

Salvation Army Act 1980

CHAPTER xxx

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ELIZABETH II



1980 CHAPTER xxx

An Act to revise and consolidate the constitution of The Salvation Army; to make further provision respecting The Salvation Army Trustee Company and respecting the investment of funds of The Salvation Army; to repeal or amend certain provisions of the Salvation Army Acts 1931 to 1968 and to revoke certain deeds poll relating to The Salvation Army; and for other purposes. [1st August 1980]

WHEREAS in or about the year 1865 the religious and charitable body now known as The Salvation Army was established by William Booth, the founder and first General of The Salvation Army, and its activities which commenced in the east end of London have since been extended to many parts of the world:

And whereas the constitution of The Salvation Army was laid down in a deed poll dated 7th August 1878, and has since been supplemented and varied by subsequent deeds poll executed by General William Booth and certain of his successors in office and by the Salvation Army Acts 1931 to 1968:

And whereas it is expedient that the said constitution be further supplemented and varied, that the said deeds poll be

revoked, certain provisions of the Salvation Army Acts 1931 to 1968 be repealed or amended and the constitution be revised and consolidated, and that other provisions contained in this Act be enacted for the clearer operation and understanding of the said constitution:

And whereas by virtue of the Salvation Army Acts 1931 to 1968 certain properties and funds of The Salvation Army and of certain trusts associated with The Salvation Army were vested in or transferred to The Salvation Army Trustee Company formed pursuant to the said Act of 1931 and it was provided by that Act that the said properties and funds should be held by the said company as custodian trustee:

And whereas it is expedient that the said company be authorised to act as ordinary trustee or managing trustee as well as custodian trustee and that provision be made for a scheme or schemes to be established so that property and funds held on behalf of or in connection with the Army may be administered by the said company as a common investment fund:

And whereas it is expedient that the other provisions of this Act be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and 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:—

Short and collective titles.

1.—(1) This Act may be cited as the Salvation Army Act 1980.

(2) The Salvation Army Acts 1931 to 1968 and this Act may be together cited as the Salvation Army Acts 1931 to 1980.

Interpretation.

2. In this Act unless the context otherwise requires—

"the Army" means the unincorporated association established by William Booth in or about the year 1865 with the name of the Christian Mission and subsequently renamed and now known as The Salvation Army;

"Army trust" means—

(*a*) any of the trusts specified in Schedule 5 to this Act; and

(*b*) any other trust in connection with the Army or in which the Army is named as interested, the income whereof is for the time being required to be devoted wholly to purposes of the Army;

" Chief of the Staff " means the officer holding the office of Chief of the Staff of the Army or, if at the relevant time there shall be no officer appointed to the office of Chief of the Staff, the Senior Commissioner;

" Commissioner " means an officer holding the rank of Commissioner otherwise than by virtue of marriage;

" General " means the General of the Army;

" High Council " means the council of officers convened in accordance with Schedule 4 to this Act;

" officer " means a commissioned officer of the Army;

" orders and regulations " means the orders, rules and regulations of the Army issued by the General or by the Chief of the Staff upon the authority of the General;

" property " includes property real and personal and in Scotland heritable or movable property, whether or not such property is situate in the United Kingdom;

" qualifying date " means whichever shall be, with reference to any General, the earliest of such of the following dates as are applicable in the circumstances:—

(*a*) the date being four months before the General's retirement date as defined in Schedule 4 to this Act;

(*b*) the date of vacation of office by the General;

(*c*) the date of death of the General if he dies while in office;

(*d*) the date of the making of any requisition in accordance with paragraph 2 of Schedule 4 to this Act;

" Senior Commissioner " means the Commissioner, other than the Chief of the Staff, who has held the rank of Commissioner longest or, if by that test there are Commissioners of equal seniority, that one of them who has served longest as an officer;

" territorial commander " means an officer commanding the Army in any country or jurisdiction designated by the General as a territory;

" trust " means any trust governed by the law of any part of the United Kingdom, the Channel Islands, the Isle of Man, the Republic of Ireland or of any other country or jurisdiction;

" the Trustee Company " means The Salvation Army Trustee Company.

Objects of the Army.

3. The objects of the Army shall be the advancement of the Christian religion as promulgated in the religious doctrines set out in Schedule 1 to this Act which are professed, believed and taught by the Army and, pursuant thereto, the advancement of education, the relief of poverty, and other charitable objects beneficial to society or the community of mankind as a whole.

The General of the Army.

4.—(1) The Army shall be under the oversight, direction and control of the General, whose principal duties shall be to determine, issue and enforce the policies, discipline, orders and regulations and minutes of the Army, to superintend and direct the operations of the Army and to conserve the Army for the objects and purposes for which it is established.

(2) The General shall be a corporation sole by the name of the General of The Salvation Army and by that name shall have perpetual succession, an official seal and the powers and authorities conferred by section 5 (Powers of the General and accounts) of this Act.

Powers of the General and accounts.

