

**ELIZABETH II**



**1990 CHAPTER xvi**

An Act to establish and constitute the Happisburgh Lighthouse Trust; to appoint the Trust to be a local lighthouse authority; to confer on the Trust power to operate and maintain Happisburgh lighthouse in the county of Norfolk; and for connected purposes.

[26th April 1990]

**W**HEREAS—

(1) Happisburgh lighthouse (hereinafter called “the lighthouse”) is situate at Happisburgh in the county of Norfolk:

(2) The lighthouse was constructed in the year 1791 and has been operated since then by the Corporation of Trinity House of Deptford Strond (hereinafter called “Trinity House”):

(3) A body of local persons have formed themselves into an unincorporated association (hereinafter called “the association”) with the object of keeping the lighthouse in operation for the benefit of local navigation:

(4) It is expedient that a new trust should be constituted as in this Act provided and that the trust so constituted (hereinafter called “the Trust”) should assume responsibility for operating, maintaining and improving the lighthouse and be appointed a local lighthouse authority:

(5) Trinity House has agreed to grant to the Trust a lease of the lighthouse at a peppercorn rent for a period of 99 years:

(6) It is expedient that powers should be conferred upon the Trust as in this Act provided:

(7) It is expedient that the other provisions of this Act should be enacted:

(8) The purposes of this Act cannot be effected 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 title. 1. This Act may be cited as the Happisburgh Lighthouse Act 1990.
- Interpretation. 2. In this Act, unless the subject or context otherwise requires—  
 “the appointing bodies” means each of the bodies referred to in paragraph 1 of the Schedule hereto;  
 “the appointed day” means the first day of the fourth month next following the passing of this Act;  
 “the lighthouse” means Happisburgh lighthouse in the county of Norfolk;  
 “Trinity House” means the Corporation of Trinity House of Deptford Strond;  
 “the Trust” means the Happisburgh Lighthouse Trust constituted by section 3 of this Act; and  
 “the trustees” means the trustees for the time being of the Trust.
- Establishment and constitution of Trust. 3.—(1) On the appointed day, for the purposes of operating, maintaining and improving the lighthouse and otherwise carrying out the duties and exercising the powers conferred by this Act, there shall be constituted hereby in accordance with the provisions of paragraph 1 of the Schedule hereto a body to be called the Happisburgh Lighthouse Trust.  
 (2) The Trust shall be a body corporate and the provisions of the Schedule to this Act shall have effect with respect to it.
- Trust to be local lighthouse authority. 1894 c. 60. 4. On the appointed day or upon the grant by Trinity House of a lease of the lighthouse to the Trust, whichever shall be the later to occur, the Trust shall become a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.
- Powers of Trust to manage lighthouse undertaking, etc. 5. The Trust may, for or in connection with the discharge of its functions, but not further or otherwise—  
 (1) operate, maintain, manage and, subject to the provisions of the said lease by Trinity House, improve the lighthouse;  
 (2) acquire or receive by purchase, gift or in any other manner any real or personal property and any rights or interests therein;  
 (3) sell, lease, surrender, exchange, dispose of or otherwise deal in any manner with all or any of the property or assets of the Trust other than the lighthouse and any land, machinery and equipment pertaining thereto and vested in it by Trinity House;  
 (4) borrow or raise or secure the payment of money in such manner as the trustees may think fit and in particular by mortgage of or charge upon all or any of the assets or receipts of the Trust (both present and future) other than the lighthouse and any land, machinery and equipment pertaining thereto and vested in it by Trinity House or by entry into any other obligations for those purposes;



