

1981 BILL PR 2

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL PR 2

**THE HONOURABLE PATRICK BURNS SETTLEMENTS
AMENDMENT ACT, 1981**

MR. OMAN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill PR 2
Mr. Oman

BILL PR 2

1981

THE HONOURABLE PATRICK BURNS SETTLEMENTS AMENDMENT ACT, 1981

(Assented to , 1981)

WHEREAS by the last Will and Testament of the Honourable Patrick Burns bequests were made to benefit widows and orphans of members of the Police Force and the Fire Brigade of the City of Calgary and the Order of the Honourable Mr. Justice Ewing dated December 11, 1939 approved the creation of two funds and two schemes for carrying out these bequests; and

WHEREAS *The Honourable Patrick Burns Settlements Amendment Act*, being chapter 91, Statutes of Alberta, 1975 (Second Session), was passed to extend the discretion of the Trustees of the funds with respect to the distribution of income; and

WHEREAS because of changed social and financial conditions, the income of both funds exceeds the present and foreseeable needs of the widows and orphans of members of the Police Force and of members of the Fire Brigade, for which the Trustees are authorized to provide; and

WHEREAS the Trustees wish to have the authority to apply such of the income of the funds that is not needed for the present beneficiaries to other charitable purposes; and

WHEREAS the Trustees have petitioned and prayed that the settlements approved by the Order and *The Honourable Patrick Burns Settlements Amendment Act* be amended to allow such application, and it is expedient to grant the prayer of the Petition:

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 The Honourable Patrick Burns Settlements Amendment Act is amended by this Act.

2 Section 2 is amended by striking out:

Explanatory Notes

Preamble

2 Section 2 presently reads:

2 Clause 28 of the Scheme for the establishment and administration of a Fund to be administered for the benefit of the widows and orphans of members of the Police Force of the City of Calgary in the Province

“Subject to the payments aforesaid the yearly income of the Trust Fund shall be applied by the Trustees in their sole discretion in payment in whole or in part of the tuition fees and living and other related expenses incurred by a child or children of members past and present of the Police Force while such child is attending an institution of learning and for the benefit of the widows and orphans of the members of the Police Force provided that should there be a surplus of income the Trustees shall accumulate the unapplied income or any surplus and invest the same as part of the capital of the Trust Fund.”

and substituting,

“Subject to the payments aforesaid, the yearly income of the Trust Fund, or such portion thereof as the Trustees deem advisable, shall be applied by the Trustees in their sole discretion for the following purposes and in the priority as listed:

- (a) payments made for the benefit of the surviving spouses and orphans of active or retired members of the Police Force;
- (b) payment in whole or in part of the tuition fees and living and other related expenses of a child or children of active or retired members of the Police Force, incurred while attending an institution of learning;
- (c) payments made for the benefit of any children or adults resident in the City of Calgary whom the Trustees consider to be in need and worthy of assistance, or for the provision of any service or facility which the Trustees deem desirable for the benefit of any such children or adults;
- (d) payments or donations to be used for charitable works or activities in the City of Calgary, to any Canadian charitable organization registered as such under the *Income Tax Act (Canada)*, or any Canadian non-profit society, which carries on any or all of its charitable works or activities in the City of Calgary.

Should there be a surplus of income in any year the Trustees shall accumulate the unapplied income or any surplus and invest it as part of the capital of the Trust Fund.”.

3 Section 3 is amended by striking out

“Subject to the payments aforesaid the yearly income of the Trust Fund shall be applied by the Trustees in their sole discretion in payment in whole or in part of the tuition fees and living and other related expenses incurred by a child or children of members past and present of the Fire Brigade while such child is attending an institution of learning and for the benefit of the surviving spouses and orphans of the members of the Fire Brigade provided that should there be a surplus of income the Trustees shall ac-

of Alberta under the last Will and Testament of the Honourable Patrick Burns late of the City of Calgary aforesaid, Rancher, deceased be amended by deleting same and substituting in place thereof the following:

“All the proper costs, charges and expenses of and incidental to the administration and management of the Trust Fund shall be first defrayed by the Trustees out of the income of the Trust Fund.

Subject to the payments aforesaid the yearly income of the Trust Fund shall be applied by the Trustees in their sole discretion in payment in whole or in part of the tuition fees and living and other related expenses incurred by a child or children of members past and present of the Police Force while such child is attending an institution of learning and for the benefit of the widows and orphans of the members of the Police Force provided that should there be a surplus of income the Trustees shall accumulate the unapplied income or any surplus and invest the same as part of the capital of the Trust Fund”.

3 Section 3 presently reads:

3 Clause 28 of the Scheme for the establishment and administration of a Fund to be administered for the benefit of widows and orphans of members of the Fire Brigade of the City of Calgary in the Province of Alberta under the last Will and Testament of the Honourable Patrick Burns late of the City of Calgary aforesaid, Rancher, deceased be amended by deleting same and substituting in place thereof the following:

“All the proper costs, charges and expenses of and incidental to the

cumulate the unapplied income or any surplus and invest the same as part of the capital of the Trust Fund.”

and substituting:

“Subject to the payments aforesaid, the yearly income of the Trust Fund, or such portion thereof as the Trustees deem advisable, shall be applied by the Trustees in their sole discretion for the following purposes and in the priority as listed:

- (a) payments made for the benefit of the surviving spouses and orphans of active or retired members of the Fire Brigade;
- (b) payment in whole or in part of the tuition fees and living and other related expenses of a child or children of active or retired members of the Fire Brigade, incurred while attending an institution of learning;
- (c) payments made for the benefit of any children or adults resident in the City of Calgary whom the Trustees consider to be in need and worthy of assistance, or for the provision of any service or facility which the Trustees deem desirable for the benefit of any such children or adults;
- (d) payments or donations to be used for charitable works or activities in the City of Calgary, to any Canadian charitable organization registered as such under the *Income Tax Act (Canada)*, or any Canadian non-profit society, which carries on any or all of its charitable works or activities in the City of Calgary.

Should there be a surplus of income in any year the Trustees shall accumulate the unapplied income or any surplus and invest it as part of the capital of the Trust Fund.”

4 The following is added after section 3:

3.1 Within 4 months of the end of every fiscal year of the Trust Fund, the Trustees shall cause to be published in a daily newspaper which is circulated in the City of Calgary a financial statement of the Trust Fund including a report of the money received by the Trustees and the money disbursed by the Trustees during that fiscal year.

5 This Act comes into force on the day upon which it is assented to.

administration and management of the Trust Fund shall be first defrayed by the Trustees out of the income of the Trust Fund.

Subject to the payments aforesaid the yearly income of the Trust Fund shall be applied by the Trustees in their sole discretion in payment in whole or in part of the tuition fees and living and other related expenses incurred by a child or children of members past and present of the Fire Brigade while such child is attending an institution of learning and for the benefit of the widows and orphans of the members of the Fire Brigade provided that should there be a surplus of income the Trustees shall accumulate the unapplied income or any surplus and invest the same as part of the capital of the Trust Fund.'

4 Report published annually.

5 Coming into force.