5.—(1) The General shall have all the powers and authorities requisite for carrying out the duties imposed by section 4 (The General of the Army) of this Act and, in addition, the following powers:—

(*a*) to appoint or promote any persons to any office or rank in the Army and, subject to the right of a hearing before a commission of inquiry, to remove any officers from office or to reduce any officers in rank;

(*b*) to make arrangements for the spiritual and material well-being of officers;

(*c*) to act as an expert or arbitrator in connection with any appeal from a commission of inquiry or other investigative commission of the Army established and constituted under orders and regulations, or, if appointed in that behalf, respecting any dispute or other matter arising in connection with the Army in which a party not subject to the superintendence and direction of the General is concerned;

(*d*) to raise, borrow, collect and receive moneys and property and to expend, invest, hold, dispose of, make gifts of or deal with on behalf of the Army all moneys and property from time to time contributed, raised, borrowed, collected or received for the general purposes of the Army or for any of the special objects or operations thereof;

(*e*) to acquire by gift, purchase or otherwise, to take on hire or lease and to take options over any property or any estate or interest therein and, subject to any trust, covenant or other restriction affecting the same, to alter, improve or develop any property and to construct, alter or demolish buildings thereon;

(*f*) to sell, exchange, mortgage, charge, lend, give away, let or otherwise dispose of, deal with or turn to account any property, estate or interest and to give good receipts or discharges for any money or property;

(*g*) in connection with any property in which the Army has an interest and so far as permitted by law apart from this paragraph to do any of the following things namely, to appoint any person, including himself, as trustee of that property or any estate or interest therein, to declare the trusts thereof and to vest the same in any such trustee, to vary or revoke any such trusts or the appointment of any such trustee and to call for such property, estate or interest to be conveyed, transferred or assigned to such persons and upon such trusts for the benefit of the Army as he directs;

(*h*) to make such statements, announcements and publications on behalf of or to the Army as he deems appropriate; and

(*i*) to entrust or delegate to and to withdraw from the Chief of the Staff, Commissioners and other officers such powers, duties and discretions as he thinks fit.

In paragraph (*f*) of this subsection " mortgage " includes, in its application to Scotland, the granting of standard securities or assignations thereof.

(2) Nothing in subsection (1) above shall prejudice or affect the operation of section 7 (Transfer of after-acquired British and Northern Irish property) of the Salvation Army Act 1931; 1931 c. xciv. and nothing in paragraph (*g*) of that subsection shall apply with respect to any property held or to be held upon any of the trusts to which subsection (1) (*a*) of section 12 (The Salvation Army Trustee Company) of this Act applies.

(3) (*a*) The General shall cause to be kept proper accounts of all sums received or paid by him on behalf of the Army and proper records in relation to those accounts; and the accounts of each financial year shall be audited by an auditor or auditors appointed by the General.

(*b*) No person shall be qualified to be appointed auditor under this subsection unless he is a member or, in the case of a firm, all the partners therein are members of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland;

Any body of accountants established in the United Kingdom and recognised for the purposes of section 161 (1) (*a*) of the Companies Act 1948 by the Secretary of State. 1948 c. 38.

(*c*) The General shall cause to be made out annually a balance sheet and a statement of income and expenditure made up to the end of the financial year of the Army.

(*d*) The audited accounts of the Army shall at all reasonable times be open to inspection and transcription without payment by any interested person.

Common investment schemes.

6. The provisions of Schedule 2 to this Act shall have effect with regard to the establishment of common investment schemes in which Army trusts may participate.

Powers of investment respecting certain Army trusts.

7.—(1) The Trustee Company as manager of any common investment fund established under section 6 (Common investment schemes) and Schedule 2 to this Act and the trustees of an Army trust of which the Trustee Company is an ordinary trustee or managing trustee may invest any property in their hands, whether at the time in a state of investment or not, in any of the following modes or objects of investment:—

(*a*) in any manner for the time being prescribed by statute for the investment of trust funds;

(*b*) in any investment or security which immediately before the passing of this Act was lawfully held by the trustees;

(*c*) in any units, or other shares, of the investments subject to the trusts of a unit trust scheme in the case of which there is in force at the time of investment an order of the Board of Trade under section 17 of the Prevention of Fraud (Investments) Act 1958;

1958 c. 45.

(*d*) in any stocks, shares, debentures or other securities which are quoted on any recognised stock exchange within the meaning of the said Act of 1958 or on any stock exchange of repute outside Great Britain;

(*e*) by way of deposit at any bank of moneys which the trustees do not think fit immediately to invest;

(*f*) in land anywhere in the world and of any tenure and in relation thereto to exercise all the powers of management, improvement or development which could be exercised by an absolute owner holding the same beneficially;

(*g*) in any government, municipal or public utility stock, bond, fund, debenture or similar security anywhere in the world; or

(*h*) in any company wholly owned by the Army, by one or more Army trusts or by the Army and one or more of those trusts, being a company facilitating the Army's administration or operations or the fulfilment of any of its objects specified in section 3 (Objects of the Army) of this Act.

(2) The trustees of an Army trust may at their discretion transpose or vary their investments for or into any others authorised by this section.

(3) Nothing in this section shall authorise the making of any investment in contravention of the provisions of the Exchange Control Act 1947. 1947 c. 14.

