

## [Baird Trust Reorganisation Bill](#)

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Bill Number: SP Bill 27  
Introduced on: 27 October 2004  
Introduced by: The Trustees of the Baird Trust (Private Bill)  
Passed: 15 June 2005  
Royal Assent: 19 July 2005

[2005 asp 11](#)

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### **Passage of the Bill**

The [Baird Trust Reorganisation Bill](#) [SP Bill 27] was introduced in the Parliament on 27 October 2004. The 60-day Objection Period ended on 7 January 2005 without any objections having been lodged. A private bill committee, the [Baird Trust Reorganisation Bill Committee](#) was set up to consider and report to the Parliament on the Bill. It first met on 26 April 2005 and went on to publish its [Preliminary Stage Report](#) on 3 May 2005.

The Preliminary Stage (general principles) debate took place on [2 June 2005](#). It was agreed that the Consideration Stage should be omitted (see below). Thus, parliamentary scrutiny of the Bill moved directly to the Final Stage where it was passed without amendment following the Final Stage parliamentary debate on [15 June 2005](#).

### **Objective of the Bill**

James Baird established a charitable trust by a deed of trust in 1873. The trust became a body corporate, under the name of 'The Baird Trust', by virtue of the Baird Trust Order Confirmation Act 1939. The 1939 Act was amended in 1957 and again in 1971. Currently, the trust supports the building and repairing of Church of Scotland churches and halls, endows parishes and generally helps the work of the Church of Scotland.

The [Promoter's Memorandum](#), published with the Bill, reports that the trustees believe that there is currently a need to update some of the objectives of the trust (eg allowing trust funds to be used to support churches other than the Church of Scotland) and powers of the trustees. The current statutory basis of the trust means that private legislation is required to make such changes. The trustees also predict that similar changes may be required in the future. In order to facilitate these changes, without the continuing need to resort to private legislation, the Bill seeks to transfer the whole property, rights, interests and liabilities of The Baird Trust to a new charitable company limited by guarantee.

### **Provisions of the Bill**

As noted above, the Bill provides for the transfer of the property, rights, interests and liabilities of The Baird Trust to a new company limited by guarantee. When the transfer has been completed, the current trust will be dissolved and the Acts of Parliament under which it was established and its constitution amended will be repealed.

### **Parliamentary consideration**

The Preliminary Stage Report stated that:

*“The Committee is satisfied that the transfer of the Current Trust to a company limited by guarantee is based on a reasonable expectation that this will simplify the operation of the Trust and improve its operation in terms of widening the scope for funding and support it offers. The Committee is also satisfied that the choice of legal structure is in keeping with modern public trust administration and charity law and is sensible for the future operation of the Trust. The Committee approved the removal of the need to promote further Bills to effect change.” (para 27)*

In light of this, the Committee recommended that the general principles of the Bill be agreed to. It also recommended that the Bill should proceed as a private bill. Both these points were agreed by the Parliament following the Preliminary Stage debate.

The Committee’s Preliminary Stage Report also included a recommendation relating to the remaining parliamentary stages of the Bill:

*“Given that no member of the Committee wishes to lodge an amendment to the Bill, and that no objections have been submitted, the Committee recommends that the Parliamentary Bureau consider suspending the relevant Standing Orders to omit Consideration Stage of the Bill process.” (para 41)*

The Parliamentary Bureau decided to follow the Committee’s recommendation and the Parliament agreed this course of action on 8 June 2005.

The Bill was generally considered to be a worthwhile and uncontroversial piece of legislation and was passed, following the Final Stage debate on 15 June 2005, without amendment.