

MAGISTRATES' POOR FUND ACT

Repealed by Act 2016-17 as from 26.1.2017¹

Principal Act

Act. No. 1966-17

Commencement 3.6.1966
Assent 2.6. 1966

Amending
enactment
None

Relevant current
provisions

Commencement
Date

English source

None cited

¹ Notice of Commencement of Act 2016-17 by LN. 2017/013

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Interpretation.
3. Existing trust to be administered under this Act.
4. Establishment of the Board.
5. Constitution of the Board and appointment of members.
6. Certain contracts or instruments not required to be under seal.
7. Trustees not to be personally interested.
8. Employment of agents.
9. Object.
10. Composition of the fund.
11. Expenses.
12. Investment of moneys.
13. Income.
14. Minutes and accounts.
15. No personal liability to attach to members.
16. Proceedings not to be invalidated by reason of vacancy.

AN ACT TO PROVIDE FOR THE INCORPORATION OF A CHARITABLE TRUST KNOWN AS THE MAGISTRATES' POOR FUND, THE ADMINISTRATION THEREBY OF A BEQUEST BY THE LATE JOHN MACKINTOSH AND THE MANAGEMENT OF THE SAID FUND

Short title.

1. This Act may be cited as the Magistrates' Poor Fund Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Board” means the Board of Trustees of the Magistrates' Poor Fund established by section 4;

“the charity” means the charitable trust constituted by this Act;

“existing trust” means the Magistrates' Poor Fund existing prior to the commencement of this Act;

“Fund” means the Magistrates' Poor Fund, which expression shall include any moneys, investments or property of whatsoever nature from time to time following part of the Fund;

“will of John Mackintosh” means the will of the late John Mackintosh dated the 6th day of March, 1938, as proved before the Supreme Court of Gibraltar on the 1st day of April, 1940.

Existing trust to be administered under this Act.

3. The charity now subsisting known as the Magistrates' Poor Fund and the property thereof which is at present administered by the justices of the peace of Gibraltar, shall, from the commencement of this Act, be administered, managed and controlled by a Board of Trustees in accordance with the provisions of this Act.

Establishment of the Board.

- 4.(1) There shall be established a board of trustees to be known as the Board of Trustees of the Magistrates' Poor Fund, which shall be a body corporate with perpetual succession and a common seal, and power, subject to the provisions of this Act, to purchase, take, hold and dispose of lands and other property for the purpose of this Act in any manner authorized by law with such consent, if any, as may be by law required.

(2) The Board may sue and be sued by the name of the Board of Trustees of the Magistrates' Poor Fund, and may for all purposes be described by that name, and service on the Board shall be effected by service on the secretary of the Board.

Constitution of the Board and appointment of members.

5.(1) The Board shall be composed of not less than five trustees, all of whom shall be justices of the peace, and who shall be appointed, as occasion may require, by the justices of the peace in such manner as they may think fit.

(2) The chairman of the Board shall be appointed by the Board. In the absence of the Chairman, the Board shall appoint a Chairman ad hoc for such time as may be required.

(3) A trustee shall cease to be a trustee—

(a) on his retirement to be signified in writing to the Board;

(b) on his removal by the Supreme Court upon an application made in that behalf by the remaining trustees.

(4) The quorum of the Board shall be three.

(5) The common seal of the Board shall be affixed in the presence of the Chairman or acting chairman and one other trustee.

(6) The procedure for convening the Board and for the conduct of its business shall be such as the Board consistently with this Act may decide.

(7) The secretary of the Board shall be appointed by the Board.

Certain contracts or instruments not required to be under seal.

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized in writing by the Board for that purpose.

Trustees not to be personally interested.

7. Except with the approval of the Supreme Court no trustee shall take or hold any interest in any property belonging to the charity otherwise than as a trustee for the purpose thereof, or receive any remuneration at the cost of the charity,

Employment of agents.

8. For the purpose of the management and in the administration of the charity the trustees may employ an agent, whether a barrister, solicitor, accountant, banker, stockbroker or other person, including a corporation, to transact any business or do any act required to be done in execution of the trust (other than the execution of the duties of the trustees under section 9) including the receipt and payment of money and may pay to such persons all proper charges and shall not be responsible for the default of any such agent if employed in good faith.

Object.

9. The object of the charity shall be to assist by gifts of money or in kind whether at regular intervals or otherwise, any persons residing in Gibraltar who appear to the Board to be in needy circumstances and any British subjects residing within the Campo district who appear to the Board to be in needy circumstances.

Composition of the Fund.

10. The fund shall consist of—

- (a) the existing trust fund;
- (b) such sums or the investments representing the same as shall be received from time to time by the trustees from a residuary bequest under the will of the late John Mackintosh;
- (c) such other property as the charity may hereafter receive by gifts, bequests or otherwise;
- (d) the income derived from the Fund and any accretions to the Fund arising from the investment thereof or from the realization of capital or other assets or otherwise.

Expenses.

11. All expenses incurred by the Board in the due execution of the object of the Fund as declared by this Act shall be payable out of the Fund.

Investment of moneys.

12. All moneys at any time forming part of the Fund and not required for current expenditure or distribution shall be invested as soon as possible in such manner as is from time to time authorized under the Trustees Act¹:

Provided that investments in mortgages of property wherever situated shall be subject to the provisions of sections 26 and 27 of the Trustees Act.

Income.

13. Subject to the provisions of sections 11 and 12 the clear yearly income of the charity shall be applied by the trustees in payment of moneys in furtherance of the object of the charity, but nothing in this section shall require the trustees to expend in any particular year all the income accruing or received during that year.

Minutes and accounts.

14.(1) The trustees shall provide and keep a minute book in which shall be entered the minutes of all meetings of the Board.

(2) The trustees shall cause to be kept annual accounts of the revenue and expenditure of the charity together with an annual statement of its assets and liabilities and shall cause such accounts to be examined and certified annually by the Principal Auditor and to be laid before the Board of Charity Commissioners and before the justices of the peace together with the report and certificate of the Principal Auditor not later than the 30th day of June in the following year.

No personal liability to attach to members.

15. No personal liability shall attach to any member of the Board in respect of anything done or suffered to be done in good faith in accordance with the provisions of this Act.

Proceedings not to be invalidated by reason of vacancy.

16. No act or proceedings of the Board shall be invalidated in consequence of there being a vacancy in the number of members of the Board.

¹ 1895-18