(4) The provisions of this section and of section 8 (Duty in choosing investments) of this Act shall with necessary modifications apply to the Trustee Company as manager of any common investment fund established under Schedule 2 to this Act as those provisions apply to the trustees of any Army trust and to property in their hands in that behalf.

Duty in choosing investments.

8.—(1) In the exercise of the powers of investment conferred by section 7 (Powers of investment respecting certain Army trusts) of this Act, the trustees of any Army trust shall have regard—

(*a*) to the need for diversification of investments of funds of the trust in so far as is appropriate to the circumstances of those funds;

(*b*) to the suitability to those funds of investments of the description of investment proposed and of the investment proposed as an investment of that description.

(2) Before making any investment the trustees shall obtain and consider proper advice on the question whether the investment is satisfactory having regard to the matters mentioned in paragraphs (*a*) and (*b*) of subsection (1) above.

(3) The trustees retaining any investment shall determine at what intervals the circumstances, and in particular the nature of the investment, make it desirable to obtain such advice as aforesaid, and shall obtain and consider such advice accordingly.

(4) For the purposes of subsections (2) and (3) above, proper advice is the advice of a person who is reasonably believed by the trustees to be qualified by his ability in and practical experience of financial matters; and such advice may be given by a person notwithstanding that he gives it in the course of his employment.

(5) The trustees shall not be treated as having complied with subsection (2) or (3) above unless the advice was given or has been subsequently confirmed in writing.

(6) Subsections (2) and (3) above shall not apply to a trustee where he is the person giving the advice required by this section to the trustees and shall not apply where powers of the trustees are lawfully exercised by a person competent under subsection (4) above to give proper advice.

1925 c. 19.

(7) Without prejudice to section 8 of the Trustee Act 1925, the advice required by this section shall not include, in the case of a loan on the security of freehold or leasehold property in England and Wales or Northern Ireland or on heritable security in Scotland, advice on the suitability of the particular loan.

The Chief of the Staff and the Commissioners.

9. The General shall always maintain in office a Chief of the Staff and not fewer than 21 other Commissioners.

Vacation of office by the General.

10. The provisions of Schedule 3 to this Act shall have effect with regard to vacation of office by the General and the duties, powers, authorities and discretions devolving upon the Chief of the Staff when there is a temporary vacancy in the office of General.

The High Council.

11. The provisions of Schedule 4 to this Act shall have effect with regard to the convening, constitution and proceedings of the High Council, for adjudicating upon the fitness for office of the General and for filling any vacancy arising in that office.

The Salvation Army Trustee Company.

12.—(1) (*a*) As from the passing of this Act the Trustee Company shall cease to be custodian trustee and the General shall cease to be managing trustee of the trusts specified in Schedule 5 to this Act, and the Trustee Company shall become ordinary trustee of those trusts.

(*b*) The Trustee Company may be appointed to be an ordinary trustee, managing trustee or custodian trustee of any trusts (other than those specified in the said Schedule 5) being trusts in connection with the Army or in which the Army is named as interested.

(2) (*a*) All trust liabilities and obligations of the General as managing trustee of the trusts specified in the said Schedule 5, being liabilities and obligations existing at the passing of this Act, shall be transferred by virtue of this Act to the Trustee Company in exoneration of the General.

(*b*) The Trustee Company and any other parties involved shall have the same rights, powers and remedies and, in particular, the same rights and powers as to taking or resisting legal proceedings in respect of any liabilities or obligations as are mentioned in paragraph (*a*) above as if the Trustee Company had been the original party incurring such liability or obligation.

1906 c. 55.

(3) (*a*) The provisions of subsections (1) and (2) of section 4 of the Public Trustee Act 1906 shall extend to the Trustee Company in its capacity as custodian trustee in like manner as those provisions extend to such a body corporate as is mentioned in subsection (3) of that section.

1925 c. 20.

(*b*) The Trustee Company shall be deemed to be a trust corporation for the purposes of the Law of Property Act 1925,

the Settled Land Act 1925, the Trustee Act 1925, the Administration of Estates Act 1925, and the Supreme Court of Judicature (Consolidation) Act 1925. 1925 c. 18. 1925 c. 19. 1925 c. 23. 1925 c. 49.

Notices, etc.

13.—(1) Subject to the provisions of this Act, any notice, summons or other document required or authorised to be given to or served on any person by or under this Act shall, in the case of paragraph (*a*) or (*b*) below or of a confirmation under paragraph (*c*) below, be in writing signed by the person giving or serving the same and may be so given or served—

(*a*) by delivering it to him personally, or by leaving it at his proper address;

(*b*) by sending it to him by registered post; or

(*c*) by sending it by postal telegram, cable or telex at that address, confirmed as soon as is practicable by sending it by post in the manner of paragraph (*b*) above.

(2) The giving or service shall be deemed to be effected, unless the contrary is proved—

(*a*) if so posted, upon the third day or, in the case of an addressee outside the United Kingdom, the seventh day after such posting or at such later time at which the letter would be delivered in the ordinary course of post; or

(*b*) if so sent by postal telegram, cable or telex, upon the receipt by the sender of an acknowledgment howsoever sent by the recipient.

Variation.

