

2008 No. 1488

DEFENCE

**The Naval Medical Compassionate Fund (Amendment) Order
2008**

Made - - - - *11th June 2008*

Coming into force - - *12th June 2008*

At the Court at Buckingham Palace, the 11th day of June 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Naval Medical Compassionate Fund Act 1915(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order shall be cited as the Naval Medical Compassionate Fund (Amendment) Order 2008 and shall come into force on 12th June 2008.

(2) In this Order “the Standing Orders and Regulations” means the Standing Orders and Regulations for the Constitution and Government of the Naval Medical Compassionate Fund, approved by Order in Council dated 28th July 1915(b).

Amendment of the Standing Orders and Regulations

2. The Standing Orders and Regulations shall be amended as follows—

(a) For Article 1, there shall be substituted the following Article—

“1. There shall be one corporate trustee of the Fund.”

(b) For Article 2, there shall be substituted the following Article—

“2. The trustee of the Fund shall be The Royal Navy and Royal Marines Charity, a registered charity with number 1117794 and a company limited by guarantee and registered at Companies House with number 6047294, which is specifically granted the power to act as trustee of charitable trusts (“the Trustee”).”

(c) For Article 3, there shall be substituted the following Article—

(a) 1915 c.28; section 1 was amended by S.I. 1964/488, article 2, Schedule 1, Part 1 and the Civil Partnership Act 2004 (c.33), Schedule 26, paragraph 8.

(b) S.R. & O. 1915/769, amended by S.R. & O. 1919/884, S.I. 1967/1484, 1977/819, 1988/1294, 1991/994, 1995/1965, 1996/3213, 2005/3185.

- “3. The management of the Fund shall be vested in the Trustee.”
- (d) Article 4 shall be deleted.
- (e) For Article 5, there shall be substituted the following Article—
- “5. The Trustee shall appoint a management committee (“the Committee”), designated to manage the Fund, with power to advise the Trustee on matters relating to the Fund. The Committee shall, at all times, include at least one person who represents the interests of the Royal Naval Medical Service.”
- (f) For Article 6, there shall be substituted the following Article—
- “6. All members of the Fund may attend the Annual General Meeting of the Fund which shall be held on a date to be announced in the Royal Naval Temporary Memorandum.”
- (g) For Article 7, there shall be substituted the following Article—
- “7. The initial Fund and any further sum or assets that may have been, or may in future be, donated to the Fund shall be invested in the name of the Trustee or its nominee in such investments as the Trustee may in its absolute discretion determine as if it were absolutely entitled to the assets of the Fund.”
- (h) For Article 8, there shall be substituted the following Article—
- “8. Subject to the payment of all proper outgoings the Trustee shall in each calendar year and at meetings to be held in that year on such date or dates as the Trustee shall determine, distribute among the eligible beneficiaries so much of the income (including annual subscriptions) of the Fund as the Trustee shall in its own discretion determine to be sufficient for providing assistance to such beneficiaries.
- Any unspent income shall be (or shall be deemed to have been) added to the capital of the Fund and shall be invested accordingly.”
- (i) For Article 9, there shall be substituted the following Article—
- “9. Medical Officers who undertake full time service in the Royal Navy may become members of the Fund, but Officers who have subscribed to the Fund while on full time service may continue as members after being placed on the Retired or Reserved Lists or after resignation of Commission.”
- (j) For Article 10 there shall be substituted the following Article—
- “10.—(1) The Annual Subscription shall be such sum as the Trustee may decide payable on the 1st day of January each year to the Trustee or its nominee.
- (2) A person eligible to become or continue as a member of the Fund may pay to the Trustee or its nominee a Life Subscription. The amount to be paid by a person for a Life Subscription shall be such as may from time to time be determined by the Trustee.
- (3) Where a person pays a Life Subscription in accordance with paragraph (2) above, that person shall for the remainder of his or her life be deemed to be a member of the Fund.”
- (k) For Article 11, there shall be substituted the following Article—
- “11. The following, if in the opinion of the Trustee in necessitous circumstances, shall be eligible for assistance from the benefits of the Fund—
- (a) Any orphan, surviving spouse or surviving civil partner of all persons who at the time of making this Order may have contributed to the Fund.
- (b) Any orphan, surviving spouse or civil partner of such persons as may hereafter become members of the Fund provided that—
- (i) before their death they had paid a Life Subscription, or
- (ii) at the date of their death their Annual Subscription was not more than 9 months in arrear.”
- (l) For Article 12, there shall be substituted the following Article—

“**12.** The Trustee shall be reimbursed out of the income of the Fund for all proper expenses incurred by it in performing its duties.”

(m) After Article 12, there shall be inserted the following Article—

“**13.** The annual statements of account prepared in accordance with the Charities Act 1993 (as may be amended from time to time) shall be made accessible to all members of the Fund attending the annual meeting.”

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Standing Orders and Regulations of the Naval Medical Compassionate Fund in order to provide for the Royal Navy and Royal Marines Charity to be appointed as sole Trustee of the Fund (Articles 1 and 2) and makes minor and consequential amendments to the Standing Orders and Regulations.

The Order ensures that at least one member of the Fund's Management Committee represents the interests of the Royal Naval Medical Service (Article 5).

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