

CHAP. 110.

An Act for amending the Charitable Trusts Acts. A.D. 1869.

[11th August 1869.]

WHEREAS doubts have arisen respecting the construction of some provisions of the Charitable Trusts Acts, and it is expedient to remove such doubts and otherwise to amend those Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Charitable Trusts Act, 1869." Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

3. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the Charitable Trusts Act, 1853, the Charitable Trusts Amendment Act, 1855, and the Charitable Trusts Act, 1860, and the Act of the Session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter one hundred and twelve, "for establishing the jurisdiction of the Charity Commissioners in certain cases" (which may be cited as the Charitable Trusts Act, 1862), and those Acts, together with this Act, may be cited as the Charitable Trusts Acts, 1853 to 1869. Act to be construed with 16 & 17 Vict. c. 137. 18 & 19 Vict. c. 124. 23 & 24 Vict. c. 136. 25 & 26 Vict. c. 112.

4. A notice under section three of the Charitable Trusts Act, 1860, need not be sent by the Board of Charity Commissioners for England and Wales to any trustee or administrator of a charity who has been party or privy to the application to the Board upon which they exercise their jurisdiction. Amendment of sect. 3. of 23 & 24 Vict. c. 136. s. 3.

5. An application to the Board of Charity Commissioners for England and Wales, for the purposes of the Charitable Trusts Acts, 1853 to 1869, when made by the trustees or persons acting in the Mode of application to Board.

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administration of the charity, may be made in writing signed by any person authorized in that behalf by a resolution passed by a majority of those trustees or persons who are present at a meeting of their body duly constituted and vote on the question.

Powers of Board on application.

6. The Board shall be deemed to have and to have always had power in any order made upon an application to them, for the exercise of their jurisdiction under the Charitable Trusts Acts, 1853 to 1869, to insert in the order any incidental provisions which they think expedient for carrying into effect the substantial objects of the application, and which they would have had power to insert if such provisions had been included in the application.

Notice of order. 23 & 24 Vict. c. 136. s. 6.

7. Nothing in the Charitable Trusts Acts, 1853 to 1869, shall be deemed to require or to have required the Board, upon modifying a proposed order in manner provided by section six of the Charitable Trusts Act, 1860, after the publication thereof, to give public notice of such modified order in the manner provided by that section with respect to the order originally proposed, unless they think further notice desirable.

Discharge of order of Board for irregularity.

8. The Board shall be deemed to have and to have always had power with or without any application to discharge, within twelve months after an order is made by them, the whole or any part of any order appearing to have been made by them by mistake or on misrepresentation, or otherwise than in conformity with the Charitable Trusts Acts, 1853 to 1869.

Every order made by the Board, in exercising their jurisdiction under the Charitable Trusts Acts, 1853 to 1869, shall, until discharged or varied by the Board or by the Court of Chancery on appeal under section eight of the Charitable Trusts Act, 1860, have effect according to its tenor.

Every order of the Board shall, subject to all powers which the Court of Chancery has to discharge or vary it, under section eight of the Charitable Trusts Act, 1860, and subject to the power of the Board to discharge it wholly or partially for the causes mentioned in this section, be deemed to have been duly and formally made, and no objection thereto on the ground only of irregularity or informality shall be entertained.

Employment of persons to prepare and defend scheme.

9. The Board, if they think it desirable, where the gross annual income of a charity is in their opinion sufficient to bear the expense, may, upon the application of the trustees or of any other person or persons entitled to apply to them in that behalf, employ or may authorize the trustees or persons acting in the

administration of such charity to employ skilled and competent persons to prepare any scheme, order, statement, or other proceeding for the purposes of the Charitable Trusts Acts, 1853 to 1869, with respect to such charity, or to make or assist in any survey or local inquiry with reference thereto, and may order the costs incurred under this section or upon any inquiry by an inspector, or in consequence of the employment of any person to appear on behalf of the respondent upon any appeal against any scheme or order, to be provided in the same manner as if they were costs of a transaction mentioned in section thirty-six of the Charitable Trusts Act, 1855. A.D. 1869.

Appeals under 23 & 24 Vict. c. 136.

10. A petition to the Court of Chancery under section eight of the Charitable Trusts Act, 1860, may be presented in the case of all charities by the same persons only as in the case of a charity the gross annual income of which does not exceed fifty pounds.

Service of Attorney General by appellant under sect. 8. of 23 & 24 Vict. c. 136. s. 8.