14. The provisions of Schedules 1, 2, 3, 4 and 7 to this Act may from time to time be extended or varied by deed executed by the General, such deed having the prior written approval of more than two-thirds of the Commissioners and, in the case of Schedule 2 to this Act, the consent of the Charity Commissioners.

Repeals, etc.

15.—(1) The enactments specified in Part I of Schedule 6 to this Act are hereby repealed to the extent specified in that Part.

(2) The following section is substituted for section 10 (As to payment of expenses of trustee company) of the Salvation Army Act 1931:— 1931 c. xciv.

"As to payment of expenses of trustee company.

10. The trustee company shall apportion as fairly as may be between the several Army trusts as defined in the Salvation Army Act 1980, as respects which it acts under or pursuant to the Salvation Army Acts 1931 to 1980 as ordinary trustee, managing trustee or custodian trustee, all expenses reasonably and properly incurred

in or about the administration of the trustee company and may retain or pay or discharge out of the property subject to such trusts respectively the expenses so apportioned and all expenses reasonably and properly incurred in or about the execution of the trusts or powers affecting such property:

Provided that the trustee company may in its discretion omit any ancillary trust from any apportionment made pursuant to this section, if, in the opinion of the trustee company, the proportion attributable to that trust would be trifling."

(3) The deeds poll specified in Part II of Schedule 6 to this Act are hereby revoked.

Costs of Act.

16. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be paid out of moneys or investments held in trust for the benefit of the Army.

SCHEDULES

SCHEDULE 1

Section 3.

RELIGIOUS DOCTRINES OF THE ARMY

1. We believe that the Scriptures of the Old and New Testaments were given by inspiration of God, and that they only constitute the Divine rule of Christian faith and practice.

2. We believe that there is only one God, who is infinitely perfect, the Creator, Preserver, and Governor of all things, and who is the only proper object of religious worship.

3. We believe that there are three persons in the Godhead—the Father, the Son and the Holy Ghost, undivided in essence and co-equal in power and glory.

4. We believe that in the person of Jesus Christ the Divine and human natures are united, so that He is truly and properly God and truly and properly man.

5. We believe that our first parents were created in a state of innocency, but by their disobedience they lost their purity and happiness, and that in consequence of their fall all men have become sinners, totally depraved, and as such are justly exposed to the wrath of God.

6. We believe that the Lord Jesus Christ has by His suffering and death made an atonement for the whole world so that whosoever will may be saved.

7. We believe that repentance towards God, faith in our Lord Jesus Christ, and regeneration by the Holy Spirit, are necessary to salvation.

8. We believe that we are justified by grace through faith in our Lord Jesus Christ and that he that believeth hath the witness in himself.

9. We believe that continuance in a state of salvation depends upon continued obedient faith in Christ.

10. We believe that it is the privilege of all believers to be wholly sanctified, and that their whole spirit and soul and body may be preserved blameless unto the coming of our Lord Jesus Christ.

11. We believe in the immortality of the soul; in the resurrection of the body; in the general judgment at the end of the world; in the eternal happiness of the righteous; and in the endless punishment of the wicked.

SCHEDULE 2

Section 6.

COMMON INVESTMENT SCHEMES

1. There shall be a Central Finance Council of the Army (in this Schedule referred to as " the Finance Council ") consisting of the

SCH. 2 —*cont.*

General, the Chief of the Staff, the officers holding the offices of the Chancellor, the Finance Secretary and the Chief Accountant of the Army and such other persons as may be appointed by the General to that Council.

2.—(*a*) The Finance Council for the purpose of establishing a common investment fund or funds may, after consultation with the Charity Commissioners for England and Wales, make one or more schemes (in this Schedule referred to as " common investment schemes ") in accordance with this Schedule.

(*b*) The Finance Council shall in the exercise of its functions under this Schedule have regard to the need for common investment funds to be established for the following purposes of the Army, whether separately or in combination:—

(i) general purposes in the United Kingdom;

(ii) overseas operations in general or for particular areas;

(iii) funds for the growth of capital related to building or other long-term development projects in any area;

(iv) funds related to the future permanent establishment of the Army with basic financial self-sufficiency in any area;

(v) other general or special purposes of the Army in the United Kingdom or elsewhere.

3. The Finance Council may make a common investment scheme under trusts which provide—

(*a*) for property transferred to the fund by or on behalf of any Army trust specified as participating in the scheme to be invested under the control of the Trustee Company; and

(*b*) for the participating Army trusts to be entitled (subject to the provisions of the scheme) to the capital and income of the fund in shares determined by reference to the amount or value of the property transferred to it by or on behalf of each of those trusts and to the value of the fund at the time of the transfers;

and a common investment scheme may be made in terms admitting any Army trust to participate or may restrict the right to participate in any manner.

4. The Finance Council may appoint the Trustee Company the manager of any common investment fund established by it notwithstanding that it is a custodian, managing or ordinary trustee of any participating Army trust.