- (5) maintain such reserve funds as the trustees think fit;
- (6) invest the moneys of the Trust not immediately required for its purposes in or upon such investments, securities or property as may be thought fit;
- (7) raise funds and invite and receive contributions from any person or persons by way of loan, subscription, donation and otherwise;  
 Provided that the Trust shall not, in raising funds, carry on any trade or business;
- (8) enter into any contract of insurance in respect of any matter in which the Trust has an insurable interest and in particular, but without derogating from the generality of the foregoing, in connection with —
  - (a) any liability to third parties (including employees) arising out of the ownership or occupation of any real or personal property in which the Trust has an interest; and
  - (b) any acts or omissions done by persons employed by the Trust including indemnity insurance in respect of any fraudulent, negligent or other tortious acts by any such person;
- (9) appoint such officers, employees and advisers (not being any of the trustees) as it thinks fit on such terms and conditions as it thinks fit;
- (10) make all reasonable and necessary provision for the payment of pensions and superannuation to or on behalf of employees, their widows and other dependants;
- (11) subject to the provisions of the said lease by Trinity House, provide amenities and facilities expedient or requisite for the use of persons working at or visiting the lighthouse;
- (12) print, publish, sell and distribute books, papers, periodicals, magazines, pamphlets, advertisements and any other form of literature;
- (13) pay any travelling or other out of pocket expenses of the trustees which have reasonably been incurred by them in attending meetings of the Trust or otherwise in the conduct or execution of the business of the Trust;
- (14) charge for admission to the lighthouse upon such reasonable terms and conditions as the trustees think fit;
- (15) promote or oppose Bills in Parliament; and
- (16) do all such other lawful things as are incidental or conducive to the discharge of its functions.

6. On the appointed day the association shall be dissolved and all property, rights, liabilities and obligations to which the association was entitled or subject immediately before that day shall, by virtue of this Act and without further assurance, be transferred to the Trust.

Dissolution of association.

7.—(1) If at any meeting of the Trust it shall be resolved that the Trust should cease to function, the Trust shall as soon as may be thereafter take all necessary steps to —

Winding up of affairs of Trust.

- (a) surrender its lease of the lighthouse and all land, machinery and equipment pertaining thereto and vested in the Trust by Trinity House;
- (b) realise all property of the Trust of every description;

- (c) discharge all debts of the Trust; and
- (d) wind up the affairs of the Trust.

(2) If upon such winding-up there remains after the satisfaction of all its debts and liabilities and the payment of all expenses incurred by the Trust in fulfilment of such winding-up any property whatsoever the Trust shall transfer one-half thereof to the Royal National Mission to Deep Sea Fishermen and the other half thereof to the Church of St. Mary the Virgin, Happisburgh and if and in so far as effect cannot be given to such provision to such other charitable institution or institutions as the Trust shall determine and the receipt of the secretary, treasurer or other proper officer for the time being of such bodies shall be a sufficient discharge to the Trust.

(3) Upon completion of the winding up of the affairs of the Trust and upon a resolution being passed to that effect by the trustees, the Trust shall be dissolved and on such dissolution this Act shall cease to have effect.

(4) Notice of the passing of such resolution shall as soon as may be after the passing thereof be advertised in the London Gazette and in a newspaper circulating in the North Norfolk district.

(5) The provision in the foregoing subsections of this section for the winding-up of the Trust is without prejudice to a winding-up of the Trust under the Insolvency Act 1986, but in its application to the Trust section 221 of that Act shall have effect with the omission of paragraph (a) from subsection (5).

1986 c. 45.

Saving for  
Trinity House.

8. Nothing in this Act shall prejudice or derogate from any of the rights or privileges or the jurisdiction or authority of Trinity House.

Costs of Act.

9. 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 by the association.



## SCHEDULE

Section 3.

## CONSTITUTION OF HAPPISBURGH LIGHTHOUSE TRUST

1. The Trust shall consist of six trustees of whom —
  - (a) four shall be appointed by the Happisburgh and Walcott parish council either from among their own number or from persons appearing to them to have a knowledge of, or an interest in, local affairs;
  - (b) one shall be appointed by the members of the Great Yarmouth and District Inshore Fishing and Licensed Boatmen's Association; and
  - (c) one shall be appointed by the North Norfolk district council.
2. —(1) Within two months after the passing of this Act the appointing bodies shall appoint the persons to serve as trustees of the Trust for a period of two years from the appointed day.
  - (2) Thereafter the appointing bodies shall appoint every two years the persons to serve as trustees for the ensuing two years.
3. A person on ceasing to be a trustee shall be eligible for reappointment.
4. —(1) A trustee may, at any time while he is a trustee, resign his trusteeship by giving notice in writing to the trustees and to the body by whom he was appointed.
  - (2) In the event of any vacancy occurring by reason of the death or resignation of a trustee the appointing body responsible for his appointment shall as soon as reasonably practicable appoint another person in his place and the trustee so appointed shall hold office as a trustee for the remainder of the term of office of the trustee who has died or resigned.
5. In the event of failure of any appointing body to appoint a trustee which it is required to appoint the trustees may at any meeting of the Trust co-opt, to fill the vacancy so caused, a person who in their opinion is suitably qualified, and any person so co-opted shall hold office as a trustee for the remainder of the period during which the trustee whose office has not been filled as the result of the failure would have held office had he been duly appointed.
6. Notice of any appointment made by virtue of the foregoing paragraphs of this Schedule shall be given by the secretary or other appropriate officer of the appointing body not later than 7 days after the date on which the appointment is made to the secretary to the Trust or, in the case of an appointment made before the first meeting of the Trust, to the chairman of the Happisburgh and Walcott parish council.
7. —(1) A meeting of the Trust shall be held not later than three months after the appointed day and thereafter meetings shall be held on such dates and at such intervals as the trustees may determine:

Provided that not less than two meetings of the Trust shall be held in each calendar year.

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(2) At the first meeting of the Trust and thereafter at the first meeting of the Trust in any calendar year the trustees shall elect a chairman and vice-chairman from among their own number and the persons so elected shall, so long as they are trustees, hold office until their respective successors have been elected and shall be eligible for re-election.

(3) In the event of a casual vacancy occurring in the office of the chairman or vice-chairman the trustees shall elect one of their number to fill such vacancy and the person so elected shall hold office until his successor has been elected.

8.—(1) At the first meeting of the Trust the trustees shall appoint a secretary and a treasurer.

(2) In the event of the death, resignation or termination of the appointment of the secretary or treasurer the trustees shall, at the next meeting of the Trust thereafter, appoint a secretary or treasurer.

9.—(1) The first meeting of the trust shall be called by notice given by the chairman of the Happisburgh and Walcott parish council.

(2) Notice of subsequent meetings shall be given by the secretary to the Trust by circular delivered to each trustee or sent by post to his residence or place of business at least five clear days before the date of the meeting.

Provided that —

(a) the chairman, whom failing the vice-chairman, where he considers it necessary to do so, may authorise the calling of a meeting on shorter notice; and

(b) want of due notice to any trustee shall not affect the validity of any meeting.

10. The quorum required for a meeting of the Trust shall be three.

11. If a trustee has any pecuniary interest in any contract or proposed contract to which the Trust is or would be a party and is present at a meeting of the Trust at which that contract is the subject of consideration, he shall at that meeting as soon as practicable after the commencement thereof disclose that fact and shall not vote on any question with respect to that contract or attend the relevant discussions.

12. The Trust may act notwithstanding a vacancy in the trustees and no act of the Trust shall be invalidated by reason of any irregularity in the appointment of any trustee or by reason of any person irregularly acting as a trustee thereof.

13.—(1) The Trust shall cause to be kept accounting records sufficient to show and explain the transactions of the Trust, which accounting records shall be such as to disclose with reasonable accuracy, at any time, the financial position of the Trust at that time and to enable the Trust to ensure that any balance sheet and income and expenditure account prepared by it in accordance with sub-paragraph (2) below complies with the requirements of that sub-paragraph.

(2) The Trust shall in respect of each year prepare a balance sheet and income and expenditure account respectively giving a true and fair view of the state of the affairs of the Trust at the end of the year and of the surplus or deficit for the year, and the balance sheet and the income and expenditure account shall be audited by a duly qualified auditor or auditors.



(3) No person shall be qualified to be appointed auditor unless—

(a) he is a member 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 Chartered Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland;

any body of accountants recognised for the purpose of section 389 (1) (a) of the Companies Act 1985 by the Secretary of State; or

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1985 c. 6.

(b) he is authorised in the terms of section 389 (1) (b) of that Act; but a Scottish firm may be appointed if each of the partners is qualified to be so appointed.

14. Subject to the provisions of this Schedule, the procedure and business of the Trust shall be regulated in such manner as the trustees may from time to time determine.

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# Happisburgh Lighthouse Act 1990

CHAPTER xvi

## ARRANGEMENT OF SECTIONS

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SCHEDULE—Constitution of Happisburgh Lighthouse Trust.