



CHAPTER 60

An Act to amend the deed of settlement set out in the Schedule to the Chequers Estate Act, 1917; to authorise the payment of Exchequer grants in aid of the expenses of the administrative trustees under that deed, as amended; and for purposes connected with the matters aforesaid. [1st August, 1958]

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:—

1.—(1) The provisions of this section shall have effect with respect to the Chequers Estate Act, 1917 (in this Act referred to as “the principal Act”) and to the deed of settlement set out in the Schedule to that Act (which deed, as modified by or under any subsequent enactment, is hereafter in this Act referred to as “the deed”).

Amendment
of deed of
settlement.
7 & 8 Geo. 5.
c. 55.

(2) As from the appointed day the deed shall have effect subject to the amendments specified in the Schedule to this Act; and any reference in the principal Act to the deed shall, in relation to any time on or after the appointed day, be construed as a reference to the deed as so amended.

(3) In this Act “the appointed day” means such day as the Treasury may appoint by order made by statutory instrument.

2.—(1) The Treasury may, out of moneys provided by Parliament, make grants in aid of the expenses of the administrative trustees under the deed, as amended by this Act.

Exchequer
grants to
administrative
trustees.

(2) Any grant made by the Treasury under this section shall be paid to the said administrative trustees and shall be applied

by them as if it were income of the Chequers Trust Fund referred to in the deed, as so amended :

Provided that the Treasury, at the time of making a grant under this section, may direct that the grant, or such part thereof as may be specified in the direction, shall be applied for such purpose as may be so specified, being a purpose for which capital money comprised in the said Fund is applicable, and the said administrative trustees shall comply with any such direction.

Supplementary provisions.

3.—(1) All lands, hereditaments and chattels which, immediately before the appointed day, were vested in the custodian trustee under the deed, in his capacity as custodian trustee thereunder, shall on that day, by virtue of this Act and without further assurance, vest in fee simple or absolutely, as the case may require, in the custodian trustee under the deed as amended by this Act ; and all other property, rights, liabilities and obligations which, immediately before the appointed day, were property, rights, liabilities and obligations of the custodian trustee under the deed, in his capacity as custodian trustee thereunder, shall on that day, by virtue of this Act and without further assurance, become property, rights, liabilities and obligations of the custodian trustee under the deed as so amended.

(2) All property, rights, liabilities and obligations which, immediately before the appointed day, were property, rights, liabilities and obligations of the administrative trustees under the deed, in their capacity as such trustees, shall on that day, by virtue of this Act and without further assurance, become property, rights, liabilities and obligations of the administrative trustees under the deed as amended by this Act.

(3) Without prejudice to the preceding subsections—

(a) any legal proceedings or applications to any authority pending on the appointed day by or against the custodian trustee under the deed, in his capacity as custodian trustee thereunder, may be continued on and after that day by or (as the case may be) against the custodian trustee under the deed as amended by this Act ;

(b) any legal proceedings or applications to any authority pending on the appointed day by or against the administrative trustees under the deed, in their capacity as such trustees, may be continued on and after that day by or (as the case may be) against the administrative trustees under the deed as so amended.

(4) Anything done before the appointed day (whether before or after the passing of this Act) in the exercise or performance

of any power or duty conferred or imposed by the deed shall (in so far as it relates or is capable of relating to any time on or after that day) have effect as if it had been done in the exercise or performance of the corresponding power or duty conferred or imposed (whether directly or by reference to any enactment) by the deed as amended by this Act.

(5) Notwithstanding anything in subsection (1) of section one hundred and six or subsection (2) of section one hundred and eight of the Settled Land Act, 1925 (which relate respectively to provisions for limiting the exercise of powers conferred by that Act and to cases of conflict between the provisions of a settlement and the provisions of that Act), in so far as the deed as amended by this Act provides for the application of any provisions of, or powers conferred by, that Act, those provisions or powers shall apply subject to any modifications or restrictions specified in relation thereto in the deed as so amended. 15 & 16 Geo. 5. c. 18.