5. A common investment scheme may make provision for, and for all matters connected with, the establishment, investment, management and winding up of the common investment fund, and may in particular include provision—

(*a*) for restricting the size of the fund, and for regulating as to time, amount or otherwise the right to transfer property to or withdraw it from the fund, and for enabling sums to be advanced out of the fund by way of loan to a participating Army trust pending the withdrawal of property from the fund by that trust;

SCH. 2 —*cont.*

(*b*) for enabling moneys to be borrowed temporarily for the purpose of meeting payments to be made out of the fund;

(*c*) for enabling, in the case of any participating Army trust, advances of capital to be made out of the fund, up to an amount not exceeding such proportion of the share of that trust as may be specified in the common investment scheme, for any purposes for which capital is authorised by the terms of that trust to be advanced;

(*d*) for enabling income to be withheld from distribution with a view to avoiding fluctuations in the amounts distributed, and generally for regulating distributions of income;

(*e*) for accumulating income in so far as such income relates to a participating trust under the terms of which the trustees have either a power or a duty to accumulate income and for such accumulations to be reflected by an increase in the share of the fund to which that trust is entitled;

(*f*) for valuing the fund and determining the shares of the participating trusts therein;

(*g*) for enabling questions arising under the scheme as to the right of a trust to participate, or as to the rights of participating trusts, or as to any other matter, to be conclusively determined by the decision of the Trustee Company or in any other manner;

(*h*) for regulating the accounts and information to be supplied to participating trusts; and

(*i*) for any incidental, consequential and supplementary matters for which the Finance Council considers it expedient to provide.

6. A common investment scheme, in addition to the provision for property to be transferred to the fund on the basis that any Army trust shall be entitled to a share in the capital and income of the fund, may include provision for enabling sums to be deposited by or on behalf of such a trust on the basis that (subject to the provisions of the scheme) the Army trust shall be entitled to repayment of the sums deposited and to interest thereon at a rate determined by or under the scheme; and where a scheme makes any such provision it shall also provide for excluding from the amount of capital and income to be shared between participating Army trusts otherwise than by way of deposit such amounts (not exceeding the amounts properly attributable to the making of deposits) as are from time to time reasonably required in respect of the liabilities of the fund for the repayment of deposits and for the interest on deposits, including amounts required by way of reserve.

7.—(*a*) No common investment fund under a common investment scheme shall be so established as to admit to participation in a single fund trusts of more than one of the following classes:—

(i) charitable Army trusts having permanent endowments;

(ii) charitable Army trusts not having permanent endowments; or

(iii) non-charitable Army trusts;

SCH. 2 —*cont.*

except that where a scheme is established admitting to participation only charities having a permanent endowment (hereinafter in this paragraph called an " endowed scheme ") or admitting to participation only charities having no permanent endowment (hereinafter in this paragraph called a " non-endowed scheme "), then a charitable Army trust the assets of which consist in part of an identifiable permanent endowment may participate in an endowed scheme as respects that part and may participate in a non-endowed scheme as respects the remainder.

(*b*) A common investment fund established by a common investment scheme admitting to participation only charitable Army trusts shall be deemed for all purposes to be a charity and—

(i) if each participating charity has contributed permanent endowment property, the fund shall be treated as a fund having a permanent endowment;

(ii) if no participating charity has contributed permanent endowment property, the fund shall be treated as a fund not having a permanent endowment.

1960 c. 58.
1958 c. 45.

(*c*) Subsection (10) of section 22 of the Charities Act 1960 (dealings in securities and distribution of circulars for the purposes of the Prevention of Fraud (Investments) Act 1958) but not subsection (11) of that section, shall apply to the Trustee Company or any other person concerned in the management of a common investment fund and to the distribution or possession of any document with reference to a common investment fund under this Schedule, as that subsection applies with reference to a common investment fund under the said section 22.

In this paragraph " permanent endowment " shall be construed in accordance with sections 45 (3) and 46 of the Charities Act 1960 but as if the words " subject to subsection (9) of section twenty-two of this Act " were omitted in each place where they occur.

8. The powers of investment of every Army trust shall include the power to participate in any common investment scheme established by the Finance Council unless, in the case of any Army trust established after the passing of this Act, the terms of the trust expressly provide to the contrary.

9. Except in so far as a common investment scheme provides to the contrary, neither the Trustee Company nor any other person concerned in the management of the common investment fund shall be required or entitled to take account of any trust or other equity affecting a participating Army trust or its property or rights.

10. Any scheme established under this Schedule shall be deemed to be a unit trust scheme in the case of which an order of the Department of Trade under Section 17 of the Prevention of Fraud (Investments) Act 1958 has been made and is still in force.

11. The Finance Council may vary, revoke or replace by another common investment scheme any common investment scheme established pursuant to the provisions of this Schedule.

SCHEDULE 3

Section 10.

VACATION OF OFFICE BY THE GENERAL

PART I

VACATION OF OFFICE

1. The office of General shall be vacated upon the happening of any of the following events:—

(*a*) upon his reaching such an age or having served such a term in the office of General as shall require him to retire in accordance with orders and regulations;

(*b*) on the expiry of any notice of resignation given by the General in accordance with paragraph 2 below;

(*c*) if, after affording to him and, at his discretion, his counsel or other representative an opportunity of appearing before and being heard by it, the High Council, by a majority of more than three-quarters of those present and entitled to vote thereat, passes a resolution adjudicating the General unfit for office on any of the following grounds:—

(i) that he has become incapacitated by mental disorder or physical infirmity;

(ii) that he has become bankrupt or insolvent;

(iii) that he is guilty of dereliction of his duties or of serious misconduct; or

(iv) that for any other reason he has become unfit to perform the duties of General.

