



The Scottish Parliament  
Pàrlamaid na h-Alba

**WRITERS TO THE SIGNET DEPENDANTS' ANNUITY FUND AMENDMENT  
(SCOTLAND) BILL COMMITTEE**

**AGENDA**

**2nd Meeting, 2017 (Session 5)**

**Wednesday 20 September 2017**

The Committee will meet at 11.00 am in the Sir Alexander Fleming Room (CR3).

1. **Writers to the Signet Dependants' Annuity Fund Amendment (Scotland) Bill:** The Committee will take evidence on the Bill at Preliminary Stage from—

Caroline Docherty WS, Deputy Keeper of the Signet and Chairman of the Trustees, and Simon A Mackintosh WS, Collector, Writers to the Signet Dependants' Annuity Fund;

Christine O'Neill, Partner (Chairman), Brodies LLP.

2. **Writers to the Signet Dependants' Annuity Fund Amendment (Scotland) Bill (in private):** The Committee will consider any issues for its Preliminary Stage report arising from the evidence heard at item 1.

Emma Johnston  
Clerk to the Writers to the Signet Dependants' Annuity Fund Amendment (Scotland)  
Bill Committee  
Room T2.60  
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Edinburgh  
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The papers for this meeting are as follows—

**Agenda item 1**

Paper by the clerk

WSD/S5/17/2/1

PRIVATE PAPER

WSD/S5/17/2/2 (P)

**Writers to the Signet Dependants' Annuity Fund Amendment (Scotland)  
Bill Committee**

**2<sup>nd</sup> Meeting, 2017 (Session 5), Wednesday 20 September 2017**

**Note by the clerk**

**Introduction**

1. This paper provides some background information in advance of the Committee's evidence session with the promoters of the Writers to the Signet Dependants' Annuity Fund Amendment (Scotland) Bill.

**Preliminary stage**

2. The Committee's role is threefold during the preliminary stage of the private bill process. It must—

- take evidence and reach a view on whether the general principles of the bill should be approved;
- reach a view on whether the bill should proceed as a private bill – including by satisfying itself that primary legislation is required, that the provision made is of a private rather than public nature and that the pre-introduction requirements have been carried out correctly; and
- give preliminary consideration to any objections, rejecting any in circumstances where, in the Committee's view, the objector's interests are not "clearly adversely affected". No objections to this Bill were lodged and, therefore, there are no responsibilities relating to this function for this Committee.

**The Bill**

3. The Writers to the Signet Dependants' Annuity Fund Amendment (Scotland) Bill was introduced to the Scottish Parliament on 18 May 2017. It is a private bill being promoted through the Parliament by the trustees of the Writers to the Signet Dependants' Annuity Fund (the promoter) under the procedures set out in Chapter 9A of the Parliament's Standing Orders and the Guidance on Private Bills.

4. The legislation which established the Fund in 1803 has been updated a number of times, most recently by the Writers to the Signet Dependants' Annuity Fund Order Confirmation Act 1982. The private bill seeks to make two amendments to the 1982 Act. First, it updates the definition of 'actuary' to reflect the merger of the Faculty of Actuaries in Scotland and the Institute of Actuaries in 2011. Second, it removes the requirement for the collector of the Fund to be a contributor to the Fund and inserts a requirement that the collector should be an individual.

### **What is a Confirmation Act?**

5. The Bill seeks to amend the Writers to the Signet Dependants' Annuity Fund Order Confirmation Act 1982.

6. A Confirmation Act was a type of legislative tool used pre-devolution, whereby a provisional Order was drafted by the Secretary of State (under the Private Legislation Procedure (Scotland) Act 1936) and confirmed by the UK Parliament via an accelerated legislative procedure.

7. Thus, the Act and its schedule (the confirmed Order) can only be amended by legislation.

8. The Regulations which govern the Fund are set out in the schedule to the confirmed Order. Paragraph 13(2) of the confirmed Order provides that "the contributors may at any time by special resolution alter all or any of the regulations or add to or modify the same and any alteration, addition or modification" and that any alterations to the regulations shall "be as valid as if originally contained in the regulations".

9. Thus, the Regulations can be amended without recourse to legislation.

### **Objections**

10. Following the introduction of the Bill, there was a 60 day objection period which concluded on 18 July 2017. No objections were received.

### **Committee consideration**

11. At its meeting on 6 September 2017, the Committee agreed to take oral evidence from the promoters of the Bill at this meeting.

### **Next steps**

12. At its next meeting on 4 October 2017, the Committee plans to consider issues for its Preliminary Stage report. The Committee has already agreed to consider these issues in private.

**Emma Johnston**  
**Clerk to the Committee**