(6) In so far as there is any conflict between the provisions of this Act, or of the deed as amended by this Act, and any provisions of the Public Trustee Acts, 1906 and 1957, or any rules made thereunder, the provisions of this Act, or of the deed as so amended, shall prevail; and, in particular, nothing in those Acts or in any such rules shall operate so as to prevent the public trustee from holding concurrently the several offices assigned to him under the deed as so amended (that is to say, as custodian trustee, as one of the administrative trustees, and as the trustee having, to the extent therein mentioned, the control and management of the Chequers Trust Fund).

(7) Section two of the principal Act (which relates to the functions of the Minister of Works as custodian trustee under the deed) is hereby repealed as from the appointed day.

4. This Act may be cited as the Chequers Estate Act, 1958; Short title and the principal Act and this Act may be cited together as the Chequers Estate Acts, 1917 and 1958. and citation.

Section 1.

SCHEDULE

AMENDMENTS OF DEED

1. The following paragraph shall be substituted for clause 1 (c) of the deed (which defines the expression "the custodian trustee") :—

"(c) 'the custodian trustee' shall mean the Public Trustee."

2. The following paragraphs shall be substituted for clause 1 (e) and (f) of the deed (which relate to the constitution of the administrative trustees):—

"(e) 'The administrative trustees' shall mean a body of trustees consisting (during the lifetime of Lady Lee) of Lady Lee and the following persons and (after the death of Lady Lee) consisting of the following persons viz. :—

1. The person who is for the time being the Lord Privy Seal.
2. A person appointed by the Prime Minister.
3. A person appointed by the Minister of Works.
4. The person who is for the time being chairman of the Executive Committee of the National Trust for Places of Historic Interest or Natural Beauty.
5. The Public Trustee.

(f) Any person appointed under the last preceding paragraph by a person holding office as Prime Minister or as Minister of Works shall continue to hold that appointment (whether the person who appointed him continues to hold the relevant office or not) until he resigns or dies or his appointment is terminated by the person for the time being holding the relevant office (whichever first occurs).

(g) The appointment or termination of the appointment of any person under this clause by the Prime Minister or the Minister of Works shall be made by an instrument in writing signed by the Prime Minister or the Minister of Works as the case may be and the resignation of any person appointed under this clause shall be effected by an instrument in writing signed by that person."

3. Clause 1 (g) and (h) of the deed (which define the expressions "Chequers and grounds" and "Chequers Farms") shall be omitted.

4. At the end of clause 1 (i) of the deed (which defines the expression "the Chequers Trust Fund") there shall be added the words "and any money or other property which constitutes or represents capital money arising under the powers hereby conferred (including powers conferred by the Settled Land Act 1925 in so far as they apply for the purposes hereof) together with any other accretion to the money or property from time to time comprised in the said Fund and together also with any money or property which may from time to time be given or directed to be held upon the trusts applicable to the said Fund and accepted by the Public Trustee

with the concurrence of the administrative trustees upon those trusts", followed by the following clause:—

"1A. In the construction of these presents any reference to any enactment shall (except in so far as the context otherwise requires) be construed as a reference to that enactment as amended by or under any other enactment."

5. In clause 5 (a) of the deed (which relates to the provision of the sum of £55,000 War Stock) the words from "with liberty to the Public Trustee (by the direction of the settlor or the administrative trustees) to vary and transpose the same" to the end of the paragraph shall be omitted.

6. The title of Part VI of the deed shall be amended to read as follows:—

"VI. TRUSTS OF THE CHEQUERS TRUST FUND"

7. The following clauses shall be inserted after clause 6 of the deed:—

"6A. All money and other property which constitutes or represents capital money arising under the powers hereby conferred (including powers conferred by the Settled Land Act 1925 in so far as they apply for the purposes hereof) shall be paid or transferred to the Public Trustee and shall be held by him as part of the Chequers Trust Fund.