PART II

RESIGNATION

2. The General may resign his office by giving to the Chief of the Staff not less than six months' notice specifying the date on which his resignation is to take effect, provided always that no such notice may be given so as to take effect earlier than the expiry of the period of 24 months after the General has accepted office except in circumstances in which he considers his resignation unavoidable, whether for reasons of illness or otherwise.

3. Upon the receipt of any notice under paragraph 2 above the Chief of the Staff shall as soon as reasonably practicable serve a copy thereof upon every person who would have been qualified to receive a summons to the High Council if the date of receipt by the Chief of the Staff of such notice had been the qualifying date.

PART III

TEMPORARY VACANCY

4. During any period between vacation of office by the General and acceptance of office by his successor or any period in which the General is incapacitated, the Chief of the Staff shall perform the

SCH. 3 —*cont.*

duties and may exercise all the powers, authorities and discretions which under this Act are vested in the General except the following:—

(*a*) removing from office or reducing in rank any Commissioner or territorial commander otherwise than—

(i) with the consent in writing of more than two-thirds of all the other Commissioners or, if the person removed or reduced is not a Commissioner, of two-thirds of all the Commissioners; or

(ii) in the case of a finding of misconduct on the part of such Commissioner or territorial commander by a commission of inquiry or other investigative commission of the Army established and constituted under orders and regulations; and

(*b*) making any change in orders and regulations.

Section 11.

SCHEDULE 4

THE HIGH COUNCIL

In this Schedule—

" Council Member " means a member of the High Council;

" the General's retirement date " means the date on which the General is to retire in accordance with orders and regulations or the date of expiry of any notice of resignation given by the General in accordance with paragraph 2 of Schedule 3 to this Act, whichever is the earlier;

" the Official Gazette " means the Official Gazette of the Army published in the International War Cry or in such other newspaper or journal as may be prescribed by orders and regulations for publication of Army information;

" President " means the President of the High Council.

PART I

CONVENING AND CONSTITUTION OF THE HIGH COUNCIL

1. The High Council shall be convened by the Chief of the Staff—

(*a*) upon being requisitioned, for the purpose of adjudicating pursuant to paragraph 1 (*c*) of Schedule 3 to this Act upon whether the General is unfit for office and, following any adjudication that the General is so unfit, of electing a new General; or

(*b*) for the purpose of electing a new General, so as to meet not earlier than four months before the General's retirement date or, when there is a vacancy in the office of General arising from any other cause, so as to meet as soon as is reasonably practicable.

2. For the purposes specified in paragraph 1 (*a*) above the High Council shall be convened either on the joint requisition of the Chief of the Staff and not fewer than four other Commissioners by notice

given to the Chief of the Staff or, if he is not one of the requisitioners, on the requisition of not fewer than seven Commissioners by notice so given.

3. The Chief of the Staff or, if he is unable or unwilling or fails to act within the period of 30 days after any qualifying date the Senior Commissioner shall as soon as reasonably practicable send summonses to the persons specified in paragraph 4 below convening the High Council.

4. The High Council shall consist of the following persons:—

(*a*) the Chief of the Staff at such qualifying date;

(*b*) the Commissioners at such qualifying date; and

(*c*) those officers other than the General who throughout the 24 months immediately preceding such qualifying date have held rank not less than that of Colonel and are at such qualifying date territorial commanders.

5.—(*a*) The High Council shall be summoned to meet at the International Headquarters of the Army or any place in or near London not less than 30 days nor more than 60 days after the date of first despatch of any summons thereto and the place and the date on which the High Council is first to meet shall be specified in the summonses.

(*b*) It shall be the duty of all persons summoned to the High Council to obey such summonses and, if any person summoned shall not attend, the other persons attending shall be entitled to receive evidence of the summoning of such person and shall record such evidence and the fact of non-attendance.

PART II

GENERAL POWERS OF THE HIGH COUNCIL

6. The persons summoned and meeting as the High Council shall have the following powers:—

(*a*) to appoint a President and Vice-President of the High Council, to remove any such President or Vice-President from such office and appoint another President or Vice-President (as the case may be) in his place, and to give the President and Vice-President such powers as may be thought fit;

(*b*) in case of doubt, to determine whether there has been a vacation of office by the General, whether an event has occurred requiring the convening of the High Council and whether the Council Members have been properly summoned;

(*c*) to determine whether the persons attending the High Council are properly qualified to act as Council Members and to exclude any person who ought not to have been summoned or who is not properly qualified so to act;

(*d*) to summon to the High Council any person who should have been summoned thereto, provided that this power shall not be exercised if substantial delay to the proceedings of the High Council might be caused thereby;

SCH. 4 —*cont.*

(*e*) to determine what report, if any, of the proceedings of the High Council should be published and the manner of such publication, without prejudice and in addition to such publication as is required under paragraphs 10 or 14 below;

