

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,263 of 12th May, 2016

B. 16/16

BILL

FOR

AN ACT to repeal the Magistrates' Poor Fund Act and make provision for the dissolution of the charitable trust constituted by such Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Magistrates' Poor Fund (Repeal) Act 2016 and shall come into operation on a date to be appointed by the Government by notice published in the Gazette.

Repeal of the Magistrates' Poor Fund Act.

2.(1) The Magistrates' Poor Fund Act is repealed and the charity constituted by such Act is dissolved.

(2) The moneys, investments and property of whatsoever nature consisting of the Fund (as defined in section 2 of the Magistrates' Poor Fund Act) shall, after payment thereof of all expenses allowable under section 11 of the Magistrates' Poor Fund Act), be transferred to the Trustees of the Will of John Mackintosh dated the 6th day of March, 1938 (hereinafter referred to as "the will") which was proved on 1st April 1940 freed and discharged from the Trusts arising from the Act and any other obligations howsoever arising, such moneys, investments and property to be held henceforth upon and subject to the terms of the said Will.

(3) On the transfer referred to in subsection (2) being effected the Trustees of the Magistrates' Poor Fund shall be discharged but without prejudice to their liability for any antecedent breach of trust (subject to a limitation on

their personal liability as contained in section 15 of the Magistrates' Poor Fund Act).

(4) The Trustees of the Magistrates' Poor Fund shall forthwith provide to the John Mackintosh Trust—

- (a) the minute book maintained under section 14(1) of the Magistrates' Poor Fund Act;
- (b) the documents required to be kept under section 14(2) of the Magistrates' Poor Fund Act.

EXPLANATORY MEMORANDUM

This Act repeals the Magistrates Poor Fund Act and transfers the funds held by that fund to the John Mackintosh Trust (which is the sole contributor to the Fund in any event).

This Act is presented to Parliament by the Government as the members of the Board of Trustees of the Magistrates' Poor Fund are of the opinion that the Fund has outlived its original purpose and that the current costs of its administration outweigh the benefit that the fund is able to provide as a separate legal entity.

As the Fund is a statutory body this change may only be effected by means of an Act of Parliament.