6B. The provisions of the Settled Land Act 1925 relating to capital money arising under that Act shall apply to all money and other property comprised in the Chequers Trust Fund subject to the last preceding clause and to the following modifications viz. :—

(a) Subsection (1) of section seventy-three of that Act shall apply as if the following paragraph were substituted for paragraph (i) of that subsection:—

"(i) In the purchase of or at interest upon the security of such stocks funds shares securities or other investments of whatsoever nature and wheresoever and whether involving liability or not as the Public Trustee in his absolute discretion thinks fit and so that he shall have the same full and unrestricted powers of investing and transposing investments in all respects as if he were absolutely entitled to the Fund beneficially ;"

(b) Any such money or property may (in addition to any other authorised mode of investment or application) be applied in or towards the payment of any compensation from time to time payable in respect of any part of the Chequers Estate under the Agricultural Holdings Act 1948.

(c) Any power to apply any such money or property in payment for improvements authorised by the Settled Land Act 1925 or in the making of any payment as for an improvement so authorised shall be exercisable as the administrative trustees think fit and section eighty-four of that Act shall not apply for the purposes hereof.

11 & 12 Geo. 6.
c. 63.

- (d) The application of any such money or property (otherwise than by way of investment in accordance with the provision set out in paragraph (a) of this clause) shall be at the direction of the administrative trustees and the Public Trustee shall out of the Chequers Trust Fund pay to them or to such person as they may direct any sum which they may direct to be so paid for any purpose for which money or property comprised in the Fund is applicable hereunder.
- (e) Subject to the last preceding paragraph the Chequers Trust Fund shall be under the control and management of the Public Trustee."

8. Clause 8 (c) and (d) of the deed (which relate to the use of the Chequers Farms) shall be omitted.

9. In clause 8 (e) of the deed (which relates to the application by the administrative trustees of the income of the Chequers Trust Fund) the following sub-paragraph shall be substituted for sub-paragraphs (iii) and (iv) (which relate to the upkeep of the gardens and pleasure grounds and the repair and maintenance of buildings):—

"(iii) In the upkeep repair and maintenance of the mansion house and other buildings and the gardens pleasure grounds and other lands comprised in the Chequers Estate (including the wages of gardeners and other persons employed in connection therewith)";

in sub-paragraph (v) (which relates to the maintenance of furniture and fixtures and the purchase of new or additional furniture) the words "for which purpose not less than one hundred pounds shall be set aside in each year and accumulated until wanted" shall be omitted; and the proviso to the said clause 8 (e) (which relates to the application of surplus income) shall be omitted, and at the end of that paragraph the following paragraph shall be inserted:—

"(f) If from time to time there is any income of the Chequers Trust Fund which in the opinion of the Administrative Trustees is not required to meet the payments mentioned in the last preceding paragraph or to be set aside for meeting future payments thereunder the Administrative Trustees shall direct that income to be added to the capital of the Fund and it shall be paid to the Public Trustee and held by him as part of the Fund accordingly."

10. The following clauses shall be inserted after clause 8 of the deed:—

"8A. For the purposes of section twenty-nine of the Settled Land Act 1925 the trusts hereof shall be deemed to be public trusts and accordingly the powers referred to in subsection (1) of that section shall be exercisable by the administrative trustees in relation to the Chequers Estate PROVIDED that the powers to sell lease or exchange land and the power to raise money on the security of land—

- (a) shall not apply to the mansion house or to the gardens adjacent thereto or any part thereof, and
- (b) shall not be exercised in respect of any other part of the Chequers Estate unless the transaction has previously been approved by the person who (on the date of the contract of sale or other contract in question) is the Prime Minister.

8B. The administrative trustees shall secure that all woodlands for the time being comprised in the Chequers Estate shall be managed in accordance with the rules or practice of good forestry.

8C. Without prejudice to the generality of clause 8A hereof the administrative trustees shall have power to cut and sell any timber on the Chequers Estate but where any such timber is sold by the administrative trustees the whole of the net proceeds of sale shall be treated as capital money arising as mentioned in clause 6A hereof and shall be paid to the Public Trustee accordingly.