(*f*) subject to the provisions of this Schedule, to adjourn from time to time and generally to determine and regulate the procedure of the High Council;

(*g*) subject to paragraph 7 (*a*) below, to appoint upon such terms as may be thought fit any committees of Council Members to investigate and report in connection with either of the purposes specified in paragraph 1 above and to delegate to such committees such powers and duties in that connection as the High Council shall think fit;

(*h*) subject to paragraph 7 (*b*) below, to determine how the costs and expenses of the summoning and attendance of persons attending and of all proceedings in connection with the High Council ought to be borne and defrayed and, in particular, to what extent such costs and expenses should be borne and defrayed out of the funds of the Army; and

(*i*) to do all things necessary for the purpose of settling conclusively all questions for the determination of which the High Council is convened.

7.—(*a*) Any committee appointed under paragraph 6 (*g*) above for the purpose of investigating and reporting on any matter relative to an adjudication proposed pursuant to paragraph 1 (*c*) of Schedule 3 to this Act shall not be less than 12 in number.

(*b*) There shall be defrayed out of the funds of the Army the reasonable travelling and other expenses in connection with his duties as a Council Member incurred by every person summoned to a High Council.

PART III

ADJUDICATORY POWERS OF THE HIGH COUNCIL

8. For the purpose of any adjudication proposed pursuant to paragraph 1 (*c*) of Schedule 3 to this Act the High Council shall have the following additional powers:—

(*a*) to summon the General and any other officers and to request any other persons to attend before the High Council;

(*b*) to determine all questions relating to the admission of evidence, subject always to the requirements of law and natural justice; and

(*c*) generally to direct and control the proceedings before the High Council and each committee thereof and to pronounce the results of such proceedings.

PART IV

PROCEEDINGS OF THE HIGH COUNCIL

9. The proceedings of the High Council shall be valid and effectual notwithstanding any vacancy in its number or the non-attendance of any person entitled.

SCH. 4 —*cont.*

10.—(*a*) The proceedings of the High Council shall be conducted as continuously and with as great despatch as is reasonably practicable.

(*b*) Immediately on the conclusion of its proceedings or after as short an adjournment as practicable, a vote of the Council Members shall be taken by secret ballot on any resolution proposed for adjudicating the General unfit for office pursuant to paragraph 1 (*c*) of Schedule 3 to this Act.

(*c*) If a resolution is passed in accordance with the said paragraph 1 (*c*), the President shall cause the passing of such resolution to be published in the Official Gazette and the High Council shall proceed to the election of a new General in the manner specified in Part V of this Schedule.

(*d*) If no such resolution is passed, then the proceedings of the High Council shall terminate and it shall thereupon stand dissolved.

11. A Council Member shall be competent to take part in any proceedings of the High Council and to vote upon any such resolution notwithstanding that he was one of the persons originally requisitioning the High Council or that he has not been present throughout the whole of the proceedings of the High Council.

12. A meeting of the High Council duly convened for one of the purposes mentioned in paragraphs 1 (*a*) and (*b*) above may also, prior to its dissolution, determine any matter relative to the other of those purposes.

PART V

ELECTION OF THE GENERAL

13.—(*a*) A High Council summoned for any purpose shall, in the event of a vacancy or impending vacancy in the office of General, proceed as soon as reasonably practicable to the election by ballot of a new General.

(*b*) No person other than an officer shall be eligible for election as General.

(*c*) Any candidate for election must be proposed by another person being a Council Member prior to the first ballot in which he is a candidate.

(*d*) Subject as hereinafter provided, the election of a person as General shall require that more than two-thirds of the Council Members present vote in his favour and, if such a majority is not obtained in the first ballot, succeeding ballots shall be taken until such a majority is obtained:

Provided that—

(i) an individual receiving the fewest votes in any ballot of three or more candidates shall not be eligible for any subsequent ballot of that High Council; and

(ii) on the fourth or any subsequent ballot of that High Council a person shall be duly elected as General if more than half of the Council Members present vote in his favour.

The person first obtaining such a majority shall thereby be elected as General and shall take up office as General either immediately or, if the office of General shall then be occupied by another person, upon

SCH. 4 —*cont.*

the retirement date applicable to such person or upon the sooner happening of any event as a result of which the office of General is vacated.

14. Immediately upon the election of a person as General the President shall give notice to the person so elected and, upon his acceptance of office pursuant to paragraph 15 below, shall give notice to the General still in office (if any) and shall publish the fact of such election in the Official Gazette.

15. Every person elected as General shall within the requisite period execute a deed of acceptance of office in the form set out in Schedule 7 to this Act and, in default, his election shall be void.

In this paragraph " the requisite period " means the period of 72 hours immediately following the giving under paragraph 14 above to a person of notice of his election as General and any additional period during which he is prevented by illness or other unavoidable cause from executing a deed of acceptance of office.

16. Immediately after the President has notified the person elected of his election as General and such person has so accepted office the proceedings of the High Council shall terminate and it shall thereupon stand dissolved.

17. No election of the General shall be invalidated by any flaw or error in the summoning, constitution or proceedings of the High Council relating to such election.