11. A petition shall not be presented to the Court of Chancery by any person under section eight of the Charitable Trusts Act, 1860, before the expiration of twenty-one days after written notice under the hand of the appellant of his intention to present such petition has been served on the Attorney General by delivering the same to the solicitor who acts for him in ex officio proceedings relating to charities.

Legal power of majority of trustees to deal with charity estates.

12. Where the trustees or persons acting in the administration of any charity have power to determine on any sale, exchange, partition, mortgage, lease, or other disposition of any property of the charity, a majority of those trustees or persons who are present at a meeting of their body duly constituted and vote on the question shall have and be deemed to have always had full power to execute and do all such assurances, acts, and things as may be requisite for carrying any such sale, exchange, partition, mortgage, lease, or disposition into effect, and all such assurances, acts, and things shall have the same effect as if they were respectively executed and done by all such trustees or persons for the time being and by the official trustee of charity lands.

Legal proceedings by trustees of charities for protection of charity property, &c.

13. The majority of the trustees of any charity, if authorized by the Board, may institute and maintain any action, suit, petition, or other proceeding in the same manner in all respects as if they were the sole trustees of the charity.

Where the trustees, or the majority of the trustees, of any charity, institute and maintain any action, suit, petition, or other proceeding under the authority of the Board, such action, suit, petition, or other proceeding shall not abate or become discontinued or of no effect

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by reason of the death or removal from office of any of the trustees, or of the addition of any new trustee, but shall continue and have effect for and against the trustees for the time being of the charity, in the same manner as if they were actually named therein.

Application by exempted charities to have benefit of Act. See 16 & 17 Vict. c. 137. s. 3.

14. Either the trustees or the persons acting in the administration of any charity exempted from the operation of the Charitable Trusts Acts, 1853 to 1869, may apply to the Board to have the said Acts or any provisions thereof specified in the application extended to such charity: Such application shall be made by such of the said trustees or persons as having regard to the value of the charity might under the provisions of the said Acts, if the charity were not exempted therefrom, make an application for a scheme to any judge or court or to the Board, and shall be made in the same manner and according to the same regulations as such application.

On any such application the Board may make an order directing that the said Acts or any provisions of them specified in the application shall extend, and such Acts or provisions shall thereupon after the date of the order extend to such charity in the same manner as if it were not exempted therefrom.

Before making any order under this section the Board shall cause such notices of the proposed order to be given as by section three of the Charitable Trusts Act, 1860, as amended by this Act, and by section six of the same Act are required to be given before the making of an order for establishing a scheme.

Extension of part of Acts to registered places of religious worship.

15. So much of the Charitable Trusts Acts, 1853 to 1869, as authorizes and relates to orders of the Board for the appointment or removal of trustees of a charity, or for or relating to the vesting of any real or personal estate belonging thereto, or for the establishment of any scheme for the administration of any charity, shall extend to buildings registered as places of meeting for religious worship with the Registrar General of Births, Deaths, or Marriages in England, and bonâ fide used as places of meeting for religious worship: Provided that no such order shall be made except upon the application of the trustees or persons acting in the administration of the charity, made in manner provided by section four of the Charitable Trusts Act, 1860, or by this Act. Save as provided by this section, such buildings shall continue exempted from the Charitable Trusts Acts, 1853 to 1869.

Treasury to fix scale of fees.

16. The Lords Commissioners of Her Majesty's Treasury may from time to time prescribe a scale of fees to be charged for any business done by the Board under this or any other Act, and may direct whether the same shall be imposed by stamps or otherwise,

and by whom and in what manner the same shall be collected, accounted for, and appropriated; and before any such fees shall be taken or received by the said Charity Commissioners every such scale of fees shall be published in the London Gazette. The scale of fees shall be laid before both Houses of Parliament within thirty days after the same has been so prescribed if Parliament is then sitting, and if not, within thirty days after the then next meeting of Parliament; and if any such scale shall be disapproved of by both Houses of Parliament within one month after the same shall have been so laid before Parliament, such fees or such parts thereof as shall be disapproved of shall not be charged by the Board.

Scale to be laid before Parliament.

17. The enactments described in the schedule to this Act are hereby repealed; provided that,

Repeal.

(1.) This repeal shall not affect anything already done or suffered, or any right acquired or order made, under such enactments:

(2.) Any proceedings already commenced under the enactments hereby repealed shall be proceeded with in the same manner as if this repeal had not been made.

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SCHEDULE.

Date.	Title.	
16 & 17 Vict. c. 137.	An Act for the better administration of Charitable Trusts -	In part; namely, section sixty-three.
23 & 24 Vict. c. 136.	An Act to amend the law relating to the administration of Endowed Charities - - -	In part; namely, section sixteen.

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