8D. The purposes for which money may be raised by mortgage shall (in addition to the purposes authorised by section seventy-one of the Settled Land Act 1925) include the payment of any compensation from time to time payable in respect of any part of the Chequers Estate under the Agricultural Holdings Act 1948.

8E. The administrative trustees may sell any of the chattels from time to time vested in the custodian trustee upon the trusts hereof and where any such chattels are sold the net proceeds of sale may either be dealt with as capital money in accordance with clause 6A hereof or may be applied as if they were income of the Chequers Trust Fund or may be invested by the administrative trustees in the purchase of other chattels of the same or any other nature which when purchased shall be held by the custodian trustee upon and subject to the same trusts and powers as the chattels sold PROVIDED that the power to sell chattels under this clause shall not be exercised except in pursuance of a decision of the trustees in which the chairman of the trustees concurs."

11. Clause 9 of the deed (which relates to the tenure of office of the administrative trustees) shall be omitted and the following clause shall be inserted in place thereof:—

"9. The administrative trustees may act notwithstanding a vacancy among their members."

12. The following clauses shall be substituted for clauses 10 to 13 of the deed (which relate to meetings of the administrative trustees):—

"10. The person who is for the time being the Lord Privy Seal shall be the chairman of the administrative trustees but if he is absent from any meeting of the administrative trustees such of the trustees as are present at the meeting may choose one of their number to be their chairman for the purposes of that meeting.

11. Any of the powers of the administrative trustees may be exercised at a duly convened meeting of the trustees at which two or more of the trustees are present notwithstanding that one or more of the trustees are not present at the meeting or that the decision to exercise the power is taken by those present and voting or a majority of them and that one or more of the administrative trustees do not concur therein PROVIDED that in relation to the power conferred by clause 8E hereof this clause shall have effect subject to the proviso to that clause.

12. Subject to the provisions of these presents the administrative trustees may regulate their own procedure."

13. In clause 15 of the deed (which restricts the making of changes in the mansion house of Chequers) the following paragraph shall be substituted for paragraphs (b) to (f):—

"(b) In the exercise of their powers of sale leasing exchange and raising money in relation to land comprised in the Chequers Estate (other than the mansion house and the gardens adjacent thereto) and of their powers under clauses 8C and 8E hereof and generally in the exercise of their powers of management the administrative trustees shall have regard to the need for preserving the enjoyment of the mansion house and the gardens adjacent thereto as a suitable country residence for the Prime Minister and in particular shall refrain from making any avoidable change in the distinctive features and character of the said mansion house and gardens."

14. The following clause shall be inserted after clause 15 of the deed:—

"15A. For the purposes of the application of any provisions of the Settled Land Act 1925 in accordance with any of the preceding clauses hereof (including the application of any such provisions by virtue of section twenty-nine of that Act in accordance with clause 8A hereof) any reference in those provisions to the settlement shall be construed as a reference to these presents and any reference to the settled land shall be construed as a reference to the Chequers Estate."

15. Clauses 17 and 18 of the deed (which relate respectively to the management of woods shrubberies and trees and to the sale of property comprised in the Chequers Estate) shall be omitted.

16. Clause 19 of the deed (which confers powers for adding to or modifying certain provisions of the deed) shall be omitted.

17. Clause 21 of the deed (whereby the deed was made conditional upon the passing of an Act confirming it) shall be omitted.

18. In the deed, as amended by the preceding provisions of this Schedule, any reference to the Chequers Estate shall (notwithstanding the definition of that expression in the recitals in the deed) be construed as a reference to so much of the hereditaments conveyed by the indenture dated the fifth day of April one thousand nine hundred and seventeen referred to in the said recitals as for the time being remains vested in the custodian trustee (as defined by the deed as so amended) in his capacity as custodian trustee thereunder.

PRINTED BY SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 6d. net

PRINTED IN GREAT BRITAIN