Section 12.

SCHEDULE 5

TRUSTS OF WHICH THE SALVATION ARMY TRUSTEE COMPANY IS CONSTITUTED ORDINARY TRUSTEE

In this schedule numbers shown in square brackets denote registration numbers in the register of charities under section 4 of the Charities Act 1960.

1960 c. 58.

Name of trust	Originating document
The Salvation Army	Deed poll dated 7th August 1878 and ancillary trusts [214779].
The Salvation Army Social Work (formerly the Darkest England Scheme)	Deed poll dated 30th January 1891 and ancillary trusts [215174].
The Red Shield Trust (otherwise known as the Naval & Military Homes)	Deed poll dated 27th January 1919 [215175].
The William Booth Memorial Trust	Deed poll dated 19th September 1921.
The Evangelical Christian Trust	Deed dated 22nd August 1935 [260003].
The Salvation Army War Charity (otherwise known as the War Fund)	Deed dated 20th September 1939 [255043].
Harry Tointon Akers Trust	Will proved 16th February 1966.
Barbara Jane Bertram Trust	Will proved 12th December 1972.
Lucy Booth-Hellberg Trust	Deed dated 26th January 1911.
Edward Samuel Brant Trust	Deed dated 10th July 1970.
Dora Alice Cartwright Trust	Will proved 20th March 1950.
Emma Susan Court Trust	Will proved 24th March 1965.

SCH. 5 —*cont.*

Name of trust	Originating document
Elizabeth Julia Emery Trust	Will proved 2nd April 1913.
Mary Jane Fowler Trust (the Corps Charity)	Will proved 5th November 1913.
William Frederick Charles Judson Trust	Will proved 5th June 1942.
Catherine Mary Moore Trust	Will dated 20th March 1964 proved in South Africa.
Arabella Samuel Trust	Will proved 24th September 1963.
Star Hall Trust	Deed dated 24th January 1961.
The Special Purposes Trusts	Comprising trusts the subject of the Scheme sealed by the Charity Commissioners 1st November 1963 [133810].

SCHEDULE 6

Section 15.

PART I

REPEALS

Chapter	Short title	Extent of repeal
21 & 22 Geo. 5 c. xciv.	Salvation Army Act 1931.	Section 3 (Election of general of the Salvation Army); Section 4 (Resignation of office by the general); In subsection (1) of section 5 (Trustee company to be formed) the words following "wound up"; In subsection (1) of section 6 (British and Northern Irish property to vest in or be transferred to the trustee company) the words "in accordance with section 8 of this Act but" in both places where they occur; In subsection (1) of section 7 (Transfer of after-acquired British and Northern Irish property) the words "or to such other company or body of trustees as shall then be acting as custodian trustee in place of the trustee company"; Section 8 (The Trustee company to act as custodian trustee).
1968 c. xiii.	Salvation Army Act 1968.	Section 3 (Management of Salvation Army trusts); Section 4 (Provisions supplemental to section 3 of this Act). Section 6 (Amendment of section 10 of the Act of 1931).

SCH. 6 —*cont.*

PART II

REVOCATIONS

Deed poll dated 7th August 1878, under the hand and seal of William Booth.

Deed poll dated 26th July 1904, under the hand and seal of William Booth.

Deed poll dated 14th July 1965, under the hand and seal of Frederick Coutts.

SCHEDULE 7

FORM OF DEED OF ACCEPTANCE OF THE OFFICE OF GENERAL

THE SALVATION ARMY

DEED OF ACCEPTANCE OF THE OFFICE OF GENERAL

TO ALL TO WHOM THESE PRESENTS SHALL COME I,

General-elect of The Salvation Army SEND GREETING:—

WHEREAS by paragraph 15 of Schedule 4 to the Salvation Army Act 1980 (" the Act ") it is provided that every person elected as General of The Salvation Army shall, immediately upon notification to him of such election, execute a deed in the form set out in Schedule 7 to the Act

AND WHEREAS on the day of at a meeting of the High Council of The Salvation Army held at

I was duly elected to be General of The Salvation Army in succession to upon his on the day of or upon the sooner happening of any event by which his office should otherwise be vacated and the fact of my election has been duly communicated to me in accordance with the provisions of the Act

NOW THESE PRESENTS WITNESS as follows:—

1. In pursuance of paragraph 15 of Schedule 4 to the Act and for the purpose of complying therewith I DO BY THIS DEED under my hand and seal ACCEPT the office of General of The Salvation Army in succession to the said upon and subject to the provisions of the Salvation Army Acts 1931 to 1980.

2. I hereby undertake not to resign from the office of General of The Salvation Army during the period of twenty-four months from the date hereof save in circumstances in which I consider my resignation unavoidable, whether for reasons of illness or otherwise.

SCH. 7 —*cont.*

3. I hereby declare that any property, right or interest which ›ecomes vested in me as General of The Salvation Army shall, unless ˈested subject to any other trust, be held by me in trust for The ʃalvation Army.

IN WITNESS whereof I the said
ıave hereunto set my hand and seal this day of

ʃIGNED SEALED AND DELIVERED
by the said
in the presence of:—

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