the Trustees shall furnish to the actuary all the information required by him for the investigation and may require the contributors to supply them with any information necessary for that purpose.

(2) The principal object of the actuarial investigation and report shall be to ascertain whether as at the date of the investigation and on the basis of the amounts of the annuities and other benefits and of the contributions and taxes as settled following on the previous actuarial investigation the assets of the fund together with the expected future contributions and other income are sufficient or more or less than sufficient for the payment of the expected future annuities and other outgoings together with the necessary charges of management.

(3) If any such investigation discloses that such assets together with the expected future contributions and other income as aforesaid are more or less than sufficient for such purposes the actuary shall in his report include recommendations as to the retention or disposal of the surplus or as to the elimination of the deficiency as the case may be in accordance with section 32 (Power to alter annuities etc. on actuarial report) of this Order.

(4) The actuary may and if so instructed by the Trustees shall further report on the whole scheme of the fund or on any part thereof with regard to which he or they may deem any alterations or improvements necessary or expedient.

(5) On receiving the report of the actuary the Trustees shall consider the same and shall forthwith cause the report to be printed and a copy thereof transmitted to each of the contributors together with the recommendations of the Trustees as to the action to be taken following on the report.

Dates of actuarial investigations and reports.

31.—(1) The first actuarial investigation after the commencement of this Order shall be made as at the fifteenth day of May one thousand nine hundred and fifty-six and subsequent actuarial investigations shall be made either as at the expiry of seven years after the date of the preceding actuarial investigation or as at such earlier date as the contributors at any general meeting may appoint Provided that the date appointed by the contributors as that at which the actuarial investigation shall be made shall not be more than three months before the date of such general meeting.

(2) The actuary shall not later than one year after the date appointed as that at which the actuarial investigation falls to be made submit in writing to the Trustees his report on such investigation in terms of section 30 (Affairs of fund to be investigated periodically) of this Order.

Power to alter annuities etc. on actuarial report.

32.—(1) If it appears from the report made on an actuarial investigation and approved by the Trustees that any alteration should be made in the amounts of the annuities or other benefits or in the amounts of the contributions taxes redemption money and expenses or any of them or in the rate of interest payable by the contributors on any sums due by them in arrear or in the scheme of the fund or in any part thereof the Trustees shall make recommendations accordingly and shall call a general meeting for the purpose of considering the said report and recommendations and of adopting such resolutions respecting them as the said general meeting may decide.

(2) At any such general meeting or at any other general meeting to which the same may be adjourned the contributors shall have power—

(*a*) if there appears to be a surplus of funds to increase the amount of the annuities to all classes of annuitants or to apply such surplus wholly or partly to increase the annuities to certain classes of annuitants only or to create new classes of annuitants or beneficiaries or new classes of annuity or benefit or to dispose of or to reserve the said surplus either wholly or partly in any other manner which they may think proper and expedient in the interests of all concerned ;

(*b*) if there appears to be a deficiency of funds to reduce the amount of the annuities or other benefits payable to any class of annuitant or beneficiary present or future ;

(*c*) to increase reduce vary or abolish all or any of the contributions or taxes payable by the contributors present future or prospective or to increase or reduce the redemption money.

(3) If in the exercise of the powers conferred on them under paragraph (*a*) of subsection (2) of this section the contributors create any new class of annuitant or beneficiary or any new class of annuity or benefit they shall in so doing prescribe the terms on which the new annuity or benefit shall be payable and such terms shall thereafter be deemed to form part of the scheme of the fund as if they had been enacted by this Order.

(4) On an alteration being made in terms of this section the annuities and other benefits contributions taxes and redemption money or any of them as so altered shall until again altered be payable at the times and on the terms and be subject to all the provisions and declarations specified in this Order.

As to alteration in rates of annuity etc.

33. An alteration shall not be made in the amount of the annuities or other benefits nor in the amount of the contributions taxes or redemption money as fixed by the contributors after an actuarial investigation has been made as provided by this Order until another actuarial investigation has been made and has been reported to the contributors and a decision taken thereon.

Repeal.

34. The former Acts are hereby repealed Provided that nothing in this Order shall prejudice or affect anything done or required to be done under the former Acts before the commencement of this Order.

Costs of Order.

35. All costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Trustees out of the fund.

SCHEDULE

REDEMPTION VALUE OF ANNUAL RATES

(Referred to in section 4 (Contributors' annual contributions and provision for redemption) of this Order.)

Age not less than	Value	Age not less than	Value	Age not less than	Value
	£ s. d.		£ s. d.		£ s. d.
21 ...	173 6 0	46 ...	119 8 0	71 ...	52 8 0
22 ...	171 12 0	47 ...	116 16 0	72 ...	50 2 0
23 ...	169 18 0	48 ...	114 2 0	73 ...	47 18 0
24 ...	168 2 0	49 ...	111 10 0	74 ...	45 14 0
25 ...	166 6 0	50 ...	108 16 0	75 ...	43 12 0
26 ...	164 10 0	51 ...	106 2 0	76 ...	41 10 0
27 ...	162 14 0	52 ...	103 8 0	77 ...	39 8 0
28 ...	160 16 0	53 ...	100 12 0	78 ...	37 6 0
29 ...	158 18 0	54 ...	97 18 0	79 ...	35 6 0
30 ...	157 0 0	55 ...	95 4 0	80 ...	33 6 0
31 ...	155 2 0	56 ...	92 10 0	81 ...	31 6 0
32 ...	153 2 0	57 ...	89 16 0	82 ...	29 6 0
33 ...	151 2 0	58 ...	87 0 0	83 ...	27 6 0
34 ...	149 0 0	59 ...	84 6 0	84 ...	25 4 0
35 ...	146 18 0	60 ...	81 12 0	85 ...	23 4 0
36 ...	144 12 0	61 ...	78 16 0	86 ...	21 4 0
37 ...	142 6 0	62 ...	76 0 0	87 ...	19 8 0
38 ...	139 18 0	63 ...	73 4 0	88 ...	17 12 0
39 ...	137 10 0	64 ...	70 8 0	89 ...	16 0 0
40 ...	135 0 0	65 ...	67 14 0	90 ...	14 10 0
41 ...	132 10 0	66 ...	64 18 0		
42 ...	129 18 0	67 ...	62 6 0		
43 ...	127 6 0	68 ...	59 14 0		
44 ...	124 14 0	69 ...	57 4 0		
45 ...	122 2 0	70 ...	54 16 0		

Table of Statutes referred to in this Act

Short title	Session and chapter
An Act for raising and securing a fund for making provision for the Widows of the Writers to His Majesty's Signet in Scotland.	43 Geo. 3 c. cvii
An Act to alter and amend an Act passed in the forty-third year of His Majesty's reign for raising a fund for making provision for the Widows of the Writers to His Majesty's Signet in Scotland.	58 Geo. 3 c. lxxiv
An Act for better raising and securing the fund established for making provision for the Widows of the Writers to His Majesty's Signet in Scotland.	1 & 2 Will. 4 c. v
An Act to alter and amend an Act passed in the first and second year of the reign of His present Majesty for better raising and securing the fund established for making provision for the Widows of the Writers to His Majesty's Signet in Scotland.	6 & 7 Will. 4 c. xxii
Writers to the Signet Widows Fund Act 1898.	61 & 62 Vict. c. ii
Trusts (Scotland) Act 1921.	11 & 12 Geo. 5 c. 58
Private Legislation Procedure (Scotland) Act 1936.	26 Geo. 5 & 1 Edw. 8 